

CHAPTER 18

SUBDIVISION AND PLATTING

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18.01 PURPOSE. The purpose of this chapter is to promote the public health, safety and general welfare of the community and these regulations are designed to lessen congestion in the streets and highways: to further the orderly layout and use of the land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision of transportation, water, sewerage, schools, parks, playgrounds and other public requirements, to facilitate the further re-subdivision of larger tracts into smaller parcels of land. These regulations are made with reasonable consideration, among other things, of the character of the Town with a view of conserving the value of the buildings placed upon the land, providing the best possible environment for human habitation and for encouraging the most appropriate use of land throughout the Town.

18.02 GENERAL. (1) PLATTING OF SUBDIVISION REQUIRED. Any division of land within the Town which results in a subdivision as defined herein shall be, and any other division may be, surveyed and a plat thereof approved and recorded pursuant to the provisions of this chapter and Ch. 236, Wis. Stats.

(2) PLATTING OF OTHER DIVISIONS REQUIRED. Any division of land other than a subdivision within the Town of which a plat has not been approved and recorded pursuant to (1) above, shall be surveyed and a certified survey map of such division approved and recorded as required by §18.08 of this chapter.

(3) EXCEPTIONS. The provisions of this chapter shall not apply to:

(a) Transfer of interest in land by will or pursuant to court order.

(b) Leases for a term not to exceed 10 years, mortgages or easements.

(c) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.

(4) DEDICATION AND RESERVATION OF LANDS.

(a) Streets, Highways and Drainageways and Floodplain.

Whenever a tract of land to be divided or developed within the jurisdiction of this Ordinance encompasses all or any part of a street, drainageway, floodplain or other public way which has been designated on a duly adopted municipal or regional comprehensive plan or comprehensive plan component or is in any way determined to be such by the Plan Commission or Governing Body, said public way shall be dedicated or reserved by the owner in the locations and dimensions indicated on said plan or component and as set forth in Section 18.06 of this Ordinance.

(b) Parks, Playgrounds and Public Sites.

Whenever a tract of land to be divided or developed within the Municipality encompasses all or any part of a park, playground or public site which has been designated on a duly adopted Municipal or regional comprehensive plan or comprehensive plan component or is in any way determined to be such by the Plan Commission or Governing Body, said park, playground or public site shall be dedicated or reserved by the owner in the locations and dimensions indicated on said plan and in accordance with the procedures set forth in Section 18.05(8) of this Ordinance.

(5) BOND.

Prior to the time that any construction within the subdivision shall commence, the subdivider shall post with the Town Clerk a bond or letter of credit with sufficient surety to guarantee that all improvements required under this Chapter 18 shall be completed within the time scheduled by the subdivider and agreed to by the Town Board. This financial guarantee shall be in an amount and in a form satisfactory to the Town Board.

18.03 DEFINITIONS. For the purposes of this chapter the following words shall have these meanings:

ALLEY. A narrow way not designed for general traffic and primarily used as a means of access to the rear of residences and building establishments.

BLOCK. A square or portion of the Town surrounded on at least 3 sides by streets, whether partially or wholly occupied by buildings or containing only vacant lots.

STREET. A way for vehicular traffic other than an alley.

(a) Major streets and highways are those which serve as the principal arteries of through traffic movement.

(b) Collector streets are those which carry traffic from minor streets to the system of major streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

(c) Minor streets are those which are used primarily for access to the abutting properties.

(d) Marginal access or frontage streets are minor streets which are parallel and adjacent to major streets and highways and which provide access to abutting properties and protection from through traffic.

SUBDIVISION. The division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building development, where:

(a) The act of division created 3 or more parcels or building sites of 5 acres each or less in area, or:

(b) Three or more parcels or building sites of 5 acres each or less in area are created by successive divisions within a period of 5 years.

18.04 PROCEDURE. (1) PRELIMINARY CONSULTATION. Previous to filing a preliminary plat the subdivider shall consult with the Town Plan Commission and its staff for advice and assistance.

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(2) PRELIMINARY PLAT. (a) Required. Before submitting a final plat for approval, the subdivider shall submit a preliminary plat and such copies thereof as shall be required by the Town Plan Commission for preliminary approval.

(b) Plan Commission Action. After review of the preliminary plat and negotiations with the subdivider of changes deemed advisable and the kind and extent of public improvements which will be required, the Town Plan Commission shall within 40 days of its submission approve, conditionally approve or reject the plat. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection. Pursuant to §236.12, Wis. Stats., no approval shall be granted until it has been certified that there is no objection to the plat by any authorized objecting agency.

(c) Approval. Approval of the preliminary plat shall entitle the subdivider to final approval of the layout shown by such plat if the final plat conforms substantially to such layout and conditions of approval have been met.

(d) Engineering Data. 1. Required. Following approval of the preliminary plat and prior to submittal of a final plat the subdivider shall furnish to the Town Engineer the following data pertaining to utilities and improvements in the plat as is pertinent and as requested by the Engineer.

a. Plan and profiles showing existing and proposed grades for all streets, alleys, public rights-of-way and proposed buildings.

b. Plan and profiles of all storm sewers, culverts and surface water drainage facilities.

2. Approved by Engineer. All such plans and profiles shall be approved by the Town Engineer before the final plat shall be deemed acceptable for filing.

(e) Payment of Fees by Subdividers. Before the final plat shall be deemed acceptable for filing the subdivider shall pay the fees of the Town Engineer and shall exhibit his receipt to the Plan Commission.

(3) FINAL PLAT. (a) When Filed. The final plat and such copies thereof as shall be required shall be submitted to the Town Clerk within 6 months of approval of the preliminary plat. However, if an approval of the preliminary plat

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must be obtained from another approving authority subsequent to approval by the Plan Commission, the final plat shall be submitted within 6 months of such approval. The Plan Commission may waive failure to comply with this requirement.

(b) Referral to Town Board. The Town Plan Commission shall refer the final plat with its recommendations to the Town Board within 30 days of its submission unless the time is extended by the Board.

(c) Board Approval. The Board shall approve or reject the final plat within 90 days of its submission to the Town Clerk unless the time is extended by agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the Town Board meeting and a copy thereof or a written statement of such reasons shall be supplied the subdivider.

(d) Optional True Copy. If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Board will be inscribed on the original of the final plat, the surveyor or subdivider shall certify the respects in which the original of the final plat differs from the true copy and all modifications must first be approved.

(e) Optional Processing Procedure. Where the developer chooses to follow the optional procedure in processing the plat as provided by §236.12, Wis. Stats., the Town Clerk and Plan Commission shall notify their procedure and the wording of the necessary certificate and approval accordingly.

18.05 GENERAL REQUIREMENTS AND DESIGN STANDARDS. (1) GENERAL. The proposed subdivision shall conform to:

- (a) The provisions of Ch. 236, Wis. Stats.
- (b) All applicable ordinances of the Town.
- (c) Design and construction standards as established by the Town.
- (d) The master plan.
- (e) The official map.

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(f) The rules of the Department of Industry, Labor and Human Relations relating to lot size and lot elevation if the subdivision is not served by a public sewer and provision for such service has not been made.

(g) The rules of the State Department of Transportation relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts on a State trunk highway or connecting street.

(2) STREETS. (a) General Considerations. 1. Design Criteria. The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.

2. Construction Standards. The arrangement, width, grade and location of all streets shall conform to the official map and to the street and highway widths established by ordinance. Construction of all streets shall conform to the current standards as established by the Town from time to time.

3. Profile Maps. The Town Board shall require that the profiles of roads to be constructed and accepted be submitted to the Town Engineer for approval prior to proceeding with any road grading operations.

4. Inspection. Final inspection and approval of the completed roads will not be given until 30 days after the surface course has been inspected. No roads will be accepted between November 1 and May 1.

5. Cost. The cost of all engineering work as shall be required by the Town Board shall be paid by the subdivider or owner.

6. Street Signs, Etc. Street signs, culverts, posts and guard rails as required by the Town Board shall be obtained and placed by the Town, the cost being paid for by the owner.

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7. Maintenance of Roads. The owner or subdivider will be required to maintain roads which are accepted and approved by the Town Board for a period of one year after acceptance date and shall post a bond or other security as the Town Board deems necessary to cover the cost of such maintenance. *Maintain road bed -*

*Not responsible for snow or ice, obstructions of road use. (Resolution created -)*

8. Clean Roads. All public highways are to be cleaned of dirt and debris by the persons responsible on the date these conditions occur.

9. Certification. Prior to the request for road inspection for acceptance by the Town, the subdivider or owner shall furnish the Town Engineer a written certification from the subdivider's or owner's surveyor that roads conform to the grades as indicated on the profile maps which have been approved.

(b) Arrangement. 1. Major streets shall be properly integrated with the existing and proposed system of major streets and highways.

2. Collector streets shall be properly related to the mass transit system, to special traffic generating from facilities such as schools, churches and shopping centers, to population densities and to the arterial streets into which they feed.

3. Minor streets shall be laid out to conform as much as possible to topography to discourage use by through traffic, to permit efficient drainage and sewer systems, to require the minimum amount of street necessary to provide convenient safe access to property. The reasonable and intelligent use of curvilinear and cul-de-sac streets is encouraged.

(c) Railroad Right-of-Way or Limited Access Highway. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Plan 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 as for park purposes in residential districts or for commercial industrial purposes in other districts.

(d) Major Streets. Where a subdivision borders on or contains an existing or proposed major street, the Plan



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Commission may require that marginal access streets be provided, that the backs of lots abut the major streets and be provided with screen planting contained in a nonaccess reservation along the area.

(e) Width. All streets shall be of the width specified on the official map or if no width is specified there, they shall be not less than the width specified below:

1. Major streets. 100'.
2. Collector streets. 80'.
3. Minor streets. 66'.
4. Marginal access streets. 66'.

(f) Grades. The grade of major and collector streets shall not exceed 6% and the grade of all other streets shall not exceed 10% unless necessitated by the exceptional topography and approved by the Plan Commission. The grade of all other streets shall not exceed 10%.

(g) Alignment and Visibility. Clear visibility measured along the centerline shall be provided of at least 300' on major streets, 200' for collector streets and 100' on minor streets.

(h) Minimum Radius or Curvature on the Centerline. 1. Major streets. 300'.

2. Collector streets. 200'.
3. Minor streets. 100'.

(i) Tangents. A tangent at least 100' long shall be introduced between reverse curves on major and collector streets.

(j) Street Names. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall be the name of existing streets.

(k) Cul-de-sac or Dead End Streets. Streets designed to have one end permanently closed shall not exceed 500' in