

Ordinance # 06-26-06

TOWN OF SYLVESTER

LAND DIVISION AND SUBDIVISION CODE

Adopted: June 26, 2006

Revised: _____

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ARTICLE A

ADOPTION AND INTRODUCTION

SECTION 1-1-1 INTRODUCTION AND PURPOSE

(a) **Introduction.** In accordance with the authority granted by Section 236.45 of the Wisconsin Statutes and for the purposes listed in Section 236.01 and 236.45 of the Wisconsin Statutes, the Town Board of the Town of Sylvester, Green County, Wisconsin, does hereby ordain as follows:

(1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of Sylvester.

(2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it may apply whenever it imposes stricter restrictions on land use.

Purpose. The purpose of this Ordinance is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other danger; to provide adequate light and air; to prevent overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with the reasonable consideration of, but not limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, providing for commerce and industry, protecting farming and open spaces, and providing for the most appropriate use of land in the Town of Sylvester, consistent with the Town's Comprehensive Plan and its goal of preserving the rural character of the Town.

SECTION 1-1-2 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.

SECTION 1-1-3 INTERPRETATION

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements and shall be liberally construed in favor of the Town of Sylvester and shall not be deemed to be a limitation or repeal of any other power granted by the Wisconsin Statutes.

SECTION 1-1-4 SEVERABILITY

If any provision of this Chapter shall be found to be invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provision or application.

SECTION 1-1-5 REPEAL

All other ordinances or parts of ordinances of the Town of Sylvester inconsistent or conflicting with the provisions of this Chapter, to the extent of the inconsistency only, are hereby repealed.

SECTION 1-1-6 TITLE

This Chapter shall be known as, referred to, or cited as the “Town of Sylvester Subdivision Ordinance” or “Town of Sylvester Land Division and Subdivision Ordinance.”

SECTION 1-1-7 RESERVED FOR FUTURE USE

ARTICLE B

DEFINITIONS

SECTION 1-2-1 DEFINITIONS

(a) The following definitions shall be applicable to this Chapter:

- (1) **Agricultural use.** General farming including dairying, livestock and poultry raising, nurseries, greenhouses, vegetable warehouses or other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided that no greenhouse or building for the housing of livestock or poultry shall be located within one hundred feet (100') of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry.
- (2) **Alley.** A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
- (3) **Arterial Street.** A street which provides for the movement of relatively heavy traffic to, from, and within the Town. It has a secondary function of providing access to abutting land.
- (4) **Block.** An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or bodies of water.
- (5) **Building Envelope.** The area within which structures are permitted to be built on a lot, as defined by the existing ground level, all applicable setback, side yard and rear yard requirements (notwithstanding any variances, special exceptions, or special or conditional uses in effect) and any Land Use Plan and Town Ordinances adopted by the Town.
- (6) **Certified Survey.** A map or plan of record of a minor subdivision, meeting all the requirements of Section 236.34, Wisconsin Statutes, the Green County Land Division Ordinance and this Chapter.
- (7) **Cluster Development.** A cluster-type development is the grouping of detached dwellings that are concentrated on smaller lot sizes between two (2) and three (3) acres, to reduce impacts to the land and preserve and protect additional lands from development by appropriate restrictions.
- (8) **Condominium Development.** A real estate development in which

the condominium form of ownership pursuant to Wis. Stats. Chap. 703 is utilized.

- (9) **Conservation Development.** A conservation-type development contains cluster development on lots between two (2) and three (3) acres along with other characteristics including common (association) ownership and maintenance of open space, minimizing the disturbance of the rural landscape, preserving natural features and creating land buffers and preserve and protect the additional lands not used for lots or open space by appropriate restrictions.
- (10) **Cluster Group.** A group of single family detached dwellings within a cluster development where building sites have at least one common lot boundary.
- (11) **Collector Street.** A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets.
- (12) **Comprehensive Plan.** A comprehensive plan is defined in sec. 66.1001(1)(a) as the master plan of a town.
- (13) **Cul-de-sac.** A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (14) **Division of Land/Land Division.** Any action which creates a subdivision, plat, or certified survey, or which makes substandard an original parcel.
- (15) **Easement.** The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (16) **Existing (original) Parcel:** The total contiguous acreage which exists under single ownership at the time of approval of this ordinance June 26, 2006.
- (17) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half miles of a fourth-class city or a village and within three miles of all other cities.
- (18) **Frontage Street.** A local street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

- (19) **Greenway.** An open area of land, the primary purpose of which is to carry storm water on the surface of the ground in lieu of an enclosed storm sewer. Greenways may serve the following multiple public purposes in addition to their principal use, including but not limited to, vehicular and/or pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basins, and park development.
- (20) **Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
- (21) **Land Division.** See definition for “Division of Land/Land Division.”
- (22) **Land Use Plan.** Also known, or referred to as “Master Plan,” as defined below.
- (23) **Local Street.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (24) **Lot.** A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
- (25) **Lot Area.** The area contained within the exterior boundaries of a lot, excluding streets and land under navigable bodies of water.
- (26) **Lot, Corner.** A lot abutting intersecting streets at their intersection.
- (27) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a “through lot” both street lines shall be deemed front lot lines.
- (28) **Lot Lines.** The peripheral boundaries of a lot as defined herein.
- (29) **Lot Width.** The width of a parcel of land measured along the front boundary line.
- (30) **Major Thoroughfare.** A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.

- (31) **Master Plan.** A plan for guiding and shaping the growth and development of the Town of Sylvester which has been adopted by the Town Board. Also known as, or referred to as “Comprehensive Plan.”
- (32) **Open Space:** The 85% or more of the existing parcel that remains undeveloped or free of residential, industrial or commercial structures. Permitted uses of open space are agriculture, recreation, passive recreation use, and preservation of environmental sensitive features.
- (33) **Owner.** Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or a combination of these.
- (34) **Parcel.** Contiguous lands under the control of a land divider(s), not separated by streets, highways or railroad rights-of-way.
- (35) **Passive Recreation Use.** Uses of open space to include but not limited to wildlife sanctuary, forest preserve nature centers, trails, prairie areas and similar uses.
- (36) **Plan Commission.** The Commission established by the Town Board to be the initial review body for applications under this Ordinance and making recommendations to the Town Board.
- (37) **Plat.** The map, drawing or chart on which the land divider’s plat of subdivision is presented to the Town for approval.
- (38) **Plat, Final.** The final map, drawing or chart on which the land divider’s plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds for recordation.
- (39) **Plat, Preliminary.** The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission and Town Board for their consideration as to compliance with the regulations contained in this Chapter along with required supporting data.
- (40) **Protective Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Section 236.293 Wisconsin Statutes, which constitutes a restriction on the use of all private or platted property within a certified survey or subdivision for the benefit of the public or property owners and to provide mutual protection against the undesirable aspects of development which would tend to impair the stability of property values.
- (41) **Replat.** The process of changing, or a map or plat which changes,

the boundaries of a recorded plat or a part thereof. The legal dividing of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of such block, lot or outlot is not a replat.

- (42) **Sanitary District Commission.** A board established under Section 60.74 Wisconsin Statutes.
- (43) **Shorelands.** Those lands within the following distances; one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (44) **Subdivider/Land Divider.** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a major subdivision, minor subdivision or replat.
- (45) **Subdivision, Major.** Any land division which is not a “minor subdivision.”
- (46) **Subdivision, Minor.** The division of land by an owner or subdivider resulting in the creation of not more than four (4) lots or parcels within five (5) year period (whether by single or successive divisions), or the division of a block, lot or outlot in a recorded plat into not more than four lots or parcels without changing the exterior boundaries of said block, lot or outlot.
- (47) **Town.** The Town of Sylvester, Green County.
- (48) **Wetlands.** An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (See Section 23.32 (1) Wisconsin Statutes).
- (49) **Wisconsin Administrative Code.** The rules of the administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

ARTICLE C

GENERAL PROVISIONS

SECTION 1-3-1 GENERAL PROVISIONS

- (a) **Compliance.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a land division or a replat as defined herein; no such land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following:
- (1) The provisions of Chapter 236 and Section 80.80 of the Wisconsin Statutes.
 - (2) The rules of the Department of Commerce contained in the Wisconsin Administrative Code for land divisions not served by public sewer.
 - (3) The rules of the Department of Agriculture, Trade and Consumer Protection contained in the Wisconsin Administrative Code for land divisions not served by public sewer.
 - (4) The rules of the Department of Transportation contained in the Wisconsin Administrative Code for subdivisions, which abut a state trunk highway or connecting street.
 - (5) The rules of the Department of Natural Resources contained in the Wisconsin Administrative Code for Floodplain Management Program.
 - (6) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Town Board.
 - (7) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
 - (8) The Town of Sylvester Land Use Plan and the Amended Town of Sylvester Land Use Plan dated June 26, 2006.
 - (9) Applicable provisions of the Green County Code of Ordinances.
 - (10) All applicable rules contained in the Wisconsin Administrative Code not listed in this subsection.

- (a) **Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the Town of Sylvester. The provisions of this Chapter, as they apply to minor subdivisions, shall not apply to:
 - (1) The 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 or other applicable laws or ordinances.
- (b) **Minor Subdivisions.** Any minor subdivision of land other than a subdivision as defined in Section 236.02(12) Wisconsin Statutes, shall be surveyed and a Certified Survey Map (CSM) prepared as provided in Section 236.34 Wisconsin Statutes.
- (c) **Building Permits.** The Town of Sylvester shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a major subdivision, minor subdivision or replat originally submitted to the Town of Sylvester on or after the effective date of this Chapter until the applicant has complied with all of the provisions and requirements of this Chapter.
- (d) **Applicability to Condominiums.** The Ordinance is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to Wis. Stats. 703.21(1). For purposes of this Ordinance, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.

SECTION 1-3-2 LAND SUITABILITY

(a) Suitability.

- (1) No land division shall be allowed for residential, commercial or industrial use which is held unsuitable for such use by the Town Board for reason of flooding, inadequate drainage, unsuitable soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of future residents of the community.

The 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 not suitable for residential, commercial or industrial use and afford the land divider an opportunity to present evidence regarding such unsuitability if the land divider so desires. Thereafter, the Town Board may affirm, modify or withdraw its determination of unsuitability.

- (2) Except as provided herein, the Town Board shall preferably determine land suitability at the time of the preliminary consultation, following review and recommendation by the appropriate Town and County Committees, if any. The land divider shall furnish such maps, data and information as may be requested by the Town or necessary to make a determination of land suitability.

In addition to the data required to be submitted with the Preliminary Plat or Certified Survey, the land divider may be required to submit some or all of the following additional information for development located in an area where flooding or potential flooding may be a hazard:

- a. Two (2) copies of an aerial photograph, or two (2) maps prepared by a registered land surveyor or engineer which accurately locate the proposed development with respect to the flood plain zoning limits, if present, channel or stream fill limits and elevations, and flood proofing measures taken or proposed to be taken.
- b. Two (2) copies of a typical valley cross-section showing the channel or stream, the flood plain adjoining each side of the channel or stream, cross-sectional area to be occupied by the proposed development and high-water information.
- c. Two (2) copies of a profile showing the slope of the bottom of the channel or the flow line of the stream.
- d. Such other data as may be requested or required.

- (3) When a proposed land division is located in an area where flooding or potential flooding may be a hazard, the Town Board may transmit to the Department of Natural Resources, information provided by the land divider and may request that the Department provide technical assistance in determining whether the land is suitable or unsuitable for the use proposed.

- (4) Where a proposed land division is located wholly or partly in an area where flooding or potential flooding may be a hazard, the applicable County Ordinances shall apply.

- (b) **Existing Flora.** The land divider shall make every reasonable 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.

(c) Additional Considerations. The land divider shall make every effort to preserve and protect:

- (1) Areas of archaeological and/or historical interest including, but not limited to, those areas designated by the State Historical Society.
- (2) Areas of geological interest including, but not limited to, those areas designated by the State Geological and Natural History Survey.

In addition, the suitability of land for private sewerage systems shall be determined in accordance with the appropriate provisions of the Wisconsin Statutes and Wisconsin Administrative Code.

SECTION 1-3-3 GUIDELINES FOR REVIEWING LAND DIVISIONS

The following guidelines for reviewing land divisions are nonbinding advisory guidelines and review criteria that the Plan Commission and Town Board may apply in reviewing land divisions. Nothing in this Chapter shall prevent the Town Board from developing and applying such additional guidelines and review criteria that the Town Board, in its sole discretion, determines appropriate.

- (a)** Land divisions should be consistent with the goals, objectives and development standards set forth in the Town of Sylvester Comprehensive Plan.
- (b)** Land divisions should be compatible with the character, size, and quality of development on nearby and adjoining properties.
- (c)** Land divisions should be planned and designed to maintain the “rural character” of the Town of Sylvester.
- (d)** Land divisions should be planned and designed to protect environmentally sensitive sites.
- (e)** Land divisions should be planned and designed to minimize the disruption of groves of existing mature vegetation, particularly native canopy trees.
- (f)** Land divisions should be planned and designed to be sensitive to historic and archeological sites on both the parcel being divided and on adjoining and nearby properties.
- (g)** Land divisions should be planned and designed to minimize the disruption of distant vistas.

- (h) The preferred locations for building envelopes are woodland fringes, at the edges of open fields and within new tree plantations where the esthetic and visual impact of new structures will be minimized.
- (i) Building envelopes shall be located in such a manner as to make such structures as inconspicuous as possible. Such building envelopes shall be located to minimize the esthetic and visual impact of new structures.
- (j) Building envelopes shall consider set back requirements, if any, including but not limited to public road rights-of-way recreational trail easements and dedicated recreational trails.
- (k) Where feasible in the judgement of the Town Board and Town Engineer, utility lines serving land divisions shall be placed underground in order to maintain the rural character of the area and preserve views and vistas. Where placement of underground utility lines is not feasible, easements for overhead utilities shall be located within land divisions in such a manner as to minimize their visual impact.
- (l) In the interest of public safety and welfare, unless otherwise specified by the Town Board, a subdivision shall have a minimum of two (2) entrances/exits and a cul de sac measuring no less than forty-five (45) feet in radius at any dead end.

SECTION 1-3-4 HILLSIDE PROTECTION

No land division for residential, commercial or industrial purposes shall be approved which would result in, or authorize a use or disturbance of land, including construction of private roads and driveways, on hillsides with a slope of twenty percent (20%) or more, unless the land divider has submitted and the Town Engineer and the Town Board have approved, construction plans and specifications, including an erosion control plan. For purposes of this section, twenty percent (20%) means a vertical elevation differential of ten (10) feet in fifty (50) horizontal feet, the horizontal distance being measured perpendicular to the slope.

SECTION 1-3-5 ADMINISTRATIVE FEES

- (a) **General.** The land divider shall pay the Town all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map.
- (b) **Engineering Fees.** The land divider shall pay a fee equal to the actual cost to the Town for all engineering and technical assistance work incurred by the Town in connection with the preliminary plat, final plat or certified survey map, including inspections required by the Town. The land divider shall pay a fee equal to the actual cost to the Town for such

inspection as the Town Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town and any other governmental agency.

- (c) **Legal Fees.** The land divider shall pay a fee equal to the actual cost to the Town for all legal fees and costs incurred by the Town in connection with the preliminary plat, final plat or certified survey map, including conferences, review and preparation of documents, and consultations with the land divider or the Town.
- (d) **Administrative Fees.** The land divider shall pay a fee equal to the cost of any administrative or fiscal work, publication and special meeting costs which may be incurred or undertaken by the Town in connection with the preliminary plat, final plat or certified survey map.
- (e) **Preliminary Plat and Certified Survey Review and Final Plat Review Fees.** Fees for Town review of Preliminary Plats, Final Plats, replats, special meetings and certified survey maps shall be established by resolution of the Town Board.
- (f) **Escrow Account.** At the time of filing with the Town Clerk a preliminary plat or certified survey map, the land divider shall deposit with the Town Clerk an escrow fund amount as established by resolution of the Town Board. As required at the sole discretion of the Town Board, funds may be drawn against such escrow accounts for the payment of engineering, legal, administrative and other costs incurred by the town in reviewing the proposed land division.

In the event the amount deposited with the Town falls below 25% of the amount required to be deposited, the Plan Commission or the Town Board shall have the option of requiring the subdivider to replenish the escrow to the original amount required hereunder. The escrow shall be replenished or all final fees paid within fifteen (15) days of any written request.

Monies not required for such engineering, legal, administrative and other costs shall be returned to the land divider within 180 days of final acceptance of all improvements required by the Town.

SECTION 1-3-6 RESERVED FOR FUTURE USE

ARTICLE D

PLAT & CSM REVIEW AND APPROVAL

SECTION 1-4-1 PRELIMINARY CONSULTATION

Before filing a Preliminary Plat or CSM, the land divider shall consult with the Plan Commission and Town Board and the Town Engineer for advice regarding general subdivision requirements. The land divider shall inform the Town Clerk in writing of the impending land division and shall request information on meeting dates, agenda deadlines and filing requirements. Such information shall be obtained from the Town Clerk.

The land divider shall, at the time of preliminary consultation, submit a location map showing the relationship of the proposed land division to traffic arteries and existing community facilities. In addition, the land divider shall submit a Preliminary Community Impact Statement.

The Preliminary Consultation is intended to inform the land divider of the purpose and objectives of these regulations, the Town Land Use Plan and duly adopted plan implementation devices of the Town and to otherwise assist the land divider in planning the proposed development. The Preliminary Consultation is also designed to provide the Plan Commission with information regarding the potential impact of the contemplated land division.

During the Preliminary Consultation, the Plan Commission and the land divider may reach mutual conclusions regarding the general program and objectives of the proposed development and its potential impact and effects on the neighborhood and community.

The Plan Commission may at this Preliminary Consultation require a second meeting with the Land Divider at which the Land Divider will provide any additional information the Plan Commission requests prior to the Preliminary Plat or CSM submission by the Land Divider.

SECTION 1-4-2 SUBMISSION OF PRELIMINARY PLAT FOR MAJOR SUBDIVISIONS

- (a) **Submission.** Before submitting a Final Plat for approval, the land divider shall prepare a Preliminary Plat and a letter of application. The land divider shall submit five (5) copies of the Preliminary Plat and letter of application. The letter of application shall include a written description of the proposed land division. The Preliminary Plat shall be prepared in accordance with the provisions and requirements of this Chapter and the land divider shall file the copies of the Preliminary Plat and letter of

application with the Town Clerk. The Town Clerk shall distribute the filed information to the Plan Commission members and schedule the initial review of the Preliminary Plat by the Plan Commission within thirty (30) days of receipt of the application and Preliminary Plat.

All items and documents required by this Section must be submitted to the Town Clerk before the time requirements for review of land divisions will legally commence.

The Town Clerk shall submit a copy of the Preliminary Plat to the Town Engineer for review and comment. The Town Engineer shall prepare and submit to the Plan Commission a written report regarding the review of the Preliminary Plat. The report shall include observations and recommendations regarding the Preliminary Plat.

- (b) **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 the surveyor has fully complied with all provisions of this Chapter.
- (c) **Supplementary Data to be Filed With Preliminary Plat.** The following shall also be filed with the Preliminary Plat:

 - (1) **Use Statement.** A statement of the proposed use of lots stating the type of residential buildings with the number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards, police services and congestion of population; and
 - (2) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - (3) **Area Plan.** Where the land divider owns property adjacent to the property which is being proposed for the land division, the land divider shall submit a concept plan for the remainder of the property so as to show the possible relationships between the proposed land division and future land divisions. All land divisions must be shown to be compatible with and to be consistent with existing or potential adjacent land divisions; and
 - (4) **Adjacent Land Divisions.** A record of any adjacent land divisions made within the last five (5) years.
- (d) **Soil Testing.** The land divider shall provide a preliminary soils report, listing the types of soils in the proposed land division, their effect on the land division and a proposed soil testing and investigation program. A Soil Conversation Service Map would meet the requirements of this Subsection. Pursuant to the public policy concerns prescribed in Section 15-3-2, the Town Board may require that borings and soundings be made in specific areas to ascertain subsurface soil, rock and water conditions,

including depth of bedrock and depth to the groundwater.

(e) Environmental Assessment and Evaluation. The purpose of the Environmental Assessment and Evaluation is to provide the basis for an orderly, systematic review of the effects of the proposed land division upon the community environment in accordance with the principles and procedures of Section 236.45(1) Wisconsin Statutes. The goals of the community are to eliminate pollution and siltation or reduce them to acceptable standards; preserve open space and parks for recreation; to provide adequately for storm water control; maintain scenic beauty and aesthetic surroundings; administer to the economic and cultural needs of the citizens; and, to provide for the effective and efficient flow of goods and services.

(1) The Town Board shall review, as part of the analysis and evaluation of the Preliminary Plat, any environmental assessment reports, together with such supporting data and information as the Town Board may require for determining the suitability of the proposed land division and subsequent development.

(f) Referral to Other Agencies.

(1) The Land Divider shall, within five (5) days after filing of the Preliminary Plat and letter of application, transmit copies of the Preliminary Plat to other State and local agencies as required by State Statutes, Wisconsin Administrative Code, Green County Ordinances or Town of Sylvester Ordinances and such other copies as may be required to be transmitted. The Land Divider shall have a postal return receipt sent to the Town Clerk to verify all copies were sent to the appropriate agencies.

(2) Within twenty (20) day of the date of receiving the copies of the plat, any state or county agency having authority to object under Subsection (i)(1) above shall notify the land divider and all approving or objecting authorities of any objection based upon the failure of the plat to comply with statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The land division shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty (20) day limit, it shall be deemed to have no objection to the plat. Sanitary districts within the Town may file objections with the Town Board at any time prior to, and including, the Board's Public Hearing on the land division.

(g) Drafting Standards. The land divider shall submit to the Town Clerk and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes, copies of a Preliminary Plat based upon an accurate exterior boundary survey by a registered land

surveyor which shall show clearly the proposed subdivision at a scale of no less detail than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the land divider proposes to make and shall indicate by accompanying letter when the improvements will be provided.

SECTION 1-4-3 PRELIMINARY PLAT REVIEW AND APPROVAL

- (a) **Plan Commission Review; Public Hearing.** The Town Clerk shall schedule a public hearing on the Preliminary Plat before the Plan Commission as part of its review and recommendation process. The Town Clerk shall give notice of the Plan Commission's review and public hearing on the Preliminary Plat by listing it as an agenda item in the Plan Commission's meeting notice published in the official Town newspaper and by separate box notice. The notice shall include the name of the applicant, the address of the property in question and the requested action. All property owners abutting and opposite the proposed land division shall receive written notice of the public hearing. Notwithstanding that a public hearing is conducted by the Plan Commission, the Town Board shall have the right to hold another public hearing pursuant to these procedures as part of its review and approval or disapproval process if deemed necessary and in the best interests of the Town.
- (b) **Town Board Action.** The Town Board shall, within ninety (90) days of the date the plat was filed with the Town Clerk, approve, approve conditionally or reject such plat or survey map and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the land divider. Failure of the Town Board to act within ninety (90) days or extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat. The Town Clerk shall communicate to the land divider the action of the Town Board. If the plat or map is approved, the Town Clerk shall endorse it for the Town Board.
- (c) **Determination of Adequacy of Public Facilities and Services.**
- (1) A Preliminary Plat or Final Plat shall not be approved unless the Sanitary District Commission (if appropriate), and the Town Board determine that adequate public facilities and public services are available to meet the needs of the proposed land division and that no public funds, other than those already provided in an adopted capital budget or operating budget, are required.
 - (2) The applicant shall furnish any data requested by the Town Board or its designee, who shall transmit this information to the appropriate Town commission(s) and committee(s) for review and shall act as coordinator for their reports to the Sanitary District Commission and the Town Board on the adequacy of water,

sanitary and storm sewers, fire service, police, parks and open space and recreational facilities, transportation facilities and schools.

- (3) Public facilities and public services for a proposed land division may be found to be adequate when the following conditions exist:
- a. The Town Board or its designee and the appropriate committee(s) certify to the Town Board that adequate funds, either public or private, are available to insure the installation of all necessary storm water management facilities.
 - b. The future residents of the proposed subdivision can be assured park, recreation and open space facilities and services.
 - c. The appropriate Sheriff's Department, Emergency Medical Service and Fire District verify that timely and adequate service can be provided to the residents of the proposed subdivision.
 - d. The appropriate school district be provided an opportunity to review and comment regarding the impact of the proposed subdivision on school facilities and programs.
 - e. The proposed land division is accessible by existing all weather roads, whether publically or privately maintained, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division, or necessary additional roads and road improvements are budgeted in the current adopted budget for construction with public or private financing.
- (4) Where the Town Board determines that one (1) or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.
- (e) Effect of Preliminary Plat Approval.** 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 layout, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed and expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the Town Board at the time of its submission.

- (f) Should the land divider desire to amend the Preliminary Plat as approved, the land divider may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Plan Commission, of such scope as to constitute a new plat, in which case it shall be refiled.

SECTION 1-4-4 FINAL PLAT REVIEW AND APPROVAL

(a) Filing Requirements.

- (1) The land divider shall prepare a Final Plat and letter of application in accordance with this Chapter and shall file five (5) copies of the Final Plat and the application with the Town Clerk. The land divider shall file the Final Plat with the Town Clerk not later than six (6) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and the Final Plat will be considered void unless an extension is granted in writing by the land divider and for good cause as determined in the sole judgment of the Town Board.

The land divider shall also submit with the Final Plat a Certificate of Ownership as required by Section 236.21(2) Wis. Stats., or registered property report and such other evidence as the Town Board or Town Attorney may require showing title or control in the applicant.

- (2) Three (3) copies of a draft of the legal instruments and rules for the proposed property owners associations, when the land divider proposes that common property within a land division be either owned or maintained by such an organization of property owners or a subunit of the Town pursuant to Section 236.293, Wis. Stats., and proposed deed restrictions and/or restrictive covenants, shall be submitted at the time of filing of the Final Plat with the Town Clerk. (Note: Deed Restrictions and restrictive covenants in subdivisions may be private contractual agreements not enforceable by the Town.)
- (3) The Land Divider shall, within five (5) days after filing of the Preliminary Plat and letter of application, transmit copies of the Preliminary Plat to other State and local agencies as required by State Statutes, Wisconsin Administrative Code, Green County Ordinances or Town of Sylvester Ordinances and such other copies as may be required to be transmitted. The Land Divider shall have a postal return receipt sent to the Town Clerk to verify all copies were sent to the appropriate agencies.
- (4) The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the

authority to object as provided by Section 236.12(2), Wisconsin Statutes.

- (5) Public Improvements, Plans and Specifications. Simultaneously with the filing of the Preliminary Plat, the land divider shall file with the Town Clerk three (3) complete sets of engineering reports, plans and specifications for the construction of any public improvements required by this Chapter, specifically addressing drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the land division.
- (6) The Town Clerk shall refer two (2) copies to the Town Engineer. The abstract of title or registered property report shall be referred to the Town Attorney for examination and report. The Town Clerk shall also refer the final plans and specifications of public improvements to the Town Engineer for review. The Town Engineer shall examine the Final Plat or map and final plans and specifications of public improvements for technical details and, if the Town Engineer finds them satisfactory, shall so certify in writing to the Town Board. If the Final Plat or map or plans and specifications of public improvements are not satisfactory, the Town Engineer shall return them to the land divider and advise the Town Board, in writing, as to the items which are not satisfactory.
- (7) Street Plans and Profiles. The land divider shall provide plans showing existing ground surface, and proposed and established street, including extensions for a reasonable distance beyond the limits of the proposed land division when requested by the Town Board or the Town Engineer.

(b) Town Board Review and Approval.

- (1) Within twenty (20) day of the date of receiving the copies of the Final Plat, any state or county agency having authority to object above shall notify the land divider and all approving or objecting authorities of any objection based upon the failure of the Final Plat to comply with statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the Final Plat and return that copy to the approving authority from which it was received. The land division shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty (20) day limit, it shall be deemed to have no objection to the Final Plat.
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.

- (2) 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 Final Plat unless the time is extended by written agreement with the land divider. If the Final Plat is rejected, the reasons shall be stated in the minutes of the Town Board meeting and a written statement of the reasons shall be forwarded to the land divider. The Town Board may not inscribe its approval on the Final Plat unless the Town Clerk certifies on the face of the Final Plat that the copies were forwarded to the objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, such objections have been corrected and all conditions have been met.
 - (3) Failure of the Town Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the Final plat shall be deemed approved.
 - (4) 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 Final Plat attesting to such approval to be duly executed and the Final Plat shall be returned to the land divider for recording with the County Register of Deeds. The County Register of Deeds cannot record the Final Plat unless it is offered within thirty (30) days of the date of last approval of the Final Plat and within six (6) months of the first approval.
 - (5) The land divider shall file eight (8) copies of the Final Plat with the Town Clerk for distribution to the approving agencies, affected sanitary districts, and other affected agencies for their files.
- (c) **Partial Platting.** The Final Plat may, if permitted by the Town Board in its sole discretion, constitute only a portion of the approved Preliminary Plat which the land divider proposes to record at that time.

SECTION 1-4-5 REPLAT

- (a) Except as provided in Section 70.27(1), Wisconsin Statutes, when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the land divider or person wishing to replat shall simultaneously vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The land divider or person wishing to replat shall then proceed, using the procedures for Preliminary and Final Plats contained in this Chapter.
- (b) The Town Clerk shall schedule a Public Hearing before the Town Board

when a Preliminary Plat of a replat of lands within the Town is filed and shall cause notices of the proposed Replat and Public hearing to be mailed to the applicant and to the owners of all properties within the limits of the exterior boundaries of the proposed Replat, to all abutting property owners, and to the owners of all properties within six hundred (600) feet of the exterior boundaries of the proposed replat.

- (c) Where lots are more than double the minimum size required for the applicable zoning district, the Town Board may require that such lots be arranged so as to allow the resubdivision of such parcels into normal lots in accordance with the provisions of this Chapter.

SECTION 1-4-6 CSM (Minor Subdivision) REVIEW AND APPROVAL

- (a) **When Allowed.** When an owner or subdivider proposes to divide land into two (2) or no more than four (4) lots or parcels, any one of which is less than forty acres (40), or when an owner or subdivider proposes to divide a block, lot or outlot into not more than four lots or parcels within a recorded plat without changing the boundaries of said block, lot or outlet, the owner or subdivider may subdivide by use of a Certified Survey Map, prepared in accordance with Wis. Stats. Section 236.34 and this Ordinance.

- (b) **Preliminary Consultation.** Before filing a certified survey map, the land divider shall consult with the Plan Commission for advice regarding the requirements for certified surveys. (Article D, Section 1-4-1)

- (c) **Submission and Review.**

- (1) Following consultation, five (5) copies of the final map in the form of a certified survey map shall be submitted to the Town Clerk. The CSM shall be initially reviewed and recommended for approval or disapproval by the Plan Commission pursuant to the procedures used for Preliminary Plats in Section 1-4-3, including notice and hearing requirements. Final review and approval or disapproval of the certified survey maps shall be by the Town Board. Prior to such final review and approval or disapproval, the Town Board may, in its discretion, conduct an additional public hearing pursuant to the procedures used for Preliminary Plats in Section 1-4-3. The certified survey shall be reviewed, approved or disapproved by the Town Board pursuant to the procedures in this Section 1-4-4.

SECTION 1-4-7 RESERVED FOR FUTURE USE

ARTICLE E

TECHNICAL REQUIREMENTS FOR PLATS AND CERTIFIED SURVEYS

SECTION 1-5-1 TECHNICAL REQUIREMENTS FOR PRELIMINARY PLATS

- (a) **General.** When a land divider proposes to create a major subdivision, the land divider shall provide a Preliminary Plat prior to submitting a Final Plat. It shall be clearly marked "preliminary plat" and shall be in sufficient detail to determine whether the final plat will meet layout requirements. The preliminary plat shall be based upon a survey by a registered land surveyor, prepared on mylar or paper of good quality at a scale of no less detail than one hundred (100) feet to the inch and shall comply in all respects with the requirements of Chapter 236, Wis. Stats., and this Chapter.
- (b) **Plat Data.** All preliminary plats shall show correctly on its face the following information:
- (1) Title under which the proposed subdivision is to be recorded.
 - (2) Location of the proposed subdivision by government lot, quarter section, township, range, county, and state.
 - (3) Date, scale, and North point.
 - (4) Names and addresses of the owner, land divider, and land surveyor preparing the plat.
 - (5) Entire area contiguous to the proposed plat owned or controlled by the land and divider shall be included on the Preliminary Plat even though only a portion of such area is proposed for immediate development. The Town Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.
 - (6) Locations of all existing property boundary lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks, and other significant features within the tract being subdivided or immediately adjacent thereto.

- (7) Location, right-of-way width, and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.
- (9) Type and width of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.
- (10) If applicable, location, size, and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing utility mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size, and invert elevations assuming the availability of such sewer and water mains is consistent with the Master Plan of the Village of Sylvester.
- (11) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (12) Existing zoning on and adjacent to the proposed subdivision.
- (13) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent benchmarks shall be located in the immediate vicinity of the plat; the location of the benchmarks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the benchmarks clearly and completely described. Where, in the judgment of the Town Engineer, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (14) High-water elevation of all ponds, streams, lakes, flowages, and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (15) Water elevation of all ponds, streams, lakes, flowages, and wetlands within the exterior boundaries of the plat or located within

one hundred (100) feet therefrom at the date of the survey.

- (16) Floodland and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
- (17) Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- (18) Location, width, and names of all proposed streets and public rights-of-way such as alleys and easements.
- (19) Approximate dimensions of all lots together with proposed lot and block numbers. The area in acreage or square feet of each lot shall be provided.
- (20) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, conservancy areas, recreational trails, drainageways, or other public uses or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- (21) Location of building envelopes within each lot.
- (22) Identification of the land area that is to be deed restricted, dedicated, or otherwise protected from future development in order to meet the definition of a cluster subdivision.
- (23) Approximate radii of all curves.
- (24) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
- (25) Any proposed lake and stream improvement or relocation, and notice of application for approval by the Department of Natural Resources, when applicable.
- (26) Identification of land that has a slope of twenty (20%) percent or more.
- (27) Location of any proposed overhead utility poles and service or transmission lines.
- (28) Where the Town Board or Town Engineer finds that it requires additional information relative to a particular problem presented by

a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the land divider.

SECTION 1-5-2 TECHNICAL REQUIREMENTS FOR FINAL PLATS.

- (a) **General.** A Final Plat prepared by a registered land surveyor shall be required for all major subdivisions. It shall comply in all respects with the requirements of Section 236.20, Wis. Stats., and this Chapter.
- (b) **Additional Information. The Final Plat shall show correctly on its face,** in addition to the information required by Section 236.20, Wis. Stats., the following:
 - (2) All lands reserved for future public acquisition or reserved for the common use of property owners within the Plat.
 - (3) Special restrictions required by the Town Board relating to access control along public ways or to the provision of planting strips.
 - (4) Identification of land that is to be deed restricted, dedicated, or otherwise protected from future development.
- (c) **Deed Restrictions.** Restrictive covenants and deed restrictions for the proposed subdivision shall be filed with the Final Plat.
- (d) **Property Owners Association.** The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.
- (e) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.
- (f) **State Plane Coordinate System.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Town's control survey.
- (g) **Certificates.** All Final Plats shall provide all the certificates required by Section 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

SECTION 1-5-3

TECHNICAL REQUIREMENTS FOR CERTIFIED SURVEY LAND DIVISIONS.

- (a) **Certified Survey Requirements.** When a land divider proposes to create a minor subdivision the land divider shall subdivide by use of a certified survey map, prepared in accordance with Section 236.34, Wis. Stats., and this Chapter.
- (b) **Additional Map Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:
- (1) All existing buildings, water courses, drainage ditches and other features pertinent to proper division.
 - (2) All lands reserved for future public acquisition.
 - (3) Date of the map.
 - (4) Graphic scale.
 - (5) Name and address of the owner, land, divider, and surveyor.
 - (6) Square footage of each parcel.
 - (7) Present zoning for parcels.
 - (8) Identification of land that has a slope of twenty (20%) percent or more that is within one hundred (100 ft.) feet of building envelopes and/or road construction sites.
- (c) **Supplemental Data.** In addition to information on the face of the Certified Survey, land dividers shall provide the Town with the following information to assist the Town in its review of a proposed Certified Survey:
- (1) **Property Owners Association; Restrictive Covenants.** Three (3) copies of a draft of the legal instruments and rules for proposed property owners associations, when the land divider proposes that common property within a certified survey land division would be either owned or maintained by such an organization of property owners or a subunit of the Town pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the certified survey with the Town Clerk which shall identify dedications of land and easements which the land divider proposes to make and shall indicate by accompanying letter when the improvements will be provided.
 - (2) **Use Statement.** A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units;

types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.

- (3) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
 - (4) **Area Plan.** Where the land divider owns property adjacent to that which is being proposed for the land division, the Town Board may require that the land divider submit a concept plan of the remainder of the property so as to show the possible relationships between the proposed land division and future land divisions. In any event, all land divisions must be shown to relate well with existing or potential adjacent land divisions.
 - (5) **Adjacent Land Divisions.** A record of any adjacent land divisions made within the last five (5) years.
 - (6) **Street Plans and Profiles.** When made necessary by the certified survey land division, the land divider shall provide street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed land division when requested.
 - (7) **Soil Testing.** Pursuant to the public policy concerns prescribed in this Chapter, the Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to ground water table.
- (d) **Drafting Standards.** The land divider shall submit to the Town Clerk copies of a certified survey which shall identify dedications of land and easements which the land divider proposes to make and shall indicate by accompanying letter when the improvements will be provided.
- (e) **State Plane Coordinate System.** Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Town's control survey.
- (f) **Certificates.** All certified survey maps shall provide all the certificates required by Section 236.34, Wis. Stats.; and in addition, the surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this Chapter. The Town Board, after a

recommendation by the reviewing agencies, shall certify its approval on the face of the map.

- (g) Street Dedication.** Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.
- (h) Recordation.** To the extent reasonably practicable, the land divider with a certified survey shall comply with the provisions of this Chapter relating to general requirements and design standards, and required improvements prescribed in Articles F, G and H.

SECTION 1-5-4 RESERVED FOR FUTURE USE.

ARTICLE F

REQUIRED IMPROVEMENTS

SECTION 1-6-1 IMPROVEMENTS REQUIRED

- (a) **Payment for Improvements.** The improvements prescribed in this Chapter are required as a condition of approval of a land division. The required improvements described in this Chapter shall be installed, furnished and financed at the sole expense of the land divider. However, in the case of required improvements in a commercial or industrial area, the cost of such improvements may, at the sole discretion of the Town Board, be financed through special assessments.
- (b) **General Standards.** The following required improvements in this Chapter shall be designed and installed in accordance with the engineering standards and specifications, which have been adopted or approved by the Town Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good and accepted engineering practices. All engineering designs, standards and specifications must be approved by the Town Engineer prior to the start of any construction.

SECTION 1-6-2 REQUIRED AGREEMENT PROVIDING FOR PROPER INSTALLATION OF IMPROVEMENTS

- (a) **Contract.** Prior to installation of any required improvements and prior to the meeting at which the Final Plat or Certified Survey Map is approved, the land divider shall enter into a written contract, termed a "Developer's Agreement," with the Town requiring the land divider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection and approval of construction details by the Town Engineer.
- (b) **Financial Guarantees.**
 - (1) The Developer's Agreement shall require the land divider to make an escrow deposit or, in lieu thereof, to furnish a performance bond or irrevocable letter of credit, the amount of the deposit and the penal amount of the bond to be equal to one and one-quarter (1-1/4) times the Town Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspections and approvals by the Town Engineer.
 - (2) On request of the land divider, the Developer's Agreement may provide for completion of all or part of the improvements covered thereby prior to the approval of the land division, and in such event the amount of the deposit, letter of credit or bond shall be reduced

in a sum equal to the estimated costs of the improvements so completed prior to approval of the Final Plat or Certified Survey Map.

- (3) If the required improvements are not completed within the specified period, all amounts held under performance bond, deposit or letters of credit shall be turned over to the Town of Sylvester and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or land divider.
- (4) The Town Board, at its option, may require extension of the bond, deposit or letter of credit period for additional periods not to exceed two (2) years for each additional period.
- (5) The time for completion of the required improvements, and the several parts thereof, shall be determined by the Town Board upon recommendation of the Town Engineer. The Town Engineer shall consult with the land divider regarding the establishment of the time for completion of the required improvements. The completion date shall be a component of the Developer's Agreement. The Town Board may, in its sole discretion, provide such penalties, as it deems appropriate to ensure the timely completion of the required improvements.
- (6) The land divider shall pay the Town of Sylvester for all costs incurred by the Town for review, approval and inspection of the subdivision. Such costs shall include, but not be limited to, the review, and preparation at the Town Board's sole discretion, of plans and specifications by the Town Engineer; the review, and preparation at the Town Board's sole discretion, of legal documents, plans and specifications by the Town Attorney; as well as all other costs of a similar nature which are related to the review, approval and inspection of the subdivision.

SECTION 1-6-3 REQUIRED CONSTRUCTION PLANS; TOWN REVIEW; INSPECTIONS

- (a) **Engineering Reports, Construction Plans, and Specifications.** At the time of submission of the Final Plat engineering reports, plans and proposed specifications shall be submitted, or when necessary for a minor subdivision, upon the filing of a certified survey map, construction plans for the required improvements conforming in all respects with the standards established by the Town Engineer and the ordinances of the Town shall be prepared at the land divider's expense by a professional engineer who is registered in the State of Wisconsin, and such plans shall contain the professional engineer's seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Engineer

for his approval prior to signing the Final Plat and for his estimate of the total costs of the required improvements; upon approval the construction plans shall become part of the contract required.

Simultaneously with the filing of the Final Plat with the Town Clerk, or when necessary, upon the filing of a Certified Survey Map, or as soon thereafter as practicable, copies of the construction plans and specifications, where applicable, shall be furnished for the following public improvements, with a copy sent to the appropriate sanitary district:

- (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
- (2) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
- (3) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the Town's Erosion and Stormwater Runoff Control Ordinance (Building Code).
- (4) Additional special plans or information required by the Town Board, Town Engineer or other parties designated by the Town Board.

(b) Action by the Town Engineer. The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Town ordinances and design standards recommended by the Town Engineer and approved by the Town Board. If the Town Engineer rejects the plans and specifications, the Town Engineer shall notify the land divider, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the improvements are installed and construction commenced.

(c) Construction and Inspection.

- (1) Prior to starting any work covered by the plans approved above, written authorization to start the work shall be obtained from the Town Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. Occupancy permits shall not be issued until all improvements required by this Chapter are satisfactorily completed.
- (2) Construction of all improvements required by this Chapter shall be

completed within two (2) years from the date of the approval of the Preliminary Plat or Certified Survey Map by the Town Board, unless good cause can be shown for the Town Board to grant an extension. Any request for an extension of the construction completion date shall be made in writing to the Town Clerk and shall state the reasons for the requested extension. The Town Board may, in its sole discretion, grant such an extension.

- (3) During the course of construction, the Town Engineer shall make such inspections as the Town Board deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual costs incurred by the Town for such inspections. This fee shall be the actual costs to the Town of inspectors, engineers and other parties necessary to insure satisfactory work.

SECTION 1-6-4 STREET IMPROVEMENTS

The land divider shall construct streets, roads, and alleys as outlined on the approved plans based on the requirements of this Chapter;

- (a) **Street Construction Standards.** The design and construction of all roads, streets and alleys in the Town shall fully comply with the requirements and specifications established by the Town of Sylvester. After applicable utilities have been installed, where required by the Town, the land divider shall construct, as part of the subdivision, all required streets. The developer shall construct subdivisions with 2 access points.

- (b) **Completion of Street and Sidewalk Construction.**

- (1) Prior to any occupancy permits being issued on lands adjacent to streets, required street construction in conformance with the Developer's Agreement shall be completed by the land divider, inspected and approved by the Town Engineer, and accepted by the Town Board.
- (2) The Town Board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area, or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the sole discretion of the Town Board.
- (3) The land divider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Town Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

SECTION 1-6-5 SANITARY SEWERAGE SYSTEM

- (a) Private sewerage disposal systems shall comply with the appropriate provisions of the Wisconsin Statutes, the Wisconsin Administrative Code and Green County Ordinances.

SECTION 1-6-6 STORM WATER DRAINAGE FACILITIES

Pursuant to Section 15-7-4, the land divider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches, and open channels, as may be required. Storm sewers are to be of adequate size and grade to hydraulically accommodate the ten (10) year storm; culverts, storm water swales and ditches shall be designed to accommodate the ten (10) year storm and shall be sized so that the twenty-five (25) year frequency storms do not cause flooding of adjacent arterial or collector streets.

Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Board, upon the recommendation of the Town Engineer. Storm sewers oversized to handle runoff from offsite properties will be installed by the land divider; however, the cost of oversizing above a twenty-four (24) inch diameter storm sewer shall be paid by other users connecting to the system.

SECTION 1-6-7 OTHER UTILITIES

- (a) The land divider of a major subdivision shall cause electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision.
- (b) All new electrical distribution lines, television cables and telephone lines from which lots are individually served shall be underground unless the Town Board specifically allows overhead poles for the following reasons:
 - (1) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
 - (2) The lots to be served by said facilities can be served directly from existing overhead facilities.

SECTION 1-6-8 STREET SIGNS AND LIGHTING

The land divider shall furnish and install street signs in the subdivision in such locations as the Town Board may determine. Such signs include traffic control signs. The Town Board or its designee shall determine the design and

construction standards for all such street signs.

The Town Board, in its sole discretion, may require the land divider to furnish and install streetlights in such locations as the Town Board may require. The Town Board or its designee shall determine the design and construction standards for all such streetlights.

SECTION 1-6-9 EROSION CONTROL

The land divider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation, and washing are prevented. The land divider shall prepare and submit an erosion control plan that identifies measures that will be taken to assure compliance and the minimization of erosion problems within the land division.

SECTION 1-6-10 PARTITION FENCES

When the land included in a subdivision or Certified Survey Map abuts upon or is adjacent to land used for agriculture, farming or grazing purposes, the land divider shall, if requested by adjacent landowners, erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for agriculture, farming or grazing purposes, shall be included upon the face of the Final Plat or Certified Survey Map.

SECTION 1-6-11 EASEMENTS

- (a) Utility Easements.** The Town board, on the recommendation of the appropriate agencies serving the Town, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains, or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees and shrubbery in the easement area.
- (b) Drainage Easements.** Where a subdivision is traversed by a watercourse, drainageway, channel or stream:

 - (1) There shall be provided a storm water easement or drainage right-

of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or

- (2) The watercourse, drainageway, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.
- (3) Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet. If, in the opinion of the Town Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain one-hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.

- (c) **Easement Locations.** Evidence shall be furnished to the Town Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

SECTION 1-6-12 RESERVED FOR FUTURE USE

ARTICLE G

DESIGN STANDARDS

SECTION 1-7-1 GENERAL STREET DESIGN STANDARDS.

Street design standards to be followed shall be those prescribed by the Town Board.

SECTION 1-7-2 PEDESTRIAN PATHWAYS.

Pedestrian pathways, preferably acquired by easement, may be required by the Town Board, where deemed essential to provide circulation or access to schools, playgrounds public recreation areas, shopping centers, transportation, and other community facilities.

SECTION 1-7-3 LOT DESIGN STANDARDS.

(a) Size.

- (1) Lot sizes shall be appropriate for the location, zoning, type of sewerage or septic system to be utilized, and for the type of land division contemplated. The following lot size requirements shall be met:
 - a. In all areas within the Town which are served by private sewer systems, the minimum lot sizes shall be two (2) acres.
 - b. For purposes of this Ordinance, each multi-family unit shall be deemed to be the equivalent of a lot or parcel. For example a duplex shall be build on a minimum of four (4) acres.
- (2) Residential lots within each block shall have a minimum average depth of one hundred (100) feet. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions.
- (3) Every lot on a public or private street shall front or abut for a distance of at least sixty-six (66) feet on a public street, and thirty (30) feet for a cul-de-sac.
- (4) Width of lots shall conform to the requirements of the Green County Zoning Code.

(b) Commercial Lots. Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-

street service and parking facilities required by the type of use and development contemplated, as required by the Green County Zoning Code.

(c) Lots Where Abutting Major Thoroughfare.

(1) **Major Thoroughfare.** Residential lots fronting on a major thoroughfare shall be platted with extra depth or design or alleviate the effect of major street traffic on residential occupancy.

(d) Corner Lots. Corner lots for residential use shall have extra width of ten (10) feet to permit building setback from both streets, or as required by the Green County Zoning Code.

(e) Side Lots. Where practical, side lot lines shall be substantially at right angles to or radial to abutting street lines. Lot lines shall follow Town boundary lines.

(f) Through Lots and Reversed Frontage Lots. Through lots and reversed frontage lots shall be avoided for residential lots, except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

(g) Natural Features. In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

(h) Land Remnants. All remnants of lots below minimum lot and/or dimension size left over after land division of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.

(i) Building Envelope Placement. The land divider shall meet the following standards with respect to location of the building envelopes:

(1) All building envelopes shall be located within a lot such that all minimum setback, side yard, or rear yard requirements of the Green County Zoning Code and any applicable restrictions or requirements of the Land Use Plan or Ordinances adopted by the Town Board are met.

(2) No building envelope may be located on hillside with a slope of twenty (20%) percent or more unless the land divider has submitted, and the Town Engineer and Town Board have approved, construction plans and specifications, including an erosion control plan.

SECTION 1-7-4 DRAINAGE SYSTEM.

- (a) **Drainage System Required.** As required by this Code of Ordinances, and/or where recommended by the Town Engineer, a drainage system shall be designed and constructed by the land divider to provide for the proper drainage of the surface water of the major subdivision and the drainage area of which it is a part. A Final Plat shall not be approved until the land divider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Town Board and Town Engineer.
- (b) **Drainage System Plans.**
- (1) The land divider shall submit to the Town at the time of filing a Final Plat a Final drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the land division to handle the additional, runoff which would be generated by the development of the land within the land division. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed land division. The report shall also include:
 - a. Estimates of the quantity of storm water entering the land division naturally from areas outside the subdivision.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
 - (2) A grading plan for the streets, blocks and lots shall be submitted by the land divider for the area within the land division.
 - (3) The design criteria for storm drainage systems shall be based upon standard engineering information and accepted engineering techniques and models.
 - (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Town Board, upon the recommendation of the Town Engineer.
- (c) **Grading.** The land divider shall grade each subdivision in order to establish street, block, and lot grades in proper relation to each other and to topography. The land divider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
- (d) **Drainage System Requirements.** The land divider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section.
- (1) **Street Drainage.** All streets shall be provided with an adequate

storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage.

- (2) **Off-Street Drainage.** The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the land divider shall make provisions for dedicating an easement of the Town to provide for the future maintenance of said system. Easements shall be a minimum of twenty (20) feet, but the Town may require larger easements if more area is needed due to topography, size of watercourse, etc.

- (e) **Protection of Drainage Systems.** The land divider shall adequately protect all ditches to the satisfaction of the Town Board and Town Engineer. Ditches and open channels shall be seeded, sodded, rip-rapped or paved depending upon grades and soil types.

SEC. 1-7-5 NONRESIDENTIAL LAND DIVISIONS

(a) General.

- (1) If a proposed land division includes land that is zoned for commercial or industrial purposes, the layout of the land division with respect to such land shall make such provisions as the Town may require.
- (2) A nonresidential land division shall also be subject to all the requirements of site plan approval set forth in the Town Building Code. A nonresidential land division shall be subject to all the requirements of this Chapter, as well as such additional standards required by the Town and shall conform to the proposed land use standards established by any Town Master or Land Use Plan or the Green County Zoning Code.

- (b) **Standards.** In addition to the principles and standards in this Chapter, which are appropriate to the planning of all land divisions, the applicant shall demonstrate to the satisfaction of the Town Board that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

- (3) Special requirements may be imposed by the Town Board with respect to street design and construction.
- (4) Special requirements may be imposed by the Town Board with respect to the installation of public utilities, including water, sewer, and storm water drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial land division, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
- (6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

SECTION 1-7-6

RESERVED FOR FUTURE USE.

ARTICLE H

DEVELOPMENT DENSITY

SECTION 1-8-1 Density

- (a) **General Density Requirements, 80% Open Space.** All existing parcels shall have the number of buildable acres determined by multiplying the area of the existing parcel by 20%. The resultant number is the total area of the existing parcel that can be developed. The land that becomes developed shall create no lots less than two (2) acres. The remaining 80% of the existing parcel shall remain in agricultural or open space use. This limitation runs with the land in perpetuity and is irrespective of future ownership. The Town shall maintain a database tracking the number of developable acres per existing parcel.

Any newly created lots, regardless of size, shall not be further divided. The land divider will be required to include language on conveyancing instruments noting that the newly created lots shall not be further divided. The land divider will also be required to include language on conveyancing instruments noting the amount of land, if any, within the existing parcel that remains buildable after each newly created lot.

For example: Original Parcel 65 acres

Possible Buildable Acres = 13 ac

$65 \text{ ac} * 20\% = 13 \text{ acres buildable acres}$

$65 \text{ ac} - 13 \text{ ac} = 52 \text{ acres remains open space (80\%)}$

Possible Total New Building Sites = 6

$13 \text{ ac} / 2 \text{ ac (min lot size)} = 6.5^*$

*If the total buildable acres of the existing parcel is developed in such a way that a fraction remains, the fraction shall not support additional building sites since the remainder acres is less than the two (2) acre minimum lot size required in this Ordinance.

In the event that an individual has ownership of multiple parcels of land within Sylvester Township, said individual may choose to transfer the 20% of developable property rights of all the parcels owned onto one parcel that is capable of sustaining such potential development thereby eliminating the developable rights on all other properties owned by said individual. The other parcels from which the developable rights were transferred shall not be further divided. The land divider will be required to include language on conveyancing instruments noting that these parcels shall not be further divided.

- (b) **Design of Open Space**

Continuing on the guidelines listed in 1-3-3 of this Ordinance, land

divisions should be sited to achieve the following goal:

The open space should be designed as a large, single, contiguous, and interconnected block with logical boundaries. Long, thin strips of conservation land should be avoided unless the conservation feature is linear (streams, tree lines) or unless such configuration is necessary to connect with other features, or to create open space corridors or trails that will link to other parcels.

The priority for which lands should be left in open space is listed below:

- First priority should be given to prime farmland soils and large tracts of land in agricultural use.
- Second priority should be given to intact natural communities, rare and endangered species, environmental corridors, natural and restored prairies, wetlands, steep slopes, and significant historic and archaeological properties.
- Third priority should be given to areas providing some plant and wildlife habitat, scenic views, recreation, and open space.

(c) Special Density Exceptions.

- (1) **Vicinity of City.** Density restrictions from 1-8-1 of this Ordinance shall not apply to any existing parcels that lie totally, or in part, of the following sections of the Town of Sylvester: 19, 29, 30, 31, 32.
- (2) **Non-Contiguous Parcel.** An existing non-contiguous parcel of land shall have its buildable acres determined separate from the existing contiguous parcels, using the same method as in 1-8-1 of this Ordinance unless all non-contiguous parcels have the same owner.

ARTICLE I

VARIANCES, PENALTIES AND VIOLATIONS

SECTION 1-9-1 VARIATIONS AND EXCEPTIONS

- (a) Where, in the sole judgment of the Town Board, it would be inappropriate to apply literally the provisions of this Chapter because exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper by the Town Board.
- (b) Application for any such variance shall be made in writing by the land divider on a form prescribed by the Town. Such application for variance shall be made at the time when the Final Plat is filed with the Town Clerk 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 Town Board in the analysis and evaluation of the requested variance.
- (c) The Town Board shall not grant variations or exceptions to the regulations and provisions of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the regulations contained in this Chapter were strictly enforced.
- (d) The Town Board, if it approves of the request for variance, shall do so by resolution. The Town Clerk shall notify the land divider of the action of the Town Board.
- (e) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the Town in accordance with any Town Master or Land Use Plan or component thereof, this Chapter, or Zoning Code of Green County.

- (f) A majority vote of the entire membership of the Town Board shall be required to grant any modification of this Chapter. Such vote shall be by roll call of all members and the reasons for granting or denying the variation shall be entered in the minutes of the Board.
- (g) The Town Board may waive the placing of monuments, required under Section 236.15(b),(c) and (d), Wisconsin Statutes, for a reasonable time on condition that the land divider execute a surety bond to ensure the placing of such monuments within the time required.

SECTION 1-9-2 ENFORCEMENT, REMEDIES AND PENALTIES

- (a) **Violations.** It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this Chapter or the Wisconsin Statutes, and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any land division 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 met. The Town may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Penalties.**
 - (1) Any person, firm, or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Two Hundred Dollars (\$200) nor more than Two Thousand Dollars (\$2,000) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding ninety (90) days. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in Section 236.30, Wisconsin Statutes.
 - (3) Conveyance of lots in unrecorded plats has penalties provided in Section 236.31, Wisconsin Statutes.
 - (4) Monuments disturbed or not placed have penalties provided in Section 236.32, Wisconsin Statutes.
 - (5) Assessor's plat made under Section 70.27 Wisconsin Statutes may be ordered by the Town at the expense of the land divider when a subdivision is created by successive divisions.

- (a) **Appeals.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10,14 and 15 of the Wisconsin Statutes, within thirty (30) days of notification of 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. The court shall direct that the plat be approved if it finds the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

SECTION 1-9-3 RESERVED FOR FUTURE USE.

The foregoing ordinance was amended and adopted at a Town Board regular meeting of the Town of Sylvester on June 26, 2006.

Such amendments are incorporated into the ordinance passed on June 26, 2006.

Notice of Hearing was posted in 3 public places on May 18, 2006.

Vote: For 3 Against 0

Anna Anderson - Chairperson

Terry Reed - First Supervisor

Ron Albright - Second Supervisor

Alice Ladwig - Clerk

Adopted ordinance was posted in 3 public places on June 27, 2006.