

SUBDIVISION AND PLATTING 18.07(2)(a)16.

16. Approximate radii of all curves and length of tangents.

17. Approximate location and area of property proposed to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.

(b) Supplementary Information. The subdivider shall furnish the following information along with his preliminary plat:

1. A brief description of the improvements such as grading, paving, tree planting, installation of utilities which the subdivider proposes to make and the time when he proposes to make them.

2. A brief description of the deed restrictions, if any, which will be put on the plat.

(3) FINAL PLAT. (a) Compliance With §236.20, Wis. Stats. A final plat of subdivided land shall comply with the requirements of §236.20, Wis. Stats., which is hereby adopted by reference.

(b) Legibility of Affidavits. The affidavits and certificates required by Ch. 236, Wis. Stats., shall be lettered or printed legibly with black durable ink or typed legibly with black ribbon on the final plat.

(c) Duplicate Tracing. A duplicate tracing of the final plat shall be filed with the Plan Commission.

18.08 LAND DIVISIONS OTHER THAN SUBDIVISIONS. (1) PROCEDURE. (a) Preliminary Plat. Before submitting a final plat for approval the subdivider shall file a preliminary plat with the Plan Commission according to the procedure designated for a subdivision under §18.04(2) above except that no State or county agency actions are required.

(b) Final Plats. The final plat in the form of a certified survey map shall be filed with the Plan Commission according to the procedure designated for a subdivision under §18.04(3) above except that no State or county agency actions are required.

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(2) REQUIREMENTS. (a) Reasonable Compliance. To the extent reasonably practicable the division shall comply with the provisions of this chapter relating to general requirements and design standards and required improvements.

(b) Registered Surveyor. The survey shall be performed and the map prepared by a registered surveyor. Such map shall describe the entire ownership involved in the process of division provided. However, where division results in a residual parcel in excess of 10 acres, not intended for immediate sale or other conveyance, the Plan Commission may waive the requirement for inclusion of the residual parcel.

(c) Monuments. All corners shall be monumented in accordance with §236.15 (1), (c) and (d), Wis. Stats.

(d) Engineering Standards. The final plat shall be prepared in accordance with Ch. 236, Wis. Stats., which chapter is hereby adopted by reference as part of this chapter.

(3) CERTIFICATE AND AFFIDAVIT. (a) Owners and Surveyors. The map shall include the certificate of ownership and of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with nonfading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. Public Land Survey or some corner providing reference to a corner marked and established in the U.S. Public Land Survey. Such affidavit shall include the statement of the surveyor to the effect that he has fully complied with the requirements of this section.

(b) Plan Commission. The certificate of approval of the Plan Commission shall be typed, lettered or reproduced legibly with nonfading black ink on the face of the map.

(c) Recording. Following approval of the final plat the certified survey map shall be filed by the subdivider for record with the Register of Deeds.

18.09 SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS.

(1) ASSESSOR'S PLAT. Where it is not practicable to require that a final plat of a subdivision created by successive division be filed in accordance with this chapter, the Town Board may in lieu thereof order an assessor's plat to

be made under §70.27, Wis. Stats., and may assess the cost thereof as provided in such section or to the subdivider.

(2) REASONABLE COMPLIANCE. Regardless of the type of plat filed, any such subdivision shall comply with all provisions of this chapter to the extent that they may reasonably be applied.

18.10 EXISTING SUBSTANDARD LOTS. (1) CONVEYANCE RESTRICTED. In the case of a lot of record at the time of the passage of this chapter which does not conform to the county zoning regulations and which adjoins along a side lot line property held in the same ownership, no such lot shall be conveyed to another owner nor shall a building permit be issued for a structure on such lot except in conformity with the following:

(a) Petition for Determination. The owner of such substandard lot may at any time prior to the proposed conveyance of such lot or request for a building permit petition the Town for determination as to the status of such lot.

(b) Referral to Plan Commission. Such petition shall be referred to the Plan Commission for a study to determine the practical possibility of a redivision of such ownership to provide lots which will be in conformity to the zoning regulations of the county.

(c) Time Limit. The Plan Commission shall make its recommendation to the Town Board within 40 days of the date the petition was received and the Town Board shall act within 20 days to give the petitioner a determination.

(d) Criteria. The Plan Commission in making its recommendation and the Town Board in making its determination shall give consideration, among others, to the following factors:

1. Compatibility. The size, quality and character of existing lots and building development in the immediate area with a view to maintaining compatibility and protecting existing values.

2. Sewage disposal. Where public sewer is not available, lot size necessary to insure safe sewage disposal.

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3. Practicability. The economic and engineering practicability of the possible redivision.

4. Hardship. The degree of practical hardship which may be imposed upon the owner.

(e) Method of Redivision. Such redivision may be accomplished as is most appropriate by:

1. Vacation and replatting of all or part of a recorded plat.

2. Combining of lots or parts of lots.

3. Redefining of lot lines by a plot of "other divisions" as provided by §18.08 of this chapter.

(2) DETERMINATION OF OWNERSHIP. For the purposes of this section, lots and property shall be considered in the same ownership when owned by:

(a) The same individual or corporation.

(b) An individual and another in joint tenancy or as tenants in common and either of the joint tenants owns other lots individually or as joint tenant or tenant in common together with another.

(c) An individual, and other lots are owned by his spouse, parents, grandparents, children, grandchildren or the spouse of any child or grandchild, or a brother, sister or spouse of a brother or sister of such person.

(d) When any such lots are owned by an individual and other lots are owned by a corporation in which the individual is an officer, director or controlling stockholder.

18.11 COMPLIANCE. No building or occupancy permit shall be issued for a new building on a lot which did not exist as a described and recorded parcel prior to the date of this chapter or was not created by recorded subdivision pursuant to State statute or by a recorded plat pursuant to the provisions of this chapter.

18.12 VARIANCES. When, in the judgement of the Plan Commission or the Town Board it would be inappropriate to

apply literally a provision of this chapter because extraordinary hardship would result, it may waive or vary such provisions so that substantial justice may be done and the public interest secured, provided that in no event shall the requirement of filing and recording the plat or survey map be waived.

18.15 PENALTIES. Any person who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$500.00 and the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. In addition, the remedies provided by Sections 236.30 and 236.31, Wis. Stats., shall be available to the Town.

18.16 FEES. (1) GENERAL. The owner shall pay the Municipality all fees as hereinafter required and at the times specified.

(2) PRELIMINARY REVIEW FEE. The owner shall pay a fee amounting to \$30.00 plus \$5.00 for each lot or parcel within the preliminary plat, replat, or certified survey map to the Municipal Clerk at the time of first application for approval of any preliminary plats, replat or certified survey maps to assist in defraying the cost of review by the Plan Commission and Governing Body. Reapplication fee amounting to \$25.00 shall be paid to the Municipal Clerk at the time of reapplication for approval of any preliminary plat, replat or certified survey map which has previously been reviewed.

(3) FINAL PLAT REVIEW FEE. The owner shall pay a fee amounting to \$5.00 plus \$1.00 for each lot or parcel within the final plat to the Municipal Clerk at the time of first application for final plat approval of said plat to assist in defraying the cost of review by the Planning Commission and Governing Body. Reapplication fee amounting to \$5.00 shall be paid to the Municipal Clerk at the time of a reapplication for approval of any final plat which has previously been reviewed.

(4) PUBLIC SITE FEE. If the plat or certified survey map does not contain lands to be dedicated as required in Sections 18.02(4) and 18.05(8), the Municipality shall require a fee for the acquisition and development of public sites to serve the future owners of the proposed land division and/or development. Said fee shall be paid to the Municipal Clerk at the time of the approval of the land division and/or development in the amount as outlined in Section 18.05(8). Public site fees shall be placed in a separate non-lapsing special fund by the Municipal

Clerk to be used only for the acquisition and development of public sites.

(5) ENGINEERING FEE. The owner shall pay a fee equal to the actual cost to the Municipality for all engineering work incurred by the Municipality in connection with a plat, replat, certified survey map or development including but not limited to all costs incurred by the Municipality for review of plans and documents, inspections, field surveys, etc., within thirty (30) days of notice of the same, prior to being entitled to recording of a plat, replat, or certified survey map or acceptance of any improvement or final approval of a development, whichever is earliest.

(6) ADMINISTRATIVE FEE. The owner shall pay a fee equal to the actual cost of any legal, planning, administrative or fiscal work which may be undertaken by the Municipality in connection with the plat, replat, certified survey map or development. In the event any special meetings are called, either by the Governing Body or the Plan Commission, for the benefit of the plat, replat, certified survey map or development, the owner may be required to pay to the Municipality all expenses for such a special meeting, including any extra salaries paid to Municipal Officials. All such fees shall be paid by the owner within thirty (30) days of notice of the same.

(7) DRAINAGE EASEMENT FEES. The owner shall pay a drainage easement fee prior to the recording of a Final Plat or Certified Survey Map as follows:

\$2.00 per linear foot for easements up to 50 feet wide.

\$0.04 per square foot for easements over 50 feet wide and irregular shaped areas.