

## CHAPTER 12

### LAND DIVISION

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**12.01 INTRODUCTION.**

- 1) **AUTHORITY.** These regulations are adopted under the authority granted by §236.45, Wis. Stats.
- 2) **PURPOSE.** The purpose of this Chapter is to regulate and control the division of land within the Town in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Town and its environs.
- 3) **INTENT.** It is the general intent of this Chapter to regulate the division of land so as to:
  - a) Obtain the wise use, conservation, protection and proper development of the Town's soil, water, wetland, woodland and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;
  - b) Lessen congestion in the streets and highways;
  - c) Further the orderly layout and appropriate use of land;
  - d) Secure safety from fire, panic and other dangers;
  - e) Provide adequate light and air;
  - f) Facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds and other public facilities and services;
  - g) Secure safety from flooding, water pollution, disease and other hazards;
  - h) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects;
  - i) Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters;
  - j) Preserve natural vegetation and cover, and promote the natural beauty of the Town;
  - k) Restrict building sites in areas covered by poor soils or in other areas poorly suited for development;
  - l) Facilitate the further division of larger tracts into smaller parcels of land;
  - m) Ensure adequate legal description and proper survey monumentation of subdivided land;
  - n) Provide for the administration and enforcement of this Chapter;

- o) Provide penalties for its violation;
  - p) Implement those Town, County, watershed or regional comprehensive plans or their components adopted by the Town; in general, to facilitate enforcement of Town development standards as set forth in the adopted regional, County and Town comprehensive plans, adopted plan components, the Monroe County Shoreland-Wetland/Floodplain Zoning Code, the Official Map and the Building Code of the Town.
- 4) **ABROGATION AND GREATER RESTRICTIONS.** 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 govern.
- 5) **INTERPRETATION.** 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.
- 6) **NONLIABILITY.** The Town does not guarantee, warrant or represent that only those areas designated as floodplains on plats and Certified Survey Maps will be subject to periodic inundation, nor does the Town guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Chapter are the only unsuited soils within the jurisdiction of the Chapter; and thereby asserts that there is no liability on the part of the Town Board its agencies or its employees for flooding problems, sanitation problems, structural damages that may occur as a result of reliance upon and conformance with this Chapter.

**12.02 DEFINITIONS.** For the purposes of this Chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not discretionary.

- 1) **ABUTTING.** Means to border upon.
- 2) **ADVISORY AGENCY.** Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment by the Town. An advisory agency may give advice to the Town and may suggest that certain changes be made to the plat or certified map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Town Board or on the Town Plan Commission.
- 3) **ASSURANCE.** A letter of credit or cash escrow deposited with the Town as approved by the Town Attorney for the purposes of guaranteeing the installation of required improvements, and giving the Town the ability to construct, cause to be constructed, repair or reconstruct required improvements not constructed or installed, or not properly constructed or installed.

- 4) **BLOCK.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.
- 5) **BUILDING SETBACK LINE.** A line parallel to a lot line and at a distance from the lot line to comply with the Monroe County Zoning Ordinance's yard and setback requirements.
- 6) **BUILDING SITES.** A parcel of land occupied, or intended to be occupied by a structure as permitted under applicable Monroe County Zoning Ordinance regulations.
- 7) **CERTIFIED SURVEY MAP.** A map of a division of land prepared in accordance with Section 236.34 of the Wisconsin State Statutes and this Chapter.
- 8) **COMPREHENSIVE PLAN.** The development plan, also called a land use plan or master plan, adopted by the Town Board pursuant to Section 66.1001 of the Wisconsin State Statutes.
- 9) **CONDOMINIUM.** Property subject to a condominium declaration established under Chapter 703 of the Wisconsin State Statutes and this Chapter.
- 10) **CONTIGUOUS.** Lots are contiguous when at least one (1) lot line of one (1) lot touches a lot line of another lot.
- 11) **CORNER LOT.** A lot abutting on two (2) or more intersecting streets.
- 12) **COUNTY.** The County of Monroe, Wisconsin.
- 13) **DEVELOPMENT.** The act of building structures or installing improvements.
- 14) **DEVELOPMENT AGREEMENT.** An agreement entered into by and between a Subdivider and the Town, with respect to any approved land division, which provides, among other things, for the design, construction and installation of required public improvements, the payment for such public improvements, dedication of land or acceptance of the dedication of completed public improvements, restrictive covenants running with the land, or other matters relating to land division, to development and use of land included in the land division or to the administration and enforcement of the agreement.
- 15) **DWELLING UNIT.** The building, or group of rooms within a building, where one person or a group of persons resides as a family household.
- 16) **EASEMENT.** Any strip of land reserved by the subdivider for public utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the property owner, subject to the right of use designated in the reservation of the servitude.
- 17) **ENGINEER.** A professional engineer licensed by the State of Wisconsin.
- 18) **EXTRATERRITORIAL PLAT APPROVAL JURISDICTION.** The unincorporated area within one and one-half (1-1/2) miles of a fourth class city or village and within three (3) miles of all other cities.

- 19) FINAL PLAT. The map or drawing of a subdivision prepared in compliance with the provisions of Ch. 236, Wis. Stats., and any accompanying material as described in this Chapter.
- 20) FRONTAGE. The length of the front property line of the lot, lots or tract of land abutting a public street, road, highway or rural right of way.
- 21) GRADIENT. The slope of a road, street or other public way specified as a percentage.
- 22) IMPROVEMENTS, PUBLIC. Any storm sewer facility, drain- age ditch, roadway, or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.
- 23) IMPERVIOUS AREA OR IMPERVIOUS SURFACE. These terms mean horizontal surface which has been compacted or covered with a layer or material so that it is highly resistant to infiltration by rain water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as streets, roofs, sidewalks, parking lots and other similar surfaces.
- 24) IMPROVEMENT. Any sanitary sewer, storm sewer, open channel, water main, roadway, parkway, public access, curb and gutter, sidewalk, pedestrian way, planting strip, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
- 25) LAND DIVISION. For the purpose of this Chapter shall include subdivisions, condominiums and Minor Land Divisions.
- 26) LOT. A buildable parcel of land represented and identified in a land division.
- 27) LOT AREA. The total square footage within the boundaries of a lot, excluding any public rights-of-way.
- 28) LOT LINE. The peripheral boundaries of a parcel of land.
- 29) LOT SPLIT. A division of land other than a subdivision.
- 30) MINOR LAND DIVISION. Includes the division of land by an owner or subdivider resulting in the creation of not more than 4 parcels or building sites, any one of which is twenty (20) acres or less.
- 31) OBJECTING AGENCIES. The Wisconsin Department of Transportation, the Wisconsin Department of Safety and Professional Services, the Wisconsin Department of Natural Resources and the Monroe County Zoning Department.
- 32) OFFICIAL MAP. The map of the Town adopted pursuant to the Wisconsin Statutes showing streets, highways, parkways, parks and playgrounds and the exterior lines of planned new streets, highways, parkways, parks or playgrounds.
- 33) OPEN SPACE. A natural or manmade landscaped area not occupied by any structures, buildings, or impervious surfaces.

- 34) **OUTLOT.** A parcel of land, other than a lot or block, so designated on the plat. A remnant parcel of land not to be used for building purposes.
- 35) **OWNER.** Any person having proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the land under this Chapter.
- 36) **PARCEL.** A designated lot or area of land established by plat, minor land division or as otherwise permitted by law.
- 37) **PEDESTRIAN WAY.** A right-of-way, however designated, across or within a block, for use by pedestrian traffic.
- 38) **PLAN COMMISSION.** The Plan Commission of the Town of Sparta, Wisconsin.
- 39) **PLAT.** A map of a subdivision.
- 40) **PRELIMINARY PLAT.** A map showing the salient features of a proposed subdivision submitted to the Town Board for purposes of preliminary consideration as described under this Chapter.
- 41) **PROPERTY LINE.** The legal boundaries of a parcel of property that may or may not coincide with platted lot lines or street right-of-way.
- 42) **REPLAT.** The changing of the boundaries of a recorded subdivision plat, certified survey map, or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat or Certified Survey Map without changing exterior boundaries of said block, lot or outlot is not a replat.
- 43) **RIGHT OF WAY.** A strip of land occupied or intended to be occupied for a special use. Rights of way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right of way is established. The usage of the term "right of way" for land platting purposes shall mean that every right of way hereafter established and shown on a final plat is to be separated and distinct from the lots or parcels adjoining such right of way and not included within the dimensions or areas of such lots or parcels.
- 44) **ROADWAY.** The surface portion of the street available for vehicular traffic.
- 45) **SETBACK.** The required distance a structure must be located from a lot line, easement, right-of-way, adjacent building, or other feature as indicated in this Chapter or Monroe County Zoning Code.
- 46) **STREET.** Includes all access ways in common use such as streets, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts and cul-de-sacs and includes all of the land lying between the rights of way lines as delineated on a plat showing such streets whether improved or unimproved, and whether dedicated for public use or held in trust under the terms of a reservation, but shall not include those access ways such as easements and rights

of way intended solely for limited utility purposes such as for electric power lines, gas lines, telephone lines, water lines or drainage and sanitary sewers.

- 47) STREET, ARTERIAL. A major, high capacity street designed to carry large volumes of traffic between various areas of the Town.
- 48) STREET, COLLECTOR. A street which carries traffic from minor streets to the system of major streets and highways including the principal entrance streets of a residential development and the principal circulating streets within such a development.
- 49) STREET, MINOR OR LOCAL. A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.
- 50) SUBDIVIDER. A person, firm, or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, replat, certified survey map or condominium.
- 51) SUBDIVISION. Any division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale of building development where:
  - a. The act of division creates five (5) or more parcels or building sites of twenty (20) acres each or less in area; or
  - b. Five (5) for more parcels or buildings sites of twenty (20) acres each or less in area are created by successive divisions within a period of five (5) years.
  - c. All subdivisions which are not a state-defined subdivision shall be exempt from submission to state agencies except as required by state law or in special circumstances where the Town Board may require that submittal for which reason they have reduced to writing in the minutes of an official meeting
- 52) SUBDIVISION, STATE DEFINED. Any division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale of building development where:
  - a. The act of division creates five (5) or more parcels or building sites of one and one-half (1.5) acres each or less in area; or
  - b. Five (5) for more parcels or buildings sites of one and one-half (1.5) acres each or less in area are created by successive divisions within a period of five (5) years.
- 53) SUBDIVISION DESIGN STANDARDS. The basic land planning standards established as guides for the preparation of plats.
- 54) SURVEYOR. A land surveyor duly registered in the State of Wisconsin.
- 55) TOWN. The Town of Sparta, Wisconsin.
- 56) TOWN BOARD. The Town Board of Supervisors of the Town of Sparta, Wisconsin.

- 57) TOWN CLERK. The Clerk of the Town of Sparta, Wisconsin.
- 58) UNIT, CONDOMINIUM. A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors in a building.
- 59) ZONING CODE. Means the Monroe County Zoning Code contained in Chapter 47 and the floodplain and shoreland zoning regulations contained in Chapters 50 and 53, respectively. For locations within the City of Sparta Extraterritorial Zoning District, may also mean the City of Sparta Zoning Code.

### 12.03 GENERAL PROVISIONS.

- 1) JURISDICTION. Jurisdiction of these regulations shall include all lands and waters within the Town of Sparta. The provisions of this Chapter, as it applies to divisions of tracts of land shall not apply to the following:
  - a) Transfers of interests in land by will or pursuant to court order.
  - b) Leases for a term not to exceed ten (10) years, mortgages, or easements.
  - c) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Chapter, the zoning ordinances or other applicable laws or ordinances.
  - d) Cemetery plats made under §157.07, Wis. Stats.
  - e) Assessors' plats made under §70.27, Wis. Stats., but such assessors' plats shall comply with §236.15(1)(a) to (h) and 236.20(1) and (2)(a) to (e), Wis. Stats.
- 2) COMPLIANCE. No person, firm, corporation, limited liability company, partnerships, or any other business organization shall divide any land located within the Town so that such division results in a subdivision, condominium, minor land division, or replat as defined herein; no such subdivision, condominium, minor land division or replat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following:
  - a) The provisions of Chapter 236, Wis. Stats.
  - b) Rules of the Wisconsin Department of Safety and Professional Services, as contained in Chapter SPS 383 of the Wisconsin Administrative Code, regulating lot 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.
  - c) Rules of the Wisconsin Department of Transportation 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 on a State trunk highway or connecting street.

- d) Rules of the Monroe County Highway Department relating to safety of access if the land abuts a County Highway.
  - e) Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution and regulating development within the floodland, wetland, and shoreland areas.
  - f) The Town of Sparta Comprehensive Plan and Monroe County Comprehensive Plan.
  - g) All applicable Town and Monroe County regulations including but not limited to zoning, shoreland-wetland, floodplain, sanitary, building, and any official mapping ordinances.
  - h) For subdivisions located within one and one-half (1.5) miles of the City of Sparta municipal limits, the applicable requirements of the City's subdivision code.
  - i) For subdivisions located within one and one-half (1.5) miles of the Village of Rockland municipal limits, the applicable requirements of the Village's subdivision code.
  - j) A developer's or subdivider's agreement between the Town and the developer or subdivider.
- 3) DEDICATION AND RESERVATION OF LANDS.

- a) Streets, Highways, and Drainageways. Whenever a tract of land to be divided encompasses all or any part of an arterial or collector street, drainageway, other public way, or public access to navigable lakes or streams which has been designated in the Monroe County or Town of Sparta Comprehensive Plan, or adopted comprehensive plan component, or on the Official Map of the Town, said public way shall be made a part of the plat or certified survey map and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan, plan component, or map and as set forth in this Chapter and as directed by the Town Board.
- b) Other Public Sites. Whenever a tract of land to be subdivided within the Town encompasses all or part of a school site, park site, or other open space, other than streets, highways, drainageways, other public ways or public access to navigable lakes or streams which has been designated in the Monroe County or Town of Sparta Comprehensive Plan, or adopted comprehensive plan component, or on the Official Map of the Town, said school site park site, or other open space shall be made a part of the plat or certified survey map and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan, plan component, or map as directed by the Town Board.

- 4) **IMPROVEMENTS.** Before, or as a condition of receiving, final approval from the Town Board of any plat, or certified survey map, for which public improvements are required by this Chapter, the subdivider shall enter into an agreement with the Town to install the required improvements and shall file with the subdivider's agreement an irrevocable letter of credit, or other appropriate sureties meeting the approval of the Town Attorney, in an amount equal to 120 percent of the estimated cost of the improvements. Improvement cost estimates shall be made by the developer, reviewed by the Town Engineer and approved by the Town Board. The improvements may be installed after approval of a preliminary plat or certified survey map by the subdivider or his subcontractors, but not later than provided in the subdivider's agreement. The subdivider's agreement shall specify a completion date for all improvements. In addition:
  - a) Plans and specifications for all improvements shall be reviewed and approved by the Town Engineer, in writing, prior to commencement of construction. The subdivider may submit an interim final plat with the improvement plans; however, review and approval of a final plat shall not be initiated until the improvement plans have been reviewed and approved and until the subdivider's agreement has been fully executed.
  - b) Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights of way, as well as the contractors and subcontractors providing such work shall be subject to the review and recommendation of approval of the Town Engineer, and approval of the Town of Sparta.
  - c) Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
- 5) **SURVEY MONUMENTS.** Before final approval of any plat or certified survey map within the jurisdiction of the Town of Sparta, the subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 Wisconsin Statutes and as may be required by the Town. The Town Board may waive the placing of monuments required under Section 236.15(b)(c) and (d) for a reasonable time, not to exceed one (1) year, on the condition that the subdivider file with the Town a letter of credit, cash, or certified check to insure the placing of such monuments required by statute.
- 6) **LAND SUITABILITY.** No land shall be subdivided as a plat or certified survey map which is determined to be unsuitable for such a use by the Town Plan Commission or Town Board for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision, minor land division or of the Town. The Town Plan Commission or Town Board, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for the proposed use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he so desires. Thereafter the Town Plan Commission or Town Board may affirm, modify, or withdraw its determination of unsuitability.

#### 12.04 LAND DIVISION PROCEDURES.

- 1) **PREAPPLICATION.** Prior to the filing of an application for the approval of a preliminary plat the subdivider shall consult with the Town Plan Commission in order to review the subdividers sketch plan. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, other provisions of this Code, sewer and water availability, other engineering considerations, duly adopted Town plans, and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and the Town Plan Commission may reach mutual conclusions regarding the general design and objectives of the proposed development and its possible effects on the neighborhood and the Town. The subdivider will also gain a better understanding of the subsequent required procedures. The Town will provide the subdivider and the Monroe County Zoning Department with a written summary of recommendations regarding the sketch plan.
  
- 2) **SKETCH PLAN REQUIRED INFORMATION.** Subdividers must prepare for review by the Town Plan Commission a sketch plan of the proposed subdivision. The sketch plan shall contain, at a minimum, the following information:
  - a) Site location showing adjacent roads and adjoining development types.
  - b) Subdivision boundaries.
  - c) Approximate topographic and physical features. The use of a topographic map as a base map is recommended.
  - d) Proposed general road design.
  - e) Proposed lot layout.
  - f) Location of any existing easements.
  - g) Proposed surface water drainage.
  - h) Soil survey map of area.
  
- 3) **PRELIMINARY PLAT REVIEW.**
  - a) **Preliminary Plat Submittal.** Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat, prepared by a registered land surveyor, along with a letter of application and applicable fees. The preliminary plat shall be prepared in accordance with this Chapter and the subdivider shall file twenty five (25) copies of the plat and the application with the Town Clerk at least thirty (30) days prior to the meeting of the Town Plan Commission at which first consideration is desired. In addition, the subdivider shall file an adequate number of copies of the preliminary plat with the Monroe County Zoning Department. The statutory time limit(s) shall commence with the later filing date stamp between the County and the Town. No application shall be deemed complete or filed unless all required information is submitted and the fee paid.
  
  - b) **Objecting Agency Referral.** Within two (2) working days of receipt of the preliminary plat additional copies shall be sent for retransmission to the following objecting agencies as follows:

1. Two (2) copies of the preliminary plat to the clerk of any city or village if the plat lies within the extraterritorial plat approval jurisdiction.
2. Two (2) copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a State trunk highway or connecting highway.
3. Two (2) copies to the Wisconsin Department of Safety and Professional Services if the subdivision is not served by a public sewer.
4. Two (2) copies to the Wisconsin Department of Natural Resources if shorelands or floodplains are contained within the proposed subdivision.

The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Plan Commission. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the plat.

- c) Advisory Agency Referral. The Town Clerk shall also transmit two (2) copies of the preliminary plat to the following advisory agencies and companies for review and comment concerning matters within their jurisdiction:

1. The Monroe County Highway Department
2. The Monroe County Land Conservation Department.
3. The Mississippi River Regional Planning Commission.
4. The appropriate school district.
5. The appropriate natural gas company, electric power company and telephone company.

These advisory agencies shall transmit their recommendation to the Town Plan Commission within twenty (20) days from the date the plat is filed.

- 4) PRELIMINARY PLAT APPROVAL. The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Clerk. If an advisory or objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the plat. In addition:

- a) Public Hearing and Plan Commission Review. The Town Plan Commission shall, within sixty (60) days of the date of the filing of a preliminary plat with the Town Clerk, hold a public hearing on the preliminary plat after publication of a Class 2 notice thereof. The Plan Commission shall review the plat for conformance with applicable Town ordinances, comprehensive plans, plan components and official maps, and shall consider all public comments received and all recommendations from approving and objecting agencies and shall forward its recommendation to the Town Board for final action. The Plan Commission recommendation shall be to approve, approve

conditionally or reject such plat unless an extension of the review period is mutually agreed upon in writing. The Plan Commission shall specify the reasons for any proposed rejection or conditions on an approval.

- b) **Town Board Review.** The Town Board, within ninety (90) days of the date of the filing of a preliminary plat application, shall approval, approve conditionally or reject such plat unless an extension of the review period is mutually agreed upon in writing. One (1) copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter of transmittal and a copy of the Town Board minutes setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One (1) copy each of the plat and letter shall be placed in the Town Clerk's permanent file. Failure of the Town Board to act within ninety (90) days shall constitute an approval of the plat as filed unless the review period is extended by mutual agreement.
- c) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six (6) months of preliminary plat approval and conforms substantially to the preliminary plat as indicated in §236.11(1)(b), Wis. Stats., the final plat shall be entitled to approval.

5) **FINAL PLAT REVIEW.**

- a) **Final Plat Submittal.** The subdivider shall prepare a final plat, prepared by a registered land surveyor, along with a letter of application and applicable fees. The final plat shall be prepared in accordance with this Chapter and the subdivider shall file twenty five (25) copies of the plat and the application with the Town Clerk at least thirty (30) days prior to the meeting of the Town Plan Commission at which first consideration is desired. In addition, the subdivider shall file an adequate number of copies of the final plat with the Monroe County Zoning Department. The statutory time limit(s) shall commence with the later filing date stamp between the County and the Town. No application shall be deemed complete or filed unless all required information is submitted and the fee paid.
- b) **Objecting Agency Referral.** Within two (2) working days of receipt of the final plat additional copies shall be sent for retransmission to the following objecting agencies as follows:
  - 1. Two (2) copies of the preliminary plat to the clerk of any city or village if the plat lies within the extraterritorial plat approval jurisdiction.
  - 2. Two (2) copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a State trunk highway or connecting highway.
  - 3. Two (2) copies to the Wisconsin Department of Safety and Professional Services if the subdivision is not served by a public sewer.
  - 4. Two (2) copies to the Wisconsin Department of Natural Resources if shorelands or floodplains are contained within the proposed subdivision.

The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Plan Commission. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the plat.

- c) **Advisory Agency Referral.** The Town Clerk shall also transmit 2 copies of the final plat to the following advisory agencies and companies for review and comment concerning matters within their jurisdiction:
  - 1. The Monroe County Highway Department
  - 2. The Monroe County Land Conservation Department.
  - 3. The Mississippi River Regional Planning Commission.
  - 4. The appropriate school district.
  - 5. The appropriate natural gas company, electric power company and telephone company.

These advisory agencies shall transmit their recommendation to the Town Plan Commission within twenty (20) days from the date the plat is filed.

- d) **Partial Platting.** If partial platting is permitted by the Town Board the approved preliminary plat may be final platted in phases with each phase encompassing only that portion of the approved preliminary plat which the subdivider proposes to record at one time however, it is required that each such phase be final platted and be designated as a phase of the approved preliminary plat.
- 6) **FINAL PLAT APPROVAL.** The objecting agencies shall within twenty (20) days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Clerk, which shall forward the copy to the Town Board. If an objecting agency fails to act within the twenty (20) days, it shall be deemed to have no objection to the final plat. In addition:
- a) **Plan Commission Review.** The Town Plan Commission shall, within thirty (30) days of the date of the filing of a final plat with the Town Clerk, review the plat as to its conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, and conformance with applicable Town ordinances, comprehensive plans, plan components and official maps, and shall consider all recommendations from approving and objecting agencies and shall forward its recommendation to the Town Board for final action. The Plan Commission recommendation shall be to approve, approve conditionally or reject such plat unless an extension of the review period is mutually agreed upon in writing. The Plan Commission shall specify the reasons for any proposed rejection or conditions on an approval.
  - b) **Expiration.** If the final plat is not submitted within six (6) months of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat.

- c) **Town Board Review.** The Town Board shall, within sixty (60) days of the date of filing the original final plat with the Town Clerk, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a copy of the minutes, together with a letter of transmittal, shall be forwarded to the subdivider. The Town Board may not approve the final plat unless the Town Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within twenty (20) days or, if filed, have been met.
  - d) **Timely Town Board Action Required.** Failure of the Town Board to take action on the plat within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, and all fees payable by the subdivider having been paid, the plat shall be deemed approved.
  - e) **Consent and Waiver.** Prior to the acceptance of a final plat, the subdivider shall furnish, when required by the Town, a consent and waiver of the statutory provisions for special assessment for the installation of sanitary sewer, storm water facilities, sewer laterals, water main, water laterals, street surfacing, and all other utilities, which will be in a form approved by the Town Attorney pursuant to §66.0703(7)(b), Wis. Stats., and shall be recorded in the office of the Register of Deeds in the same manner as a *lis pendens*. Such consent and waiver shall provide that the installation of such services shall be made at the discretion of the Town Board.
  - f) **Recordation.** After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and shall further cause the plat to be recorded within thirty (30) days of its approval by the Town Board. The subdivider shall be responsible for the recording fee.
  - g) **Plat Copies.** The subdivider shall file ten (10) certified copies of the final plat with the Town Clerk for distribution to appropriate local agencies and offices.
- 7) **REPLAT.** When it is proposed to replat 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 through 236.44, Wis. Stats. The subdivider or person wishing to replat shall then proceed as specified in section 17.04 of this Chapter. The Town Clerk shall cause notices 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 200 feet of the exterior boundaries of the proposed replat. Court vacations of plats are required when areas dedicated to the public are altered.
- 8) **CONDOMINIUM PLAT.** A condominium plat prepared pursuant to Wisconsin Statutes Section 703 shall be reviewed in the same manner as a subdivision plat as set forth in this Chapter.

9) MINOR LAND DIVISION REVIEW AND APPROVAL (CERTIFIED SURVEY MAP).

- a) When it is proposed to divide land into not more than four (4) parcels, any one of which is less than twenty (20) acres in size, or when it is proposed to divide a block, lot or outlot into not more than four (4) parcels or building sites within a recorded subdivision plat without changing the boundaries of said block, lot or outlot, the subdivider shall subdivide by use of a certified survey map. The certified survey shall include all parcels less than twenty (20) acres and may, at the owner's option, include any parcel of greater size. However, only four (4) lots or building sites may be created from a parcel equal to or less than twenty (20) acres during a five (5) year cycle by use of the certified survey map process. Additional lots or building sites must be created through the subdivision process.
- b) Pre-Application Conference. A pre-application conference similar to the consultation suggested in Section 12.04(1) of this Chapter is recommended prior to submitting the certified survey map for approval.
- c) Application. The subdivider shall prepare the certified survey map, prepared by a registered land surveyor, in accordance with this Chapter and shall file twelve (12) copies of the map, letter of application, and applicable fees with the Town Clerk at least fifteen days (15) days prior to the meeting of the Town Plan Commission at which action is desired.
- d) Referral. The Town Clerk shall, within two (2) working days after filing, transmit copies of the map and letter of application to the Town Plan Commission and Town Board. The Town Clerk shall transmit a copy of the map to all affected boards, commissions, departments and all affected public utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Plan Commission within twenty (20) days from the date the map is filed.
- e) Plan Commission Review. The Town Plan Commission shall review the certified survey map for conformance with this Chapter, Town ordinances, comprehensive plans, plan components and official maps. The Plan Commission shall within forty-five (45) 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. The Plan Commission shall specify the reasons for any proposed rejection or conditions on an approval.
- f) Town Board Review. The Town Board shall approve, approve conditionally or reject such certified survey map within sixty (60) days from the date of filing 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 meeting and a written statement supplied 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 the map to the subdivider.



- g) Recordation. The Town Clerk shall record the map with the County Register of Deeds within ten (10) days of its approval. The subdivider shall be responsible for the recording fee.
- h) The subdivider shall file five (5) certified copies of the certified survey map with the Town Clerk for distribution to appropriate local agencies and offices.

#### **12.05 PRELIMINARY PLAT SUBMITTAL REQUIREMENTS**

- 1) **GENERAL REQUIREMENTS.** A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor. The plat shall be prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale of not more than 100 feet to the inch. A digital copy in a format approved by the Monroe County Zoning Department may also be submitted.
- 2) **PLAT DATA.** The preliminary plat shall including the following:
  - a) Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously recorded plat within Monroe County unless it is an addition to a previously recorded plat and is so stated on the plat.
  - b) Property location of a proposed subdivision by government lot, quarter section, township, range, county and State.
  - c) Date, graphic scale and north arrow.
  - d) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
  - e) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development.
  - f) Length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.
  - g) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas and other significant features within the tract being subdivided or immediately adjacent thereto.
  - h) Location, right-of-way width and name of all existing roads, alleys or other public ways, easements, railroad and utility rights-of-way and all section, quarter section and quarter-quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
  - i) Location and names of any adjacent subdivisions, parks or cemeteries and the owners of record of abutting unplatted lands.

- j) Type, width and elevation of any existing road pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations.
- k) Location, size and invert elevation of any existing sanitary or storm sewers, culvert and drain pipes, manholes, catch basins, hydrants, electrical and communication facilities, whether overhead or underground and the location and size of any existing water or gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewer or water mains are located on or adjacent to the tract, any such service within 1,320 feet of the plat shall be noted.
- l) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.
- m) Existing zoning on and adjacent to the proposed subdivision.
- n) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public roads at vertical intervals of not more than five feet where the slope of the ground surface is less than thirty (30) percent. Areas where the slope of the ground is greater than thirty (30) percent shall be indicated. Elevation shall be marked on such contours based on mean sea level datum or where in the judgment of the Town Plan Commission undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used, provided a permanent benchmark is established, and shown on the preliminary plat.
- o) High water elevation of all ponds, streams, lakes, flowages and wetlands located within the boundaries of the plat referenced to mean sea level datum.
- p) Shoreland and floodplain boundaries of the 100-year regional flood.
- q) Location, width and proposed names of all roads and proposed public rights-of-way such as alleys and easements.
- r) Dimensions of all lots together with proposed lot and block numbers.
- s) Location and approximate dimensions of any site proposed to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other public or quasi-public use.
- t) Radii of all curves.
- u) Location and dimensions of any proposed lake or stream access.
- v) Any proposed lake or stream improvement or relocation and notice of application for approval, where applicable, by the department of natural resources.

- w) Distances from any Town or County landfill, old or active, that is within one (1) mile of the proposed subdivision.
  - x) Distances from any municipal water supply that is within 1,200 feet of the proposed subdivision.
- 3) **STREET PLANS AND PROFILES.** The Town Board, upon recommendation of the Town Engineer, may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon U.S.G.S. datum, and plans and profiles shall be of sufficient detail to determine that streets will conform to the grade of the existing streets or their extension or to the established grades of future streets or their extension and shall be subject to the review and recommendation of approval of the Town Engineer and approval of the Town Board.
  - 4) **TESTING.** The Town Engineer may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depths to bedrock and depth to ground water table.
  - 5) **EROSION CONTROL PLAN.** The Town Board may require erosion and sedimentation control plans upon determining from a review of the sketch plan or the preliminary plat that the soil, slope, vegetation and drainage characteristics of the site will require substantial cutting, clearing, grading or other site alterations that will present severe erosion hazards. Erosion and sedimentation control plans shall be prepared by a registered engineer and approved by the Town Board or its designee. When required, erosion and sedimentation control plans shall be submitted to the Town Board which shall transmit them to the Town Engineer for review and recommendation. These comments shall be available to the Town Plan Commission and Town Board for review two (2) weeks prior to submittal of the final plat and before any land surfaces are disturbed. Guidelines, standards and specifications, which should provide the framework for the development, review and implementation of erosion controls, are contained in the state department of natural resources publication Wisconsin Construction Site Best Management Practice Hand Book (1989) and guidelines developed by the Monroe County Land Conservation Committee.
  - 6) **UTILITIES.** The surveyor may show on the preliminary plat, or he may submit a letter accompanying the plat, detailing the nature of the proposed utilities that will be included in the plat, and in which manner the utilities are to be installed, and shall include sanitary sewers, storm sewers, water systems, natural gas mains, and electrical and telephone transmission lines. If no sewer or water system is located on or immediately adjacent to the plat, the developer shall describe the feasibility of extending the nearest sewer and water main to the plat.
  - 7) **COVENANTS.** The Town Board may require submission of a list of existing covenants and a list of covenants with which the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. The Town of Sparta shall not be responsible for enforcing private covenants.

- 8) **AFFIDAVIT.** The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter.

#### **12.06 FINAL PLAT SUBMITTAL REQUIREMENTS.**

- 1) **GENERAL REQUIREMENTS.** A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of §236.20, Wis. Stats.
- 2) **ADDITIONAL INFORMATION.** The final plat shall show correctly on the face of the plat or as accompanying documents the following information in addition to that required by §236.20, Wis. Stats.:
  - a) Additional building setback lines or yards required by the zoning district in which the plat is located or which are proposed by the subdivider and are to be included in recorded restrictive covenants. It is not the responsibility of the Town to enforce anything included in a recorded restrictive covenant.
  - b) Any unbuildable areas of parcels, due to lot dimensions, shall be noted on the face of the plat.
  - c) Floodplain elevation for the 100-year regional flood.
  - d) Provisions and plans for the use and maintenance, including a schedule for construction and performance bonds or other guarantee instruments required by the Town Board for all property reserved for common use of all property owners in the subdivision.
  - e) Special restrictions required by the Town Board and any other approving or objecting agency relating to access control, the provision of planting strips, preservation of wetlands, shorelands and floodplains.
  - f) Acreage of roads shall be noted on the face of the plat.
  - g) Any other information required by the Town Board.
  - h) Bonds and contracts required by this Chapter to guarantee the installation of improvements.
- 3) **DEED RESTRICTIONS.** Any deed restrictions attached to the subdivision shall be recorded with, or placed on the face of the final plat.
- 4) **SURVEYING AND MONUMENTING.** All final plats shall meet all the surveying and monumenting requirements of §236.15, Wis. Stats.
- 5) **CERTIFICATES.** All final plats shall provide all the certificates required by §236.21, Wis. Stats., and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter. The subdivider's certificate shall be fully executed prior to Town Board approval.

## 12.07 CERTIFIED SURVEY MAP SUBMITTAL REQUIREMENTS.

- 1) GENERAL REQUIREMENTS. A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of §236.34, Wis. Stats. The minor subdivision shall comply with the design standards and improvement requirements set forth in Section 12.08 of this Chapter.
- 2) REQUIRED INFORMATION. The certified survey map shall show correctly on the face of the map or on accompanying documents the following information in addition to that required by §236.34, Wis. Stats.:
  - a) Date of the map, name of the owner and subdivider.
  - b) Building of primary residence, well, and septic location. Any other building or structure that might conflict with lot setbacks, where applicable.
  - c) Names and location of adjoining roads, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages and wetlands.
  - d) Additional building setback lines or yards required by the Town Board, which are more restrictive than the regulations of the zoning district in which the plat is located or are proposed by the subdivider and are to be included in recorded protective covenants. It is not the responsibility of the Town to enforce anything included in a recorded restrictive covenant
  - e) All lands reserved for future public acquisition.
  - f) If particular problems are posed by topography or drainage, the Town Board may require the subdivider to furnish topographic information at five (5) foot contours for part or all of the certified survey.
  - g) The Town Plan Commission or Town Board may require shoreland and floodplain boundaries of the 100-year regional flood.
  - h) Certified survey maps which contain parcels not designed for building purposes shall label them "outlot." Permission to build shall not be granted by the Town Board until the outlot has been reviewed under the terms of this Chapter and other applicable ordinances.
  - i) Any unbuildable areas of parcels, due to lot dimensions, shall be noted on the face of the certified survey map.
  - j) Where the Town Plan Commission or Town Board finds it needs additional information relative to a particular problem presented by a proposed development to review the certified survey map, it shall have the authority to request in writing such information from the subdivider, including the information required in section 12.05(2).

- 3) **CERTIFICATES.** The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this Chapter. After reviewing the map, the Town Board, shall certify its approval on the face of the map. After receiving approval by the Town Board, such maps shall be certified by the Town Chairperson and the Town Clerk. In addition, dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by §236.21(2)(a), Wis. Stats.
- 4) **RECORDATION.** The certified survey map shall only be recorded with the County Register of Deeds after the certificates of the Town Board and the surveyor are placed on the face of the map. The Town Clerk shall record the map within ten (10) days of its approval by the Town Board.

#### **12.08 DESIGN STANDARDS.**

- 1) **STREET ARRANGEMENT.** In any new plat or certified survey map, the street layout shall conform to the arrangement, width and location indicated on the official map, comprehensive plan or plan component, of the Town or County. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street. In addition:
  - a) **Arterial Streets.** Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. Arterial streets shall also be properly integrated with and related to the existing and proposed area-wide system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
  - b) **Collector Streets.** Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets to which they connect.
  - c) **Local Streets.** Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property
  - d) **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the

coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

- e) Arterial and Collector Street Protection. Whenever possible, access to lots shall be off of a lower-traveled road. Whenever a proposed subdivision contains or is adjacent to an existing arterial or collector street, adequate protection of residential properties, limitation of access and separation of through traffic shall be provided by reversed frontage lots. Provisions for screen plantings, nonaccess reservations and frontage roads shall be used to protect the integrity of the existing road or highway.
  - f) Reserve Strips. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Town Board under conditions approved by the Town Board to protect the integrity of a road or highway.
  - g) Alleys. Alleys shall be provided in commercial and industrial areas for off-street loading and service access if required by the Town Board, but shall not be approved in residential districts. Dead end alleys shall not be approved.
  - h) Street Names. Street names shall not duplicate or be similar to existing street names elsewhere in the Town. New roads which are projections of existing roads shall have the same name as the existing road.
  - i) Stream or Lake Shores. Stream or lake shores shall have a minimum of sixty (60) feet of public access platted to the low water mark at intervals of not more than one-half (1/2) mile as required by §236.16(3), Wis. Stats.
  - j) All proposed lots are to be developed with frontage to a dedicated public road. If an easement or private road is proposed the following will be required:
    - 1. The access easement or private road must be part of the plat or certified survey map.
    - 2. All access easements or private roads must be a minimum of 66 feet in width.
    - 3. The party responsible for the maintenance of the access easement or private road shall be recorded on the certified survey map or plat.
    - 4. All private roads shall follow the design standards outlined in this Chapter.
- 2) LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT OF WAY TREATMENT. Whenever the proposed land division contains or is adjacent to a limited access highway or railroad right of way, the design shall provide the following treatment:
- a) When lots within the proposed subdivision back upon the right of way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth, and/or an earth berm, shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots, but shall

have the following restriction lettered on the face of the plat: "This strip is reserved for the planting of trees and shrubs and the building of all structures except for public and private utility structures hereon is prohibited."

- b) Plats within commercial and industrial districts shall have provided, on each side of the limited access highway or railroad, service or frontage roads approximately parallel to and at a suitable distance, but not less than 150 feet, from such highway or railroad for the appropriate use of the land between the limited access road or railroad and the service road.
  - c) Roads parallel to a limited access highway or railroad right of way, when intersecting an arterial or collector street, shall be located a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
  - d) Local streets immediately adjacent and parallel to railroad rights of way shall be avoided and location of local streets immediately adjacent to high collector streets and highways and to railroad rights of way shall be avoided in residential areas.
- 3) STREET DESIGN STANDARDS.

- a) Definitions. used herein here defined as follows:

1. Approach. That portion of road extending 100 feet on each side of a culvert or bridge.
2. Base Course. The supporting base material of the roadway, including shoulder.
3. Drainage. The gradual drying of highway by system of ditches, trenches, channels, etc.
4. Grade. The rate of ascent or descent of roadway.
5. Highway. The road or way over which the public generally has a right to pass, which includes the complete right of way.
6. Road Bed. The whole material laid in place and ready for travel.
7. Roadway. The traveled portion of the highway.

- b) Applicability. This subsection shall be applicable to all highways laid out by the Town Board after adoption of this subsection, including any highways dedicated in plats for proposed subdivisions submitted for review pursuant to Ch. 236, Wis. Stats., any private highways being donated to the Town, and any other highways being accepted by the Town as public highways in the Town.



- c) Minimum Road Design Standards. All Town highways shall be classified as local roads unless designated by the Town Board as an arterial or collector street. The classification of all roads under this subsection shall be within the complete discretion of the Town Board considering such factors as traffic counts, character of anticipated traffic, and relationship of the highway to traffic patterns within the Town and other highway systems. It is intended that local be the lowest traffic count, with access to private property as principal function. Collector highways are intended to be highways acting as collectors from local roads to arterial roads.

d) DESIGN STANDARDS FOR ROADS

Improvement	Residential	Commercial/Industrial
Minimum R.O.W.	66 ft.	66 ft.
Minimum width of base coarse (including shoulders)		
Local	28 ft.	32 ft.
Collector	32 ft.	50 ft.
Minimum width of pavement		
Local	22 ft.	24 ft.
Collector	22 ft.	30 ft.
Maximum grade		
Local	10%	8%
Collector	8%	6%
Minimum grade	.5%	.5%
Minimum radius of horizontal curves		
Local	100 ft.	200 ft.
Collector	100 ft.	200 ft.
Corner radius at intersections	30 ft.	30 ft.
Minimum length of tangents between reverse curves		
Local	100 ft.	200 ft.
Collector	100 ft.	200 ft.
Minimum sight distance		
Local	200 ft.	200 ft.
Collector	250 ft.	250 ft.
Minimum length of vertical curve		
Local	100 ft., but not less than 20 ft. for each algebraic difference in grade	
Collector	200 ft., but not less than 50 ft. for each 1.0%	
Maximum length	Maximum desirable length of roads with cul-de-sacs is 1,000 ft. Through roads are most desirable.	
Cul-de-sacs		
Minimum R.O.W. radius	60 ft.	60 ft.
Minimum base course radius	42 ft.	42 ft.
Minimum pavement radius	40 ft.	40 ft.

- e) Base Course. Base course must be of a quality, thickness and composition suitable for the location. The minimum base course shall be six (6) inches of compacted breaker-size material with six (6) inches of compacted three-fourths ( $\frac{3}{4}$ ) inch gravel on top of the breaker run.
- f) Surface Course: Surface course must consist of bituminous concrete composition suitable for anticipated traffic loads. The minimum amount of pavement thickness necessary for acceptance must be at least two (2) inches (compacted) in thickness. Greater than two (2) inches may apply for heavily weighted vehicular traffic. This surface application shall not occur until the prepared road has experienced at least one winter freeze and spring thaw. When the roadway is presented to the Town Board and Plan Commission for approval, weight slips for rock application must be presented. There shall be no provision for escrow monies.
- g) Ditching and Culverts. The ditching of the roadway must be complete and have proper elevation to provide for adequate drainage. Any culverts necessary for proper drainage shall be installed after elevation and location is obtained from the Town Board. The minimum length of any culvert installed in a road bed shall be at least two (2) feet greater than the base course width. Apron end walls shall be used. The diameter and length shall be subject to the approval of the Town Board after the amount of the flowage is determined. In no case shall the culvert be less than eighteen (18) inches in diameter.
- h) Bridges. All bridges shall meet the minimum requirements of State and Federal law. In the event it is decided by the Town Board that the construction of a bridge would be of a size and cost that it would create a hardship to the owner of the land required to build the bridge, the Town Board may accept the road, complete as required above, except the apart extending 100 feet on each side of the bridge. This portion of the road shall be known as the approach. The approach will be accepted incomplete with the reservation that the Town will bill back to the owner a portion of the cost of construction of such bridge. The Town shall construct the bridge and approach with the help of State bridge aids, if available, and the balance not covered by the aid or portion thereof shall be billed back to the owner.
- i) Authority for Higher Standards. The road design standards as provided above are intended to be minimum design standards. The Town Board shall have the discretion to impose higher design standards where in its opinion, local conditions require higher standards or anticipated traffic in quantity or quality will require higher standards.
- j) Application for Determination of Applicable Standards. Any person may apply to the Town Board to determine what design standards should apply in a particular location. No person shall commence construction of any highway anticipated to be turned over to

the Town without having written approval of the proposed highway design signed by the Town Board.

- k) Final Inspection and Acceptance by the Town Board. Upon completion of the highway, the Town Board shall make final inspection, accepting or rejecting the highway. If the highway is rejected, corrections shall be made as stated by the Town Board before final inspection will again be made. Upon final acceptance by the Town Board, the owner shall turn over to the Town a warranty deed free and clear of any liens necessary to convey free and clear title to the Town for the highway.
- 4) STREET INTERSECTIONS. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:
- a) The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two (2).
  - b) The number of intersections along arterial and collector streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,320 feet.
  - c) Intersections on local streets shall be offset at least 125 feet measured from the center lines of the two (2) streets.
  - d) Local streets shall not necessarily continue across arterial or collector streets, but if the center lines of such local streets approach the major streets from opposite sides within 125 feet of each other, measured along the center line of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the arterial or collector street is continuous and a jog is avoided.
- 5) BLOCKS. The widths, lengths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic and the limitations and opportunities of topography. In addition:
- a) Length. The length of blocks in residential areas shall not, as a general rule, be less than 600 feet nor more than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
  - b) Width. The width of blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic, public parks, cemeteries, railroad right-of-way, bulkhead lines, shorelines, waterways or extreme topography. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for

off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

- c) Pedestrian Ways. Pedestrian ways are generally not desired and should be avoided; however, pedestrian ways of not less than ten (10) feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Town Board to provide adequate pedestrian circulation or access to schools, parks, streams, shopping centers, churches or transportation facilities.
- 6) LOTS. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:
- a) Size. Lots not served by public sanitary sewer shall be a minimum of one and one-half (1.5) acres, or as required under the applicable Monroe County zoning district, whichever is greatest. Lots served by public sanitary sewer shall be of a size as required under the applicable Monroe County zoning district. Lots located within the City of Sparta extraterritorial zoning jurisdiction shall be of a size as directed in the City of Sparta Zoning Code.
  - b) Lot lines. Side lot lines shall generally be at right angles to road lines or radial to curved roads or cul-de-sac. Property lines at street intersections shall be rounded with a minimum radius of twenty (20) feet or of a greater radius when required by the Town Board, or shall be terminated by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.
  - c) Access. Every lot shall have a minimum 66-foot access to a public road.
  - d) Depth. Lots shall have a minimum average depth of 200 feet at the building site. Lots shall have a maximum average length to width ratio of 4:1. The Town Board must approve lots having a length to width ratio greater than 4:1.
  - e) Width. Lots shall have a minimum average width of 150 feet at the building site. Corner lots shall be designed with extra width to permit adequate building setback from both roads.
  - f) Lots of five (5) acres or less. Whenever a parcel is divided into lots of five (5) acres or less in area and more than twice the minimum required for the local zoning district or other applicable ordinance in which it is located, the Town Board may require such lots to be arranged and dimensioned so as to allow resubdivision.

- g) Abutting a lake or stream. In any plat or certified survey abutting a lake or stream, lands lying between the meander line and the water's edge and any otherwise unplattable land which lies between the proposed subdivision and the water's edge shall be included as parts of lots, common open space if in a planned unit development, or public dedications.
  - h) Commercial or industrial use. Size, depth and width of parcels designed for commercial or industrial use shall be adequate to provide for off-street parking and loading.
  - i) Building sites occupied by more than one family. The size of lots that are not served by public sewer and occupied by two (2) families shall be increased fifty (50) percent above the required areas specified in the Monroe County Zoning Code, pertaining to zoning, or Town Board resolution. For each additional family occupying a lot or parcel, the size shall be increased by 5,000 square feet.
- 7) EASEMENTS.
- a) The Town Board may require easements for electric power and communication facilities, storm and sanitary sewers, gas, water and other utility lines. Easements shall be of sufficient width for the proposed use and shall be placed wherever feasible along lot lines. All easements shall be noted on the final plat followed by a reference to the use or uses for which they are intended.
  - b) Where a subdivision is traversed by a watercourse, drainageway or stream, an adequate drainageway or easement may be required to handle stormwater runoff. The location, width, alignment and improvement of such drainageway or easement shall be approved by the Town Board.

#### **12.09 REQUIRED IMPROVEMENTS.**

- 1) GENERAL. All required improvements shall be constructed in accordance with plans and standard specifications approved by the Town of Sparta upon recommendation of the Town Engineer, Wisconsin Department of Natural Resources, and the City of Sparta, as may be appropriate. Said plans and standard specifications shall be submitted, reviewed, and approved in accordance with Section 12.10(3) of this Chapter.
- 2) SURVEY MONUMENTS. The Subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Town. The Town Board may waive the placing of monuments, required under Section 236.15(b), (c), and (d), for a reasonable time, not to exceed one (1) year on condition that the subdivider file with the Town a Letter of Credit, cash or certified check to insure the placing of such monuments within the required time limits established by statute. Additional time may be granted upon show of cause.

3) GRADING.

- a) Cut and filled lands shall be graded in accordance with the approved plans or the soils angle of repose, whichever is the lesser, and an approved cover shall be established within thirty (30) days following completion of grading operations.
- b) The subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town and any agency having jurisdiction including the Wisconsin Department of Natural Resources, upon the recommendation of the Town Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade.
- c) Where electric and communication facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of final grade by the subdivider prior to the installation of such facilities, and earth fill, piles or mounds of dirt or construction materials shall not be stored on such easement areas

4) SURFACING. After the installation of all utility and storm water drainage improvements, the Subdivider shall surface all roadways in streets proposed to be dedicated, to the widths prescribed by these regulations and the adopted Town of Board, comprehensive plans, adopted plan components and official map. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town, upon the recommendation of the Town Engineer and adopted by the Town Board or its authorized agents. Any roadway in a planned development shall be dedicated to the town and shall comply to Town standards.

5) CURB AND GUTTER. The Town Board may require the Subdivider to construct concrete curb and gutters in accordance with plans and standard specifications approved by the Town, upon the recommendation of the Town Engineer and adopted by the Town Board or its authorized agents. Mountable curbs shall generally be constructed. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

6) SIDEWALKS. The Plan Commission and Town Board may require the Subdivider to construct a concrete sidewalk or asphalt off-road path on one side of all frontage streets and on one or both sides of all other streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications adopted by the Town Board. Wider than standard sidewalks may be required by the Plan Commission and Town Board in the vicinity of schools, commercial areas and other places of public assemblage where the potential pedestrian density may warrant, and the Town Board may require the construction of sidewalks in locations other than required under the preceding provisions of this Chapter if such walks are necessary in their opinion, for safe and adequate pedestrian circulation.

7) PUBLIC SANITARY SEWAGE DISPOSAL FACILITIES. When public sanitary sewer facilities are available to the subdivision plat, the subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:

- a) The subdivider shall install sewer laterals to the street lot line for all lots.
  - b) The size, type, and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and standard specifications adopted by the Town Board.
  - c) The subdivider shall assume the cost of installing all sanitary sewers, sewer laterals and sewer appurtenance within the proposed subdivision, including the added cost of installing sewers which are necessary to serve tributary drainage areas lying outside of the proposed subdivision.
- 8) **STORM WATER DRAINAGE FACILITIES.** The subdivider shall construct storm water drainage facilities, adequate to serve the subdivision which shall include, but not be limited to, curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures, water detention structures, temporary sedimentation basins, and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life or property. In addition:
- a) The Town shall require the installation of storm water detention and retention facilities which shall be designed so that the post development runoff shall not exceed pre-development rates, velocities, or volumes.
  - b) Unpaved road ditches and street gutters shall be permitted and shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four (4) feet per second on soils having a severe or very severe erosion hazard and in excess of six (6) feet per second on soils having moderate, slight, or very slight erosion hazard, or where deemed necessary the subdivider shall install a paved invert or check dams, flumes, or other energy dissipating devices.
  - c) Shoreland/wetland and isolated wetland drainage facilities:
    - 1. Storm water detention/retention facilities shall not be allowed in wetland areas.
    - 2. Storm water discharges or discharges of urban storm water pollutants to wetlands may be appropriate when the increase or decrease in the runoff volume do not negatively change the wetland functional value. Where such changes are proposed the impact of the proposal on wetland functional values shall be assessed using a methodology acceptable to the Town and the Department of Natural Resources.
  - d) The design criteria, the size, type, grades and installation of all storm water drains and sewers and the cross-section, invert and erosion control paving, check dams, flumes or other energy dissipating structures and seeding and/or sodding or open channels and



unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Town Board.

- e) The subdivider shall assume the cost of installing all storm sewers within the proposed subdivision, including the added cost of installing storm sewers which are necessary to serve tributary drainage areas lying outside of the proposed subdivision.
  
- 9) **WATER SUPPLY FACILITIES.** When public water supply and distribution facilities are available to the subdivision plat, the subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. The subdivider shall make provision for adequate private water systems as required by the Town in accordance with the standards of the Wisconsin Department of Natural Resources and Wisconsin Department of Health and Social Services. Engineered plans must be submitted to the Town Plan Commission and Board for approval as recommended by the Town Engineer and as approved by the Wisconsin Department of Natural Resources or other regulatory agencies as required.
  
- 10) **OTHER UTILITIES.** The subdivider shall cause gas, electrical power, cable television, and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. In addition, plans indicating the proposed location of all such utilities shall be recommended for approval by the Town Engineer. All new electric or communication lines from which lots are individually served shall be installed underground within all newly platted subdivisions or Certified Survey Maps unless the Town Plan Commission shall find that the lots to be served by said facilities can be served directly from existing overhead facilities. Associated equipment and facilities which are pertinent to underground electric and communications systems, including but not limited to substations, pad-mounted transformers, pad-mounted sectionalizing switches and pedestal-mounted terminal boxes may be located above ground. Any landscape screening plan required for such above-ground equipment shall be submitted to the affected utilities for approval. All utility installation should occur prior to final grading and shall not be located in areas of concentrated storm water flow.
  
- 11) **STREET LAMPS.** The Subdivider shall pay to the Town the cost to install street lamps of a design subject to the review and recommendation of approval of the Town Engineer and approval of the Town Board, at each subdivision street which intersects an arterial or collector and at such interior block spacing as may be required by the Town Board.
  
- 12) **STREET SIGNS.** The subdivider shall pay to the Town the costs for installing street signs of a design approved by the Town Board at the intersection of all streets proposed to be dedicated, which signs shall be provided and installed by the Town.
  
- 13) **IMPROVEMENT OF EXISTING HALF-STREET.** Where a subdivision or minor land division abuts an existing street or half-street, and lots within the subdivision or minor land division access the existing street or half-street, the Subdivider shall be responsible for installing and paying for all the improvements in the existing street or half-street right-of-way.

- 14) REMOVAL OF TEMPORARY CUL-DE-SACS. Where a subdivision or minor land division abuts an existing temporary cul-de-sac, and the approved plans include extending the street ended by said temporary cul-de-sac, the subdivider shall be responsible for the removal of the temporary cul-de-sac, reconstruction of the drainage and roadside ditches or curb and gutter, as applicable, reinstallation of culverts, reconstruction of driveways and restoration of all disturbed areas. The Town Board, upon review and recommendation of the Town Engineer, will determine if the existing culvert(s) may be salvaged and reused.

#### **12.10 CONSTRUCTION STANDARDS.**

- 1) COMMENCEMENT. No construction or installation of improvements shall commence and no land use, building and/or zoning permit shall be issued until the final plat has been approved by all reviewing authorities and recorded in the office of the register of deeds.
- 2) BUILDING PERMITS.
  - a) No building shall be constructed prior to the issuance of the necessary zoning, building, and sanitary permits. No building, zoning, sanitary, or other permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Chapter have been met, unless modified by the developer's agreement.
  - b) Access. Town Board or their designee shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this Chapter. If, however, he is refused entry after presentation of his identification, he shall procure a special inspection warrant in accordance with Section 963.10 of the Wisconsin Statutes, except in cases of emergency when he shall have the immediate right of entry.
- 3) IMPROVEMENT PLAN APPROVAL PROCEDURE. The following procedure shall be followed for all subdivision construction/improvement plans and submittal of revised plans:
  - a) Five (5) copies of each plan shall be submitted to the Town Clerk for distribution to Town staff and the Town Engineer. The deadline for submittals is three (3) weeks prior to Plan Commission Meeting.
  - b) Erosion Control plans will be submitted by the developer to the Monroe County Zoning Department. County approval letter must be submitted to the Town Clerk.
  - c) In no case will plans be accepted or reviewed by the Town Engineer, Building Inspector, or any Town Committee without first being processed through the Town Clerk.
  - d) In no case will plans be accepted unless all improvement plans are included with the submittal. Plans will not be reviewed on a piecemeal basis. The submittal shall include: grading plans, drainage plan, public improvement plans (including streets, sanitary

sewer, storm sewer, water and other utilities), landscape plan and erosion control plan. An individual plan may be submitted if it is one of the total set of plans and is being submitted as a revised plan wherein the remaining plans have been previously approved.

- e) Any preliminary meeting between the Town Engineer and the developer must have an authorization form signed by the developer and there may be a fee for this meeting depending on the scope and length of the meeting.
  - f) Preliminary plan submittals shall be transmitted via the Town Clerk to all reviewers for their comments in accordance with the above. These preliminary comments shall be sent to the Town Clerk prior to transmittal to the applicant. Multiple reviews may be necessary and all comments from the reviewers shall be forwarded to the Town Clerk with copies to the applicant. The Town Clerk shall be the coordinator of plan review.
  - g) Each copy of the plans shall have a drawing and/or revision date in order for it to be accepted and routed for review.
  - h) The Town Clerk will transmit the full set of "final" construction/improvement plans sanitary sewer or water main to the Town Engineer. The Town Engineer will transmit to the outside approving agencies. Once the review is complete, the Town Clerk will schedule the plans for review by the Plan Commission and Board along with a letter of recommendation by the Town Engineer.
  - i) Once the Town Board and the outside approving agencies provide written approval, the applicant may schedule a pre-construction meeting through the Town Engineer.
- 4) **REQUIRED PLANS.** The following plans and accompanying construction specifications shall be provided by the subdivider and reviewed and approved by the Town of Sparta, the Wisconsin Department of Natural Resources, the City of Sparta and the Town Engineer as applicable before construction or installation of improvements is authorized:
- a) Street plans and profiles as required showing existing and proposed grades, elevations and cross sections of required improvements.
  - b) Sanitary sewer plans and profiles as required showing the locations, grades, sizes, elevations and materials of required facilities.
  - c) Storm water management plans, calculations, and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities which includes street culverts and lot culverts.

- d) Water main plans and profiles as required showing the locations, sizes, elevations and materials of required facilities.
  - e) Master site grading plan showing the finished grades of each lot in the subdivision.
  - f) Planting plans as required showing the locations, age, caliper, and species of any required grasses, vines, shrubs, and trees.
  - g) Erosion and sedimentation control plans per County ordinance as applicable.
  - h) Additional special plans or information as required.
- 5) **CONSTRUCTION REVIEW.** The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Town Engineer for a pre-construction meeting where all details regarding the installation of the required improvements shall be presented and reviewed and shall include provisions for engineering construction review services. All engineer construction reviews shall be made by the Town Engineer. The approving authorities or their representatives and the Town Engineer shall review and recommend for possible approval all completed work prior to release of the sureties and acceptance of dedicated subdivision improvements.
- 6) **AS-BUILT PLANS WHERE REQUIRED.** Within thirty (30) days following the completion and recommendation for acceptance by the Town Engineer of all improvements, the subdivider shall provide a duplicate reproducible copy of all improvement plans. Sewer and water as-builts shall be prepared by the subdivider at the subdivider's expense.
- 7) **EXISTING FLORA.** The Subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands, temporary fencing or retaining wall whenever abutting grades are altered. In addition:
- a) Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
  - b) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
  - c) Sediment basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

### 12.11 ADMINISTRATION.

- 1) ADMINISTRATION. This Chapter shall be administered by the Town Clerk or designee. The Town Clerk or designee, in the administration of this Chapter, shall:
  - a) Receive plats and Certified Survey Maps from the subdivider. The Town Clerk or designee shall distribute copies of plats and certified survey maps as provided for in this Chapter and shall receive review comments from review agencies, boards, and committees required to comment on such land division.
  - b) Advise the subdivider of all recommendations made by the Town Plan Commission and actions taken by the Town Board.
  - c) Maintain records of plat and certified survey map filings, approvals, fees paid, and other sureties.
  - d) Determine that all land divisions within the jurisdiction of this Chapter requiring review by this Chapter have secured the necessary review and approvals.
  - e) Assist the Town Attorney in the prosecution of violations.
- 2) APPEALS. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in §236.13(5), Wis. Stats., within thirty (30) days of notification of the rejection of the plat. Where failure to approve a plat may appeal such objection or failure to approve as provided in §236.13(5), Wis. Stats., within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action.
- 3) VARIANCES.
  - a) GENERAL. Where, in the judgment of the Town board, upon recommendation of the Town Plan Commission, it would be inappropriate to apply literally the provisions of sec. 12.03(6) and secs. 12.08 and 12.09 of this Chapter because exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Plan Commission and town Board in the analysis of the proposed project.
  - b) REQUIRED FINDINGS. No variance to the provisions of this Chapter shall be granted unless the Town Board finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

1. Exceptional Circumstances. There are exceptional, extraordinary or unusual circumstances or conditions where a literal enforcement of the requirements of this Chapter would result in severe hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this Chapter should be changed.
  2. Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
  3. Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.
- 4) FEES. The subdivider shall pay the Town of Sparta all fees to the Town Clerk as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map.
- a) Preliminary Plat, Final Plat, and Certified Survey Map Review Fee. The subdivider, at the time of application, shall submit a fee to the Town Clerk, as indicated in the most recently adopted Fee Schedule for the Town of Sparta, to defray the cost of giving notice, investigation, or other administrative processing for the preliminary plat, final plat or CSM submittal. A reapplication fee at the time of application shall be submitted to defray the cost of giving notice, investigation, or other administrative processing for review of any submittal which has been previously reviewed.
  - b) Reimbursement for Professional Expenses and Fees. Refer to sec. 3.12 of this Code.
  - c) Construction Review and Engineering Fee. The subdivider shall pay a fee which shall be added to the developer's escrow deposit or to the Letter of Credit equal to the actual or projected cost of the Town Engineer's fees or other approving authorities having jurisdiction for such construction review deem necessary, to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the approving authorities having jurisdiction or any other governmental authority. Engineering Work shall include the review of construction plans and specifications. The Town Board shall require the subdivider to furnish all of the required construction plans.
- 5) VIOLATIONS.
- a) It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this Chapter or the Wisconsin Statutes; and no person, firm, or corporation shall be issued a Town of Sparta Zoning, Building Permit, authorizing the building on, or improvement of, any lot, block, parcel, certified survey map or any part

of any subdivision or replat within the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Town of Sparta may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes:

- 6) **PENALTIES AND REMEDIES.** Any person, firm or corporation who violates or fails to comply with the provisions of this Chapter shall, upon conviction thereof, be subject to a penalty as provided in sec. 1.07 of this Code. Provided however, that the maximum forfeiture where a violation of any provision of this Chapter which is also a violation of a State Statute, shall not exceed the maximum fine imposed by the statute. In addition, the Town of Sparta may seek injunctive relief or other appropriate remedial action and in addition to the forfeiture, may order an assessor's plat to be made under Section 70.27 of the Wisconsin Statutes at the expense of the subdivider or his agent, when a subdivision is created by successive divisions of land. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include:
  - a) Recordation improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.
  - b) Conveyance of lots in unrecorded plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.
  - c) Monuments disturbed or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.

**12.12 thru 12.99      RESERVED.**