

## **CHAPTER 18      SUBDIVISION**

18.01	Introduction and Purpose
18.02	General Provisions
18.03	Definitions
18.04	Land Suitability
18.05	Procedure
18.06	Design Standards
18.07	Require Improvements
18.08	Division of Lots of Records (Not Subdivisions)
18.09	Replats
18.10	Administration

## 18.01 INTRODUCTION AND PURPOSE.

(1) INTRODUCTION AND PURPOSE. An Ordinance to promote the health, safety, morals and general welfare; for safeguarding the best interests of the public, the homeowner, the subdivider and for encouraging well planned subdivisions by establishment of minimum standards for design and construction; the integration of all new subdivisions into the general plans for the City of Sparta, WI, therefore contributing toward an attractive, an orderly, stable, well planned community environment with adequate municipal services and proper provisions for streets; the lessening of congestion in streets and highways; to secure safety from fire, panic and other dangers; to provide adequate light and air; prevent overcrowding of land and avoid concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further re-subdivision of larger tracts into smaller parcels of land; and for said purposes this Ordinance shall regulate and control the subdivision of land within the corporate limits of the City of Sparta, Wisconsin.

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations or permits previously adopted or issued pursuant to laws; provided, however that where this Ordinance imposes a greater restriction upon the subdivision and development of land than are required by other rules, regulations or permits, the provisions of this Ordinance shall govern.

The provisions of this Ordinance shall be held to be the minimum requirements adopted to promote the health, safety, morals, comfort, prosperity, development and general welfare of the City.

This Ordinance is adopted for the purpose of promoting orderly development and improvement of the City by regulating and controlling the subdivision of land within the corporate limits of the City of Sparta, Wisconsin.

(2) EFFECTIVE DATE. This Ordinance shall be in full force and effect and become a part of the Municipal Code of the City of Sparta upon its adoption by the Common Council of the City of Sparta, and its publication according to law.

(3) TITLE. This Ordinance shall be known as the City of Sparta Subdivision Control Ordinance and shall become a part of the Municipal Code of the City of Sparta, Wisconsin, and it shall be referred to herein as "this Ordinance".

## 18.02 GENERAL PROVISIONS

(1) AUTHORITY. These regulations are adopted under the authority granted by Section 236.45, Wisconsin Statutes, and pursuant to Sections 62.23, 144.26(2) and 144.26(8), Wisconsin Statutes.

SUBDIVISION 18.02(2)

(2) APPLICATION.

a. In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety, morals, and welfare and shall be interpreted as set forth herein.

b. No subdivision of land shall hereinafter be made for any purpose or in any manner whatsoever within areas included within the jurisdiction of this Ordinance unless they shall be in full compliance with the terms and provisions of this Ordinance and other applicable regulations.

(3) ABROGATION AND GREATER RESTRICTION. This ordinance supersedes provisions of any ordinance relating to subdivisions only as set forth herein. Any other applicable administrative codes or ordinances shall remain in full force and effect to the extent that its provisions are more restrictive. It is not otherwise intended by this Ordinance to repeal, abrogate, or impair any existing ordinance restrictions; however, where this Ordinance imposes greater restriction the provisions of this Ordinance shall prevail.

(4) INTERPRETATION, SEVERABILITY OR REPEAL. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.

No land shall be subdivided or used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.

It is hereby declared to be the intention of the Council that the several provisions of this Ordinance are separable in accordance with the following:

a. If any court of competent jurisdiction shall abjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

All other ordinances or parts of ordinances or of the Administrative Code of the City of Sparta in conflict with the provisions of this Ordinance are hereby repealed.

## SUBDIVISION 18.02(5)

(5) JURISDICTION. The jurisdiction of this Ordinance includes all lands within the corporate limits of the City of Sparta.

(6) COMPLIANCE WITH ORDINANCES, STATUTES, REGULATIONS AND PLANS. No parcel of land shall hereafter be subdivided or altered unless in compliance with the provisions of the applicable portions of this Ordinance and the applicable provisions of the Wisconsin Statutes and Administrative Code and unless they are in strict compliance with the plans approved by the City for said subdivision.

(7) EXCEPTIONS. Nothing herein contained shall require any change in the plans for the subdivision of a parcel which has been approved before the effective date of this Ordinance and the development of which shall have been started within six months from the date of such approval.

### (8) RULES

- a. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.
- b. The word "shall" is mandatory and not discretionary.
- c. The word "may" is permissive.
- d. The word "lot" shall include the words "piece" and "parcel"; the word "building", includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrase "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

18.03 DEFINITIONS. For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) ALLEY: A public right-of-way, with a width not exceeding 21 feet which affords a secondary means of access to abutting property.

(2) BASEMENT: A portion of a building located partly underground, but having half or less than its floor-to-ceiling height below the average grade of the adjoining ground.

## SUBDIVISION 18.03(3)

- (3) **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 of water bodies.
- (4) **BOULEVARD OR PARKWAY.** That portion of the street right-of-way between the curb line and the property line.
- (5) **BUILDING LINE OR BUILDING SETBACK.** The line indicating the limit beyond which building or structures may not be erected.
- (6) **BUILDING HEIGHT.** The vertical distance from:
- a. the average elevation of the adjoining ground level or
  - b. the established grade, whichever is lower to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.
- (7) **CELLAR.** That portion of the building having more than one-half (1/2) of the floor-to-ceiling height below the average grade on the adjoining ground.
- (8) **CERTIFIED SURVEY MAP.** A map of a survey prepared in accordance with Section 236.34, Wisconsin Statutes.
- (9) **CITY.** City of Sparta, Monroe County, Wisconsin, a municipal corporation, the Mayor and Common Council, the Plan Commission, or its duly authorized agent; may also be referred to herein as community.
- (10) **DEVELOPMENT PLAN.** A total site plan of an area of land under control of a subdivider(s) at the time of submission for review. Said plan shall specify and clearly illustrate the location, relationship, and nature of all primary and secondary uses, public and private easements, public and private streets, pedestrian paths and common open spaces.
- (11) **EASEMENT.** A grant by an owner of land for a specific use by persons or utilities other than the owner or the general public.
- (12) **ESSENTIAL SERVICES.** Underground or overhead gas, electrical, steam and water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, or other similar equipment and accessories in conjunction therewith; but not including buildings.

## SUBDIVISION 18.03(13)

- (13) FRONTAGE. All property abutting on one side of a street between two intersecting streets or the dead end of a street.
- (14) LOT. A parcel or portion of land designated by metes and bounds or by certified survey map or by plat or by assessor's plat or by a registered survey or by other means and separated from other parcels or portions of land by said description.
- (15) LOT OF RECORD. A platted lot or metes and bounds parcel which has been recorded in the office of the Register of Deeds prior to the adoption of this Ordinance.
- (16) LOT, BUTT. A lot at the end of a block and located between two corner lots.
- (17) LOT CORNER. A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.
- (18) LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot.
- (19) LOT INTERIOR. A lot other than a corner lot.
- (20) LOT LINE. A lot line is the property line bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Ordinance.
- (21) LOT LINE-FRONT. That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street except that a corner lot in a nonresidential area shall be deemed to have frontage on both streets.
- (22) LOT LINE-REAR. That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
- (23) LOT LINE-SIDE. Any boundary of a lot which is not a front lot line or a rear lot line.
- (24) LOT-THROUGH. A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.

## SUBDIVISION 18.03(25)

(25) LOT WIDTH. The maximum horizontal distance between the side lot lines of a lot measured parallel to the front lines of a lot measured parallel to the front lot line and at the rear of the required front yard.

(26) MEDIAN PARKWAY. That portion of street right-of-way located between curbs used to divide the surfacing of a street so as to provide for separation of traffic.

(27) MOBILE HOME. Any type of structure or vehicle which can be readily adopted or does provide facilities for a person or persons to eat or sleep which is mounted on wheels, has provisions for wheels or may be loaded on an ordinary flat bed truck, such as a house trailer, converted bus or truck, tent or small building.

(28) MOBILE HOME PARK. Any park, court, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more mobile homes shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the mobile home park and its facilities. Mobile home park shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sales.

(29) MOTOR COURT, MOTOR HOTEL OR MOTEL. A building or group of buildings other than a hotel used primarily as a temporary residence of a motorist.

(30) MOTOR FREIGHT TERMINAL. A building or area in which freight brought by motor truck is transferred and/or stored for movement in intrastate or interstate shipment by motor truck.

(31) MOTOR FUEL STATION. A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services; and the performance of minor automotive maintenance and repair.

(32) OWNER. Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

## SUBDIVISION 18.03(33)

- (33) PEDESTRIAN WAY. The right-of-way across or within a block, for use by pedestrian traffic whether designated pedestrian way, crosswalk or however otherwise designated.
- (34) PERSON OR PERSONS. Any individual, firm association, syndicate or partnership, corporation, trust or any other legal entity.
- (35) PLAN COMMISSION. Within this Ordinance the term Plan Commission shall refer to the Plan Commission of the City of Sparta.
- (36) FINAL PLAT. The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds. Said plat must conform to all State laws.
- (37) PLAT, PRELIMINARY. The preliminary plat map, drawing or chart to scale indicating the proposed layout of the subdivision to be submitted to the Plan Commission for their consideration, as to compliance with the Map of Zoning District and these regulations along with required supporting data.
- (38) PROPERTY LINE GRADE. The elevation of the property line in front of a building measured at the center of such building. When no property line grade has been established, the mean elevation of the finished lot grade at the property line shall be considered the "existing" property line grade.
- (39) PROTECTIVE CONVENANTS. Contracts entered into between private parties and which constitute a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (40) STORY. That portion of a building located between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story and a cellar shall not be counted as a story.
- (41) STREET. Any public or private way dedicated or permanently open to pedestrian and vehicular use which is 21 feet or more in width if it exists at the time of enactment of this Ordinance; and any such public right-of-way 50 feet in width when established after the effective date of this Ordinance.
- a. Collector Street. A street which carries traffic from minor streets to thoroughfares or from thoroughfare to thoroughfare. It includes the principal entrance streets of a residential development for circulation of traffic within such a development.

SUBDIVISION 18.03(41)b.

- b. Connector. Streets which perform a semi-arterial function as well as serving as distribution and land access streets.
- c. Cul-de-sac. A minor street with only one outlet and having a turnaround with a minimum specified radius.
- d. Service Street or Fontage Street. Marginal access street or otherwise designated; a minor street which is parallel and adjacent to a thoroughfare and which provides access across to abutting properties and protection from through traffic.
- e. Minor Street. A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.
- f. Arterial Streets and Highways. Streets which provide for rapid movement of concentrated volume of traffic over relatively long distances between the activity areas.
- g. Principal Arterials. Streets serving the major interstate and interregional traffic corridors. These routes provide the highest level of mobility under a high degree of access control.
- h. Primary Arterials. Streets serving major regions or connecting several significant cities and intercommunity corridors within the metropolitan area. These routes provide for a high degree of mobility under a high degree of access control.
- i. Standard Arterials. Streets which more commonly provide for intermediate length trips, thus serving through traffic movement in trade areas, or feeding traffic to the primary and principal arterials from lower activity areas not served by such routes.
- j. Street Width. The shortest distance between the lines delineating the right-of-way of a street.
- k. Thoroughfare. A street primarily designed to carry large volumes of traffic and provide for vehicular movement between and among large areas.

(42) SUBDIVISION. The division of a parcel of land into five or more lots or successive divisions creating five or more lots or parcels within a five year period, any of which resultant parcels are less than one and one-half acres in area, for the purpose of transfer of ownership or building development, or if a new street is involved, and division of a parcel of land. The term includes re-subdivision and,

## SUBDIVISION 18.03(42)

when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

(43) SUBDIVISION DESIGN STANDARDS. The guides, principals and specifications for the preparation of subdivision plans indicating among other things, the controlling minimum and maximum dimensions of the various elements set forth in the preliminary plan as are required herein.

(44) SUBDIVIDER. Any person commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

(45) USE-PRINCIPAL. The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

(46) YARD. A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky except as expressly permitted in this Ordinance. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

(47) YARD-FRONT. A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which such lot is located.

(48) YARD-REAR. A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

(49) YARD-SIDE. A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

(50) ZONING DISTRICTS. Districts created for the purpose of regulating, restricting and determining the use of land and location of buildings thereon and as established by the City.

(51) ZONING DISTRICT MAP. The "Map of Zoning Districts" approved by the Common Council indicating the boundary lines of the various zoning districts shown thereon and includes any unit or part of such plan separately adopted and any amendment to such Map or parts thereof.

18.04 LAND SUITABILITY.

(1) GENERAL. No land shall be divided or subdivided which is held unsuitable for the proposed use by the Commission for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, inadequate water supply or sewage disposal capabilities, in compatible surrounding land use, or any other condition likely to be harmful to the health, safety or welfare of the future residents or users of the area, or harmful to the community or City.

(2) INFORMATION REQUIRED

a. Except as provided herein, the Commission shall determine such unsuitability at the time the preliminary plat is considered for approval. The subdivider shall furnish such maps, data and information as may be necessary to make a determination of land suitability. In addition to the data required to be submitted with the preliminary plat, the subdivider 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.

1. Two copies of an aerial photograph, or two maps prepared by a registered land surveyor or engineer, which accurately locates the proposed development with respect to flood plain zoning district limits if present, channel or stream, full limits and elevations, and flood proofing measures taken or proposed to be taken.

2. Two copies of a typical valley cross-section showing the channel of the stream, the flood plan adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information.

3. Two copies of a profile showing the slope of the bottom of the channel or flow line of the stream.

4. Such other data as may be required.

b. The subdivider may, as part of the pre-application procedures, request a determination of land suitability providing that he shall provide all necessary maps, data and information for such a determination to be made.

(3) FLOOD HAZARD AREAS.

## SUBDIVISION 18.04(3)a.

a. When a proposed subdivision is located in an area where flooding or potential flooding may be a hazard, the Commission shall transmit to the Division of the Environmental Protection, Wisconsin Department of Natural Resources, one set of the information required and shall request the agency to provide technical assistance in determining whether the land is suitable or unsuitable for the use and development proposed, or whether certain modifications, limitations, improvements, or other conditions on the development can overcome the land unsuitability.

b. Where a proposed subdivision is located wholly or partly in an area where flooding or potential flooding may be a hazard, the Commission shall apply the following standards in addition to all other requirements in the approval of plats and certified survey maps.

1. The development shall be in accordance with the flood plain ordinance of the City.

### (4) COMMISSION ACTION

a. In applying the provisions of this section the Commission shall in writing, recite the particular facts upon which it bases its conclusions that the land is unsuitable for the intended use or development and afford the subdivider an opportunity to present evidence regarding such unsuitability, if he so desires. Thereafter the Commission may affirm, modify, or withdraw its determination of unsuitability.

(5) APPEALS. The subdivider may appeal the determination of land suitability as provided by Section 62.23(7)(e) 10-15 of the Wisconsin Statutes.

(6) EXCEPTIONS. The provisions of this Ordinance shall not apply to transfers of interests in land by will or pursuant to court order; leases for a term not to exceed 10 years, mortgages or easements; or 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 Ordinance, the City Zoning Ordinances or other applicable laws or ordinances.

## 18.05 PROCEDURE.

(1) PRE-APPLICATION PROCEDURE. Prior to filing an application for approval of a preliminary plat, the subdivider may consult with the City for advice and assistance for the purpose of reviewing the procedures and requirements of this Ordinance and other ordinances, and for any plans of data which may affect the proposed development.

## SUBDIVISION 18.05(2)

(2) PRELIMINARY PLAT APPROVAL. Prior to submitting a final plat for approval, the subdivider shall cause to be prepared a preliminary plat and file with the City Clerk a written application for approval of the preliminary plat, which shall include all data required by this Ordinance accompanied by six copies of the plat. The preliminary plat shall cover the entire area owned or controlled by the subdivider even though only a small portion thereof is proposed for development at that time. The subdivider may elect to submit a development plan in lieu of a preliminary plat when he owns or controls 10 acres or more of land. The subdivider shall still submit a preliminary plat for that part which is to be included in the final plat. The Plan Commission and the Public Works Board shall hold a joint meeting to review the preliminary plat and shall either approve, conditionally approve, conditionally approve, or deny the plat within sixty (60) days of the date the preliminary plat is submitted and shall promptly notify the Common Council of such decision. (Amended #566, 2000)

(3) FINAL PLAT PROCEDURE. If the preliminary plat has been approved or been approved conditionally, the subdivider may submit a final plat of the subdivisions, accompanied by six copies of the plat and an electronic copy utilizing the Monroe County coordinate system, or payment to the City Clerk in an amount to cover the cost of printing six copies of the recorded plat. All improvements required by this Ordinance shall be made or guaranteed in a manner described in this Ordinance. The Public Works Board and Plan Commission shall each review the final plat and make written recommendations to the Common Council concerning final approval. If the final plat meets the requirements of this Ordinance, and has been submitted within 12 months from the approval date of the preliminary plat and the conditions have been met in the case of preliminary plats given conditional approval, the City shall within sixty (60) days of submission of the final plat approve said plat. (Am. #670, 1/18/2005)

(4) CERTIFIED SURVEY MAP PROCEDURE. When a land division is created as defined herein, the developer shall submit two copies of a certified survey map prepared in accordance with Section 236.34 of the Wisconsin Statutes and in accordance with this Ordinance. The requirements of this Ordinance regarding preliminary plat procedures shall also apply to certified survey maps unless specifically waived by the Commission. The Commission shall within sixty days approve, approve conditionally, or reject the certified survey map based on its determination of conformance with the provisions of this Ordinance.

(5) PLAT AND DATA SUBMISSION REQUIREMENTS.

a. Preliminary Plat. The preliminary plat shall be based upon a survey by a registered land surveyor and shall be submitted in six copies at a scale of not more than 100 feet to one inch, and shall show correctly on its face:

1. Date, graphic scale and north point.

SUBDIVISION 18.05(5)a.2.

2. Name of proposed subdivision.
3. Name, address and telephone number of the person to be contacted regarding the plat.
4. Location of the proposed subdivision by government lot, quarter section, section, township, range and county.
5. A scaled drawing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey, and the total acreage encompassed thereby.
6. Location and names of adjacent subdivisions, parks and cemeteries.
7. Location, right-of-way width and names of any existing or proposed streets, alleys or other public ways; easements, and railroad and utility rights-of-way included within or adjacent to the proposed subdivision.
8. Location of existing property lines, buildings, drives, streams and water courses, lakes, marshes, rock outcrops, wooded areas, and other similar significant features within the tract being subdivided.
9. Water elevations of adjoining lakes or streams at the date of the survey, and approximate high and low water elevations.
10. Contours at vertical intervals of not more than two feet shall be required when the average ground slope is a 5% or more.
11. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public uses which are to be used for group housing, shopping centers, church sites or other uses that are not required lotting.
12. Existing and proposed land use and zoning included within or adjacent to the proposed subdivision.
13. Approximate dimensions of all lots, and proposed lot and block numbers.
14. When requested by the City, a draft of a protective covenant whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

SUBDIVISION 18.05(5)b.

b. Development Plan. The development plan, as provided for in this Ordinance shall be submitted in six copies at a scale not more than 200 feet to one inch and shall show:

1. Information required under Preliminary Plat (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (12).

c. Final Plat. The final plat of the proposed subdivision shall comply with the requirements of Chapter 236 of the Wisconsin Statutes and this Ordinance.

d. Certified Survey Map. The certified survey map shall comply with the provisions of Section 236.34 of the Wisconsin Statutes and the provisions of this Ordinance.

18.06 DESIGN STANDARDS.

(1) CONFORMANCE TO COMPREHENSIVE ZONING AND STREET PLAN.

All subdivisions shall conform to the comprehensive map of Zoning District of the City of Sparta and to either the street plan or the official map of the City of Sparta.

(2) CONFORMANCE TO ZONING REQUIREMENTS. All subdivisions shall conform to the requirements of the zoning district wherein they will be located.

(3) STREETS. All streets within the subdivision shall be in conformance to the following requirements:

a. The arrangements, character, extent, width, grade and location of all streets shall conform to all official maps and plans as set forth in Section 18.06(1) and shall be related to existing and planned streets; topographic conditions, existing natural features including streams, lakes and tree growth; public conveyances and safety; existing and proposed uses of land served by such streets; and to the most advantageous development of adjoining uses.

b. The arrangement of streets in a subdivision shall provide, where possible, for the continuation or appropriate projection of existing or proposed collector and arterial streets in the area.

c. Local streets shall be laid out so as to discourage their use by through traffic.

d. Where a subdivision abuts or contains an existing or proposed arterial street, the City may require marginal access streets, reverse frontage lots

SUBDIVISION 18.06(3)d.

with screen planting contained in a non-access reservation along the rear of the property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

e. The number of intersections along arterial streets shall be held to a minimum.

f. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.

g. Street jogs with centerline offsets of less than 150 feet shall be avoided.

h. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.

i. Streets shall be laid out so as to intersect as nearly as possible at right angles and no streets shall intersect any other street at less than 75 degrees, and not more than two streets shall intersect at one point.

j. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Commission under conditions approved by said Commission.

k. Streets shall be laid out in conformance to the following applicable requirements for the type of street shown.

SUBDIVISION 18.06(3)k.

	<u>Alleys</u>	<u>Marginal Access Road</u>	<u>Local</u>	<u>Collector</u>	<u>Arterial</u>
Minimum R/W	20	50	60-66	66-80	80-120
Minimum Surface Width face-to face of curbs		32	38	38	48
Residential one-way	20				
Residential two-way	20				
Industrial/ Commerical	25				
Maximum Grade	10%	10%	10%	8%	6%
Minimum Grade	0.4%	0.4%	0.4%	0.4%	0.4%
Maximum Length of cul-de-sac	660'	660'	660'	not	allowed
Minimum cul-de-sac turn around radius	50'	50'	60'	not	allowed
Minimum radius of curb & gutter at corner 15'	15'	20'	20'	20'	
Sidewalks	Optional width and necessity determined by zoning requirements.				

(4) ALLEYS. Alleys shall be required at the option of the Commission.

(5) SIDEWALKS AND PEDESTRIAN WAYS. The developer shall provide sufficient right-of-way to allow for sidewalks. The developer shall provide sufficient right-of-way to allow for pedestrian ways where required by the Commission.

(6) UTILITY EASEMENTS. The subdivider shall provide necessary easements to allow for the construction of sanitary sewer, water lines, storm sewers, power lines, gas lines, telephone lines and cable television lines and whatsoever other utilities are necessary in locations along the back lines of his property. The utility easement shall be along the rear lot lines or wherever else is necessary for the

## SUBDIVISION 18.06(6)

proper installation of the respective utilities. The easements shall include allowances for not only the construction, but also the maintenance of the utility.

(7) DRAINAGEWAY EASEMENTS. Wherever necessary to maintain the natural drainage of the area, the subdivider shall provide an adequate drainageway easement as required by the Commission. The easement shall be of sufficient discharge from the property being subdivided and also the anticipated run-off which will occur when property at a higher elevation than the drainage basin is developed.

### (8) PARK LAND IMPROVEMENT REQUIREMENTS.

- a. Pursuant to the 2005 Public Parks Needs Assessment, and effective for plats approved after March 14, 2005, a subdivider shall deposit an impact fee of \$309.00 for each platted residential unit into a segregated interest bearing fund to be expended for park and recreation improvements in the subdivision. Upon approval by the City Council, a quantity of land of equivalent value may be donated in lieu of the cash deposit. For purposes of this paragraph, land is valued at \$10,000 per acre. "Residential unit" is defined as 1 unit per R-1 lot, 2 units per R-2 lot, and 3 or more units per R-3 lot measured by the area of the lot (3 units for the first 10,000 square feet and 1 unit for each additional 2,000 square feet).
- b. Funds accumulated and not expended for the purposes described above within five years shall be refunded or disbursed pro rata to the current owners of the property with respect to which the impact fees were imposed.
- c. The subdivider may file a written appeal to the City Council contesting the amount, collection or use of the impact fees and the Council shall hold a public hearing thereon. Decisions of the City Council are final.  
(Rescinded and Recreated #676, 3/15/2005)

(9) RESERVATION OF LANDS FOR PARKS, PLAYGROUNDS, SCHOOLS, OR PUBLIC USES. The subdivider will be required to reserve such lands as the Commission and Common Council deem necessary for parks, playgrounds, schools and other public uses. The area of such lands shall be in excess of those lands required under Section 18.06(8). In the event the City requires the subdivider to reserve such land, the City will pay a fair market price for the value of such lands. In the event a fair market price cannot be agreed upon by the City and subdivider, a panel of three appraisers shall be selected and the average price based on their appraisals shall determine the fair market price. One appraiser shall be appointed by the City, one by the subdivider and these two appraisers shall select the third. The cost of the appraisals shall be borne equally by the City and the subdivider.

(10) BLOCKS.

a. The length, width and shapes of blocks shall be suited to the planned use of the land, zoning requirements of the district it will be in, needs for convenient access, control of street traffic, and the limitation and opportunities of the topography.

b. Blocks shall have sufficient widths to provide two tiers of lots of the appropriate depth except where otherwise required to separate residential development from through traffic, or where the size and shape of the parcel to be subdivided limits such development. Pedestrian ways or crosswalks not less than ten feet in width shall be provided near the center and entirely across any block that is 800 feet or more in length where such pedestrian ways or crosswalks are deemed essential to provide adequate pedestrian circulation and access to schools, shopping centers, churches or transpiration facilities. Block lengths shall be not less than 300 feet nor more than 1500 feet.

(11) LOTS. The size, shape and orientation of the lots shall be appropriated for the location and type of subdivision and for the type of development and use contemplated and shall be in conformance to the requirements of the appropriate zoning district. The lots shall be designed to provide an esthetically pleasing building site and a proper architectural setting for the building contemplated. All lots shall front or abut on a publicly dedicated street. Side lot lines shall be substantially at right angles to the street lines.

(12) SET BACKS. Lots shall be of sufficient size so that they can be developed in conformance to the requirements of the applicable zoning district.

(13) BUILDING LOCATIONS. No building shall be located on any lot nearer the front lot line or nearer the side street than the minimum set back line on any side and shall be in accordance and conformance with the zoning regulations. For this purpose eaves and steps shall not be considered a part of the building, provided, however that this shall not be construed to permit any portion of the building on a lot to encroach upon another lot.

(14) BUILDING ELEVATIONS. All buildings within the subdivision shall be constructed so that the first floor elevation shall be a minimum of one foot above the centerline of the established street grade along the lot frontage. The purpose of this section of the specifications is to provide for adequate drainage from the structure to the street and so as not to have excessive difference in elevation between the structures on adjacent parcels of land. This section shall not be construed so as to limit the architectural freedom and the design of the house, but rather, shall be a guideline in providing for drainage around the structure.

18.07 REQUIRED IMPROVEMENTS.

(1) SURVEY MONUMENTS.

- a. The subdivider shall be required to place survey monuments at all corners of his plat, at the intersection of all street right-of-way lines, at all block corners and at all of the parcels within the plat.
- b. The survey monuments shall be in conformance with the requirements of Chapter 236 of the Wisconsin Statutes.
- c. The Plan Commission may waive the placing of monuments before the plat is recorded for a reasonable time period after the plat is recorded. Such waiver shall be granted only upon receipt of a written request describing unusual conditions which in the opinion of the Plan Commission may warrant approval of such request and then only upon the subdivider furnishing a surety bond to insure the placement of such monuments within the time period granted. Any such waiver must be in conformance to the requirements of Chapter 236.

(2) PUBLIC WATER UTILITY.

- a. The public water supply system shall be extended to all lots within the subdivision.
- b. The subdivider shall share, as specified elsewhere herein, in the cost of construction of up to 12 inch mains, valves, and appurtenances, even if mains of larger sizes are constructed. However, if the subdivider shall have a specific need for or requested a main of larger size, he shall share in the cost of such larger sized mains. In the event the City Water Utility decides to construct a main larger than 12 inches in part or all of the subdivision, the cost of these facilities in excess of the cost of 12 inch mains shall be borne by the City. (Amended #670, 1/18/2005)

(3) PUBLIC SANITARY SEWERAGE SYSTEM.

- a. The public sanitary sewerage system shall be extended to all lots within the subdivision.
- b. The subdivider shall share as specified elsewhere herein in the cost of construction of the portion of the extension of the sanitary sewerage system that is necessary to provide service to his subdivision as required by the City. (Amended #670, 1/18/2005)

(4) STORM WATER DRAINAGE FACILITIES.

a. A complete and adequate system for drainage of storm water shall be provided for the entire subdivision as required by DNR regulations and City ordinance. This system may consist of an underground storm sewer system with inlets, catch basins, manholes and mains or consist of a surface system with open ditches, culverts, inlets, catch basins, manholes and pipes or a combination of under ground and surface systems. The choice of systems must be approved by the City. (Am. #670, 1/18/2005)

b. The subdivider shall share, as specified elsewhere herein in the cost of the storm water drainage facilities within his subdivision.

(5) UNDERGROUND ELECTRIC SERVICE. Underground electric service shall be provided to all lots in the subdivision. The power distribution system shall be underground wherever practical. Any cost of providing such underground electric service and power distribution system throughout the subdivision shall be borne by either the Utility or the subdivider.

(6) UNDERGROUND TELEPHONE SERVICE. Underground telephone service shall be provided throughout the subdivision. Any cost of providing such underground telephone service throughout the subdivision shall be borne either by the Telephone Company or by the subdivider.

(7) UNDERGROUND CABLE TELEVISION. Underground cable television shall be provided throughout the subdivision. Any cost of providing such underground cable television shall be borne either by the cable television company or by the subdivider.

(8) NATURAL GAS SUPPLY. Ducts shall be provided for present or possible future gas lines at all intersections. Ducts shall be rigid conduit such as asbestos cement pipe, concrete pipe, cast iron pipe, coated steel pipe or other permanent materials approved by the City. Any cost of providing such duct shall be borne by the developer.

(9) SCHEDULE FOR CONSTRUCTION OF SERVICES. All work and improvements necessary to provide water service, Sanitary sewage service, storm water drainage, power service, telephone service, cable television and natural gas service and whatsoever else is necessary to provide services to the individual structures and the individual lots throughout the entire subdivision shall be constructed before curb and gutter and permanent street surfacing is constructed.

(10) STREET GRADING. The entire width of the right-of-way of each and every street, alley and cul-de-sac within the entire subdivision shall be graded. The grading shall be completed throughout the entire subdivision before any building

## SUBDIVISION 18.07(10)

permits are issued for structures throughout the entire subdivision. The subdivider shall share, as specified elsewhere herein, in the cost of the street grading.

(11) CURB AND GUTTER. Curb and gutter shall be provided along each and every street and cul-de-sac within the entire subdivision. The subdivider and/or the owners of individual parcels within the subdivision shall share, as specified elsewhere herein, in the cost of curb and gutter. The Plan Commission may allow a later completion date but only if the subdivider provides an executed surety bond guaranteeing performance of the work on or before the agreed upon completion date.

(12) STREET SURFACING. Surfacing including base course and surface course shall be provided for all streets, cul-de-sacs and alleys throughout the entire subdivision. Gravel or crushed stone base course shall be placed immediately after completion of the grading. Either flexible (hot mix bituminous surfacing) or rigid (concrete) street surfacing shall be placed over the base course at such time as designated by the City. The subdivider and/or owners of individual parcels within the subdivision shall share, as specified elsewhere herein, in the cost of street surfacing. The Plan Commission may allow a later completion date but only if the subdivider provides an executed surety bond guaranteeing performance of the work on or before the agreed upon completion date.

(13) SIDEWALKS. The subdivider shall be required to construct concrete sidewalk on at least one side of each street within the subdivision. The City may waive this requirement for minor streets. Sidewalks shall be constructed on a lot as the home is constructed, but all sidewalks must be completed within three years of final plat approval. (Amended #670, 1/18/2005)

(14) EROSION. Erosion control measures shall be provided for all grading, excavation, open cuts, side slopes and other disturbed land surfaces throughout the entire subdivision. Erosion control measures may consist of but shall not be limited to mulching, topsoil, seeding, sodding and other methods. Regardless of the measures used it shall prevent erosion, siltation, sedimentation and washing of surface materials.

(15) STREET TREES AND SHRUBS. The subdivider shall plant no fewer than two trees on each boulevard in the subdivision, and shall submit a boulevard tree plan to be approved by the City at the time of plat approval. The trees may be planted as part of the infrastructure construction at one time, or on each individual lot as it is developed. A time limit will be placed on the planting plan, at which time all remaining undeveloped lots will have boulevard trees planted. The plan shall include as a minimum the species of tree to be planted, specific locations on each lot, and the schedule of planting. Lots fronting more than one

## SUBDIVISION 18.07(15)

street shall have no fewer than two trees on each street's boulevard. If trees are planted throughout the subdivision before homes are constructed, driveway locations should be established at the time of plat approval and care shall be taken to avoid damage to the trees during construction. Consideration shall be given to overhead power lines and existing or future sidewalk locations when planting the trees. Homeowners shall plant a minimum of five trees per lot within one year from the time of the construction of the home. (Am. #670, 1/18/2005)

(16) STREET SIGNS. The City shall install street signs after completion of the construction of the various portions of the subdivision. Cost of street signs shall be borne by the Developer. (Amended #670, 1/18/2005)

(17) APPROVAL OF DESIGN AND CONSTRUCTION.

a. All of the construction of all the improvements that are needed to complete the subdivision shall conform to the applicable requirements and standards of the City of Sparta. The subdivider shall submit the preliminary design for all of the construction that is needed to complete the subdivision as is required herein to the Public Works Board for review and shall obtain their approval of all preliminary designs before continuing with the Project. (Amended #566, 2000)

b. The subdivider shall submit the final plans and specifications for all of the construction that will be needed to complete the subdivision to the Public Works Board for review and shall obtain their approval of all final plans and specifications for all of the needed construction before commencing any of the construction. The City shall reserve the right to supervise and inspect any or all of the needed construction. Record drawings of the construction plans and a 2 foot contour map shall be submitted electronically utilizing the Monroe County coordinate system and in hard copy to the City within 6 months of construction completion. All of the needed construction shall be approved by the City before any building permits shall be issued. A developer's agreement shall be negotiated between the subdivider and the City and approved by the Common Council prior to commencing any construction. This agreement shall include any special arrangements, incentives, special conditions imposed by the City during plat review, and a cost sharing agreement (including the upper limit available from the City). (Amended #670, 1/18/2005)

c. The subdivider shall be required to provide a surety bond that the design and/or construction of the project shall conform to the requirements of this section and of this Ordinance.

SUBDIVISION 18.07(18)

(18) GUARANTEE. Before the City shall consider or begin review of the proposed subdivision, the subdivider shall be required to post a guarantee and/or guarantees with the City that he shall conform to all of the applicable requirements of this Ordinance. The guarantees shall be for the amounts as specified elsewhere herein in connection with the performance of the particular item. The guarantee may be in the form of a cash deposit with interest to be credited to the subdivider on the unexpended portion of the deposit until such time as all events being guaranteed are performed. The guarantee may be in the form of a performance bond approved by the City Attorney.

(19) SCHEDULE OF SHARING OF COSTS FOR DEVELOPMENT OF A SUBDIVISION. The costs of the various items of work and improvements required for the development of any particular subdivision shall be shared by the subdivider and/or the City as listed below. The costs of other items of work not listed below shall be shared as indicated elsewhere herein. Costs not listed below or elsewhere herein shall be borne by the subdivider.

(20) The subdividers' share of the cost as described below are required to be paid in full by the subdivider upon demand by the city. (Am. #670, 1/18/2005)

SCHEDULE OF SHARING OF COSTS  
FOR DEVELOPMENT OF A SUBDIVISION

<u>Item of Work</u>	<u>Share of Cost Subdivider</u>	<u>Borne by City</u>
Preliminary Engineering and investigations	100% Required Guarantee \$2500	
Water mains, valves & appurtenances (up to 12")	100%	0%
Sanitary sewer mains	100%	0%
Lift station & force main	75%	25%
Storm water drainage facilities	75%	25%
Street grading	100%	0%
Curb and gutter	100%	0%

SUBDIVISION 18.07(20)

Gravel or crushed stone base course 40' wide by 9" thick	100%	0%
Pavement (Surface course including additional base course)	100%	0%
Sidewalks	100%	0%
Fire protection	100%	0%
Street lights	100%	0%
Engineering, legal, administrative review, construction, engineering, supervision & inspection	100%	0%
Electric wire	100%	0%

18.08 DIVISION OF LOTS OF RECORDS (NOT SUBDIVISIONS)

(1) APPLICABILITY. This Ordinance shall apply to the division of one or more lots plotted into lots or blocks and designated on the subdivision plat or into tracts of land designated on the assessor's plat, either which is on file in the office of register of deeds of Monroe County, when such division shall create one or more separately described tracts, and this Ordinance shall also apply when the consolidation of two or more such platted lots or tracts or parts thereof into one or more tracts, upon compliance with the conditions set forth herein.

(2) PROCEDURE. The owner or owners of such platted lots or lot, to be so divided or consolidated shall file in the office of the City Clerk a proposed survey plat or proposed certified survey map prepared by a registered land surveyor of the lot or lots to be divided or consolidated. Such plat of survey shall show the dimensions of said lots as measured from the recorded plat and also the proposed division thereof. A written description of the separately described tract or tracts which shall result from the proposed subdivision or consolidation shall be filed with such plat or survey. This procedure shall be followed in place of the requirements of Section 18.05(2), (3) and (4) of the Ordinance. The tracts of land which will result from such division or consolidation shall conform to the requirements of the zoning district wherein they are located. As a result of such division or consolidation as herein authorized, no remaining part of the original lot or tract shall become a separately described lot upon completion of said proposed plat which will not be in conformance to the minimum dimensions of the

## SUBDIVISION 18.08(2)

zoning district where it is located. This division or consolidation of land shall be approved by the Plan Commission and Common Council prior to construction of any improvements thereon.

(3) REQUIREMENTS. Before any improvements or structures are made or built, and before any new use can be made of a part of such tracts of said division or consolidation of individual lots of record, the developer shall guarantee that he will pay for the cost of extensions of required improvements set forth in Section 18.07 of this Ordinance.

### 18.09 REPLATS.

(1) APPLICABILITY. This Ordinance applies to any or all replats of an existing subdivision or any part of a recorded subdivision.

(2) PROCEDURE. The person or persons causing the replat shall be required to conform to all of the requirements of Section 18.05, Section 18.06, and Section 18.07 of this Ordinance. The procedure to be followed shall be as set forth in the applicable Sections.

(3) REQUIREMENTS. The person causing such replat shall be required to provide for all improvements in conformance to the subdivision design standards as set forth in the applicable sections. The replat shall be in conformance to the design standards and to the requirements of the zoning district within which it is located.

### 18.10 ADMINISTRATION.

(1) ADMINISTRATION. The City Plan Commission shall be responsible for the administration of this Ordinance. The Common Council shall refer matters pertaining to the control of subdivisions to the Plan Commission. The Plan Commission shall have the duties, functions, powers, obligations and authority as set forth by the applicable portions of Section 62.23, Wisconsin Statutes. The Plan Commission may designate such persons as they deem as necessary to assist in the administration of this Ordinance. The Plan Commission shall consider each proposed subdivision and shall make recommendations to the Common Council as to whether or not the proposed subdivision complies with the requirements of this Ordinance. Approval of the final plat and/or preliminary plats for any proposed subdivision must be by the Common Council upon receipt of the recommendation of the Plan Commission.

(2) VARIOUS AND MODIFICATIONS.

a. The Plan Commission may permit modifications and variances from the requirements of this Ordinance under the following conditions:

SUBDIVISION 18.10(2)a.1.

1. Because of unique topographic or other conditions of the land involved, literal application of the provisions of this Ordinance would impose undue hardship.
2. Conditions are attached to the approval that assure compliance with the requirements of this Ordinance insofar as practical.
3. Compliance with Chapter 236, Wisconsin Statutes, and with other applicable laws of the State of Wisconsin.
4. The public interest is secured and that such variance or modification will not have the effect of nullifying the intent and purpose of this Ordinance.

b. A public hearing on the proposed variances and modifications shall be held prior to approval by the Plan Commission. The public hearing shall be as provided in Section 17.25 of the zoning code of the Municipal Codes.

c. Any variances and modifications thus granted shall be entered in the minutes of the Plan Commission setting forth the reasons which, in the judgment of the Plan Commission, justified and variance of modification.

d. All variances and modifications thus granted by the Plan Commission must be approved by the Common Council before becoming effective.

(3) VIOLATIONS AND PENALTIES. Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, be subject to penalties and forfeitures as provided in Section 236.30, 236.31, 236.32, 236.335, and 236.35 of the Wisconsin Statutes.