1.01 DISCLAIMER

(1) Multiple Jurisdictions. All people reviewing the provisions of this Ordinance should be aware that the Town of Monroe is only one of several governmental bodies that may have jurisdiction over proposed land divisions or development. The Town of Monroe cannot make any representations on behalf of any other governmental body. No land division may be made unless all required approvals have been given.

(2) Binding Acts. No statement or actions by any official, employee, agent, or committee of the Town of Monroe should be construed or taken as a binding act of the Town of Monroe except as a resolution, motion, or ordinance that has been adopted by the town of Monroe at a lawfully conducted Town Board meeting, or by the Town electorate at a duly constituted Annual or Special Town Meeting. This includes but is not limited to, interpretation of this Ordinance.

(3) Compliance Assurance. The Town of Monroe expressly states that it has no responsibility whatsoever for assuring that land and/or buildings sold in the Town follow any ordinances, regulations, or rules. The Town also assumes no responsibility for the suitability of any property whose land division has not been approved by the Town Board

1.02 AUTHORITY

These regulations are adopted under the statutory authority granted pursuant to § 60.10(2) (c) 60.22(3), 61.34(1), and 236.45 of the Wisconsin Statutes.

1.03 PURPOSE AND INTENT

The purpose and intent of this Ordinance are to regulate and control the division of land within the limits of the Town of Monroe, Adams County, Wisconsin to:

(1) Promote the public health, safety, and general welfare of the community.

(2) Supplement county, state, and federal land division controls to implement the Town's Comprehensive Plan.

(3) Promote the planned and orderly layout and use of the land.

(4) Encourage the most appropriate use of the land throughout the Town

(5) Minimize the public impact resulting from the division of large tracts into smaller parcels of land.

(6) Facilitate adequate provision of transportation, water, sewerage, health, education, recreation, and other public requirements.

(7) Provide the best possible environment for human habitation

(8) Enforce the goals and policies set forth in the Town's Comprehensive Plan.

(9) Ensure that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety.

(10) Realize goals, objectives, policies, and development standards set forth in plans, codes and ordinances adopted by the Town.

(11) Secure safety from fire, flooding, and other dangers.

(12) Avoid the inefficient and uneconomical extension of government services.

(13) Provide for the conservation of the Town's agriculturally important lands by minimizing conflicting land uses.

(14) Promote the rural and agricultural character, scenic vistas, and natural beauty of the Town.

(15) Provide for the administration and enforcement of this Ordinance.

(16) Efficient delivery of fire, safety, and road maintenance services.

1.04 ABROGATION AND GREATER RESTRICTIONS

It is not the intent of this Ordinance to repeal, abrogate annual, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, and such restrictions do not contravene rights vested under law, the provision of this Ordinance shall govern.

1.05 INTERPRETATION

The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.06 AMENDMENTS

The Town Board may, upon recommendations of the Town Planning Commission, amend, supplement, or repeal any of these regulations after public notice and hearing and as may be required by Chapter 236 of the Wisconsin Statutes.

1.07 SEVERABILITY

The provisions of this Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid. If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.08 REPEAL

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

1.09 JURISDICTION

This Ordinance shall apply to all lands within the Town of Monroe.

1.10 APPLICABILITY

A. Any division of land within the Town that results in a land division as defined in §1.11 (8)of this ordinance.

B. The provisions of this Ordinance, as it applied to divisions of tracts of land into less than five (5) parcels, shall not apply to the following:

(1) Transfers in interest in land by will or pursuant to court order.

(2) Leases for a term of not more than ten (10) years, mortgages, or easements.

(3) The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and if the lots resulting are not reduced below the minimum size of 0.5 acres.

1.11 DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular. Any words not defined in this Section shall be presumed to have their customary definitions as given in standard reference dictionaries.

(1) Agricultural Use. As defined in sec. 91.01 (1) of the Wisconsin Statutes to mean beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446(d); and vegetable raising.

(2) Certified Survey Map. A map of a land division prepared in accordance with sec 236.34 of the Wisconsin Statutes and in full compliance with the applicable provisions of this Ordinance. A Certified Survey Map has the same legal force and effect as a land division plat.

(3) Comprehensive Plan – AKA Land Use Plan AKA Master Plan. The Comprehensive Plan as defined by § 66.1001 & § 62.23 of the Wisconsin Statutes. The Comprehensive Plan concerns issues of land use in the Town adopted by the Town of Monroe including any subsequent amendments.

(4) Conservation Easement. Property rights transferred to a third party that permanently prevents the development of the land for purposes inconsistent with the easement. See Wis. Stats. Sec 700.40.

(5) Deed Restriction. A restriction on the use of a property set forth in the deed, including, but not limited to, a restriction placed on undeveloped land as a condition for the division or development of adjacent land.

(6) Land Divider. Any person, partnership, corporation, or other legal entity, dividing or proposing to divide land resulting in a land division as defined by this Ordinance. The person, partnership, corporation, or other legal entity must have ownership or another legal interest in the subject land.

(7) Land Division. The division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development where the act of division creates two or more parcels or building sites, inclusive of the original remnant parcel, any of which is 10 acres or less in area, by a division or by successive divisions of any part of the original property within a period of five years.

(8) Lot. A parcel of 10 acres or greater, but less than 80 acres, which is created by a land division. Designated parcel, tract, or area of land established by plat, land division or as otherwise permitted by law to be conveyed, used, developed, or built upon as a unit.

(9) Natural Resources. Air, land, water, groundwater, drinking water supplies, wildlife, fish, biota, and other such resources belonging to, managed by, appertaining to, or otherwise controlled by the United States, Wisconsin and/or the Town of Monroe.

(10) Parcel. Contiguous lands under the control of a land divider not separated by streets, highways, or railroad rights-of-way.

(11) Sub divider. The term sub divider, when incorporated by reference herein from Chapter 236 of the Wisconsin Statutes, shall mean land divider as defined in this Ordinance.

(12) Subdivision Development. Development in which dwellings and other buildings are grouped densely on only a portion of a development parcel to:

(a) Preserve by deed restriction the majority of the parcel for the present or future agricultural use or conservation; and

(b) Create, maintain, or expand protective barriers contiguous with lakes, wetlands, and other natural resources in the Town of Monroe.

(13) Town. The Town of Monroe, Wisconsin.

(14) Town Board. The Board of Supervisors for the Town of Monroe.

(15) Town Clerk. The Clerk of the Town of Monroe.

(16) Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation, and which has soils indicative of wet conditions.

1.12 COMPLILANCE

No person, partnership, corporation, or legal entity of any sort shall divide any land subject to the requirements of this Ordinance and no such land division shall be entitled to record unless such land division is in full compliance with:

(1) All requirements of this Ordinance.

(2) Chapter 236 of the Wisconsin Statutes.

(3) The Town Land Use Plan or any component thereof.

(4) Adams County Zoning Regulations, Building Code, Sanitary Code, erosion control regulations, and land division regulations.

(5) State of Wisconsin Department of Natural Resources rules on wetlands, shorelands, sewers, septic systems, and pollution abatement.

(6) All applicable state and local sanitary codes.

(7) Applicable Town of Monroe ordinances.

(8) State of Wisconsin Department of Transportation and/or Adams County Highway Department rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or connecting road or street; and

(9) All applicable master plans, zoning ordinances, or official maps adopted pursuant to sec. 62.23 of the Wisconsin Statutes, and any other pertinent town or county ordinances and regulations.

Where provisions of this Ordinance impose greater restrictions than (2) through (9) above, it is intended that the provisions of this Ordinance shall apply.

1.13 LAND SUITABILITY

(1) Minimum Size of Land Division. No land shall be divided if any lot created by the land division is smaller than 5 acres.

(2) Natural and Preexisting Divisions. No land will be divided solely because the parcel is bisected by a road, railroad, right of way, stream, or other natural feature on the land.

(3) Material Interference with Goals of Land Use Plan. No land shall be divided if the Town Board determines that it will materially interfere with existing agricultural uses or will conflict with other goals, objectives and policies as set forth in the Town of Monroe Land Use Plan.

(4) Threat to Groundwater. No land shall be divided for a purpose that poses a significant threat to the quality or quantity of Town groundwater.

(5) Unsuitable Conditions. No land shall be subdivided which is held unsuitable for its proposed use by the Town Planning Commission for reason of flooding, inadequate drainage, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, impairment of wildlife habitat and scenic vistas, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of governmental services, or any other feature likely to be harmful to the health, safety or welfare of future residents of the Town. The Planning Commission may require the land divider to furnish maps, data and other information as may be necessary to determine land suitability.

(6) Dedicated Public Access. No land shall be divided into 5 or more lots unless access to each lot is provided by a proposed dedicated public access roadway other than existing town, county, or state roadway.

1.14 [4] SUBDIVISION DEVELOPMENT

To further the goals and policies of the Town of Monroe Land Use Plan, assuming all other provisions of this Ordinance are met, the Town Board will favor plans that provide for cluster development. At the discretion of the Town Board, deed restrictions and/or conservation easements may be required for plans that include subdivision development.

Subdivision –

- Any subdivision of 6 acres or less will require no less than one acre per single-family dwelling or building site.
- Any subdivision of more than 6 acres will require no less than 1.5 acres per single-family dwelling or building site.
- Any lot for multi-family dwellings will require no less than 1.5 acres per family.

1.15 PRELIMINARY CONSULTATION

It is recommended that, prior to filing an application for land division approval, the land divider shall schedule and attend a preliminary consultation with the Town Planning Commission to obtain advice and assistance. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Town Clerk. This consultation is neither formal nor mandatory but is intended to inform the land divider of the purpose and objectives of this Ordinance, the Land Use Plan, and other duly adopted plan implementation devices of the Town, and to otherwise assist the land divider in planning development. In so doing, both the land divider and the Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The land divider will also gain a better understanding of the subsequent required procedures.

To facilitate the consultation, the land divider is asked to submit a conceptual plan drawn to a reasonable scale depicting the proposed general lot layout, exterior boundaries, roadways, known easements, approximate location of existing or proposed improvements, approximate location of existing land use and cover types, and any other information to fully and clearly represent the proposed land division. The concept plan shall be submitted at least (10) days prior to the scheduled meeting to give the Commission time to prepare for the meeting.

1.16 LAND DIVISION APPLICATION AND SKETCH MAP SUBMITTAL

Any land divider who shall divide land located in the Town of Monroe that creates a land division as defined in this Ordinance shall comply with the following procedure.

(1) Land Division Application. Submit a completed Land Division Application (Minimum 10 copies) with the appropriate non-refundable fee and the following required attachments to the Town Clerk.

(a) The name and address of the owner of the property and land divider.

(b) The location and size of the property.

(c) The names and addresses of all adjacent landowners.

(d) The Statement of intended use.

(e) The names and addresses of the surveyor who will be doing the work.

(f) The present use of the land.

(g) The intended future use of the land.

(h) Existing zoning and other land use controls on and adjacent to the proposed land division.

(i) The estimated timetable of development.

(j) Completed Environmental Assessment Checklist.

(2) Sketch Map. Accompanying the Land Division Application, the applicant shall submit a minimum of 10 copies of a sketch map that is at a readable scale. More than one attached sheet may be used. Each submission shall include all contiguously owned land. The sketch map shall show the following information:

(a) North arrow, date, scale, and reference to a section corner.

(b) Approximate dimensions and areas of the parcels and easements.

(c) Location and type of existing and proposed buildings and structures.

(d) Location of existing and proposed roads and driveways and distances to the nearest adjoining driveways on both sides of the proposed site.

(e) Location of general landcover types such as woodlands, wetlands, agricultural, etc.

(f) Location of any steep slopes (i.e., 12% or steeper).

(g) Setback or building lines required by any approving agency.

(h) The uses of the land adjacent to the property and existing roads, easements of record, public access to navigable water, dedicated areas, and utilities.

(3) Additional Information. The Town Planning Commission may require additional information to make its decision on the land divider's application.

1.17 PROCESSING OF APPLICATION

(1) Review. The Town Clerk shall receive the Land Division Application and Sketch Map including payment of applicable fees. The Town Clerk shall provide the application and copies to the Planning Commission. The Town Planning Commission shall notify the land divider by phone and email on status of application. If the status is incomplete, the Town Clerk shall provide written reasons for deficiencies of the application with the notification via email.

(2) Processing. The Town Clerk shall, within 21 working days after filing, transmit the copies of the Land Division Application and Sketch Map to the Town Planning Commission.

(3) Notice and Agenda. The Town Clerk shall advise the land divider, by phone and follow up email; a notice and agenda of the scheduled date of the Town Planning Commission meeting to consider the application no later than 21 days prior to the date of the meeting.

(4) Presentation to Commission. The land divider or the land divider's designee shall attend the meeting and present the Land Division Application and sketch map to the Town Planning Commission for its consideration. Failure of the land divider or designee to attend the meeting may be used as grounds to recommend denial of the land division application.

1.18 PRELIMINARY APPROVAL, CONDITIONAL APPROVAL, REJECTION

(1) Planning Commission review. The Land Division, Sketch Map, and other relevant information shall be reviewed by the Town Planning Commission for conformance with this Ordinance, the Comprehensive Plan, and all other applicable Town laws, ordinances, rules, regulations, and plans. The Planning Commission may also review applicable County, State, and Federal laws, ordinances, rules, regulations, and plans which may affect land division.

(2) Timeline / Recommendation.

a. Unless the timeline is extended by agreement with the land divider, the Town Planning Commission shall within 60 days from the date that[7] the Town[8] Planning Commission deems the Land Division Application complete and gives its recommendations to the Town Board.

b. Unless the timeline is extended by agreement with the land divider, the Town Board shall, within 60 days from the date that the Planning Commission provides its recommendation deems the Land Division Application complete, grant preliminary approval, conditional approval or rejection of the Land Division Application pending submission of the Certified Survey Map. One copy of the land Division Application shall thereupon be returned to the land divider with the date and action endorsed thereon. If approved conditionally or rejected, the conditions or reasons for rejection shall be stated in the minutes of the meeting. The reason or reasons for conditional approval or rejection may include nonconformance with this Ordinance, with the Comprehensive Plan, with Town – laws, ordinances, rules, regulations, or plans, with applicable County, State or Federal laws, ordinances, rules, regulations, or plans. One copy of Land Division Application shall be filed by the Town Clerk in the Town records.

(3) Rejection. In the event of a rejection of the proposed land division, the Town Planning Commission shall recite in writing to the Town Board the particular facts upon which it bases its conclusion that the land is not suitable for the division. The Town Board shall recite in writing findings for any decision to modify or override the Planning Commission's recommendation.

(4) Re-application. If the Town Board denies two (2) consecutive Land Division Applications for the same parcel, no subsequent re-application for a land division permit for that parcel will be considered within 3 (3) months of the second denial.

1.19 CERTIFIED SURVEY MAP – Required after approval

(1) General: A Certified Map prepared by a land surveyor registered in this state shall be required for all land division. All required Certified Survey Maps shall comply in all respects with § 236.34 of the Wisconsin Statutes and state survey standards.

(2) Information Required on the Map Face Page. The map shall show correctly on its face, in addition to the information required by § 236.34 of the Wisconsin Statutes, the following:

(a) All existing buildings, water courses, drainage ditches, and other features pertinent to the property division, including the location of water wells, dry wells, drain fields, pipes, culverts, and existing roads.

(b) The building and its distance to two (2) property lines.

(c) Area of lot in acres and distance in feet.

(d) Date of the map.

(e) Graphic scale.

(f) Entire area contiguous to plat owned or controlled by owner or land divider.

(3) Information Required on the Signature Page. The Certified Survey Map shall include in its certification, in addition to the information required by sec. 236.34 of the Wisconsin Statutes, the following:

(a) A legal description of the parcel; the surveyor's name, address, and signature; a statement from the surveyor that the surveyor has fully complied with all the provisions of this Ordinance.

(b) The owner's name, address, and signature.

(4) Certified Survey Map After Approval. The Certified Survey Map is entitled to final approval if the Certified Survey Map, together with all required information, is submitted within six (6) months of the last required preliminary approval and it substantially conforms to all the following:

(a) The Land Division Application and Sketch Map as preliminarily approved.

(b) All conditions of approval.

(c) Adopted local plans and ordinances.

(d) All requirements for division.

If the Certified Survey Map is not submitted within six (6) months of the last approval or the Certified Survey Map is substantially different, the Certified Survey Map may be rejected, and the preliminary approval process must be repeated.

(5) Recording. The land divider shall record the Certified Survey Map with the Adams County Register of Deeds after it has been approved shall file a certified copy of the recorded map with the Town Clerk within 30 days after the map is recorded.

1.20 COSTS OF APPLICATION REVIEW

(1) Application Review Fee. All land division applications shall be accompanied by an application review fee. The fee shall be established by the Board as set forth in the Town of Monroe Fee Schedule. This fee schedule may be found in the Application Guide.

(2) Other Costs. All reasonable costs incurred by the Town or its Agents to properly review each Land Division Application will be borne by the applicant. The applicant shall be responsible for reimbursing the Town for engineering, inspection, legal and administrative costs incurred by the Town in reviewing land divisions. The Town may require that all or a portion of the known costs of application review be paid in advance.

1.21 VIOLATIONS

It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin statues. No person, partnership, corporation or other legal entity shall be issued a driveway permit or a building permit, authorizing the building on, or improvement of, any land division within the jurisdiction of the Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance.

1.22 PENALTIES

(1) Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than $100 plus any additional applicable costs incurred by the Town for each offense. Each day a violation exists or continue shall constitute a separate offense. Violations and concomitant penalties shall include the following:

(a) Recordation improperly made carries penalties as provided in § 236.30 of the Wisconsin Statutes.

(b) Conveyance of lots in unrecorded plats carries penalties as provided in § 236.32 of the Wisconsin Statutes.

(2) Enjoinment. No person shall sell land lots unless the lots have been lawfully approved pursuant to the terms of this Ordinance or any predecessor procedure. The unlawful sale of lots is deemed to be a public nuisance, which may be enjoined by a court of record.

(3) Citation Ordinance.

1.23 PLANNING COMMISSION RECOMMENDATION

The Town Planning Commission recommended adoption of this Land Division Ordinance at a meeting held on the 12th day of June 2003.

1.24 TOWN BOARD APPROVAL

The Town Board of the Town of Monroe concurred with the recommendation of the Planning Commission and adopted the Land Division Ordinance at a meeting held on the 26th day of August 2003.

APPROVED BY: David Renner, Chairperson

Robert Morris, Supervisor

David Carlson, Supervisor

ATTESTED BY: Thomas Thompson, Clerk

1.25 EFFECTIVE DATE

This Land Division Ordinance shall take effect and be in force from and after the day after adoption and publication as required by law.

Public Notice:

(a) Public Review. A notice was published in the Adams County Times/Friendship Reporter on August 13, & 20, 2003 to inform residents that a final draft of this Land Division Ordinance was on file with the Town Clerk for a two-week period of August 13 & 20, 2003 during which it was available for inspection.

**** Please refer to specific changes within each Amendment.***

Original Ordinance and ALL Amendments are kept in Town of Monroe Clerk's off

TOWN BOARD APPROVAL

The Town Board of the Town of Monroe concurred with the recommendation of the Planning Commission and adopted the Land Division Ordinance Update at a meeting held on the 16th day of June 2026.

APPROVED BY: Gordon Carlson, Chairperson

John Schlink, Supervisor I

Doug Scurto, Supervisor II

ATTESTED BY: Darlene Ferguson, Clerk

EFFECTIVE DATE

This Land Division Ordinance shall take effect and be in force from and after the day after adoption and publication as required by law.

Public Notice:

(b) Public Review. A notice was published in the Adams County Times/Friendship Reporter on April 15, & 22, 2026 to inform residents that a final draft of this Land Division Ordinance was on file with the Town Clerk for which it was available for inspection.