

CHAPTER 16

SUBDIVISION AND PLATTING

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16.01 PURPOSE. The purpose of this chapter is to promote the public health, safety and general welfare of the Village, and these regulations are designed to lessen congestion in the streets, and highways; to further the orderly layout and use of 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 for transportation, water, sewerage and other public requirements; and to facilitate the further resubdivision of larger tracts into smaller parcels of land. These regulations are made with reasonable consideration, among other things, of the character of the Village with a view to conserving the value of the buildings placed upon land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the Village.

16.02 GENERAL. Any division of land within the Village or its extraterritorial plat approval jurisdiction which results in a subdivision, as herein defined, shall be, and any other division may be, surveyed and a plat thereof approved and recorded, as required by this chapter and Ch. 236, Wis. Stats.

16.03 DEFINITION. (Am. Ord. 8-2000, Am. Ord. 2-1999, Am. Ord. 8-1997) A subdivision is a 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:

- (1) The act of division creates 2 or more parcels or building sites; or
- (2) Two or more parcels or building sites are created by successive divisions within a period of 5 years.
- (3) This section, insofar as it may apply to divisions of less than five parcels, shall not apply to:
 - (a) Transfers 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 between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required either by Chapter 236, Wis. Stats., or any other law or ordinance.
- (4) A certified survey map shall be deemed to fulfill the plat requirements of this chapter unless:
 - (a) The act of division creates 4 or more parcels or building sites of 1-1/2 acres each or less in area; or

(b) Four or more parcels or building sites of 1-1/2 acres each or less in area are created by successive divisions within a period of 5 years.

16.04 PROCEDURES. (1) PRELIMINARY PLAT. (a) Before submitting a final plat for approval, the subdivider shall submit a preliminary plat and such copies thereof, as shall be required, to the Village Board for preliminary approval. The Board shall refer the preliminary plat to the Plan Commission for its recommendation.

(b) After review of the preliminary plat and negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the Board shall, within 90 days of its submission, approve, approve conditionally or reject the plat. The subdivider shall be notified, in writing, of any conditions of approval or the reasons for rejection.

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

(2) **FINAL PLAT. (Am. #2-99)** (a) The final plat and such copies as shall be required shall be submitted within 24 months of the approval of the preliminary plat. However, if approval of the preliminary plat must be obtained from another approving authority subsequent to approval by the Village Board, the final plat shall be submitted within 24 months of such approval. The Board may waive failure to comply with this requirement.

(b) The board shall approve or reject the final plat within 60 days of its submission unless the time is extended by agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the Board meeting and a copy thereof or a written statement of such reasons shall be supplied the subdivider.

(c) 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 by the Board will be inscribed on the original of the final plat, the surveyor or the 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.

16.05 GENERAL REQUIREMENTS AND DESIGN STANDARDS. (1) GENERAL. The proposed subdivision shall conform to the provisions of Ch. 236, Wis. Stats., and all applicable provisions of this Code.

(2) **STREETS.** (a) General Considerations. Streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features, to public convenience and safety, and in appropriate relations to the proposed uses of the land to be served by such streets.

(b) Width. (Am. #10-2004) All street right-of-ways shall be not less than 60 feet in width and all streets shall be 40 feet in width from back of curb to back of curb. Cul-de-sacs shall have a minimum right-of-way of 110 feet in diameter and shall have street width of 90 feet in diameter from back of curb to back of curb.

(c) Grades. The grade of streets shall not exceed 8% unless necessitated by topography and approved by the Village Board.

(d) Alignment and Visibility. There shall be a minimum sight distance with clear visibility along the center line of all major streets of not less than 300 feet.

(e) Dead-end Streets. Cul-de-sacs, or streets designed to have one end permanently closed, shall not exceed 500 feet in length and shall terminate with a turnaround of not less than 110 feet in diameter.

(3) **EASEMENTS.** Easements across lots or centered on rear or side lot lines shall be provided for the installation of utilities where necessary and shall be at least 10 feet wide and such easements shall be continuous from block to block. When an easement is centered on a rear or side lot line, the width of the easement in each lot can be added together to meet the width requirements.

(4) **COSTS.** The subdivider shall pay all reasonable costs incurred by the Village for review and inspection, including preparation and review of plans, plats and specifications by the Village Engineer, the Village Attorney, and other costs of a similar nature upon receipt of a statement from the Clerk-Treasurer.

16.06 REQUIRED IMPROVEMENTS. (1) **MONUMENTS.** The subdivision shall be monumented as required by s. 236.15, Wis. Stats., which is hereby adopted by reference.

(2) **STREETS AND UTILITIES.** Before a final plat of a subdivision located within the corporate limits of the Village will be approved, the subdivider shall either install the following facilities, give satisfactory proof that he has contracted to install such facilities, or file with the plat a surety bond insuring that such facilities will be installed within the time required by the Village Board.

(a) (Am. Ord. #1-2008) All utilities (electricity, water and sewer) to the lot line where connection to existing systems can be reasonably provided, as approved by the Village Board.

(b) (Am. Ord. #4-2003, 10-2004) Streets graded to full width and the roadway graded to subgrade with a minimum of 6 inches of breaker rock and 6 inches of compacted gravel or crushed stone base course or its equivalent, as approved by the Village Board, 3 1/2 inches below curb apron and surfaced with 3 1/2 inches of finished blacktop or concrete. (1-3/4

inches of surface and (1-3/4 inches of binder.)

(c) Adequate facilities for storm water drainage, including curb and gutter installation, as approved by the Village Board.

(d) Street lights, as approved by the Village Board.

(3) **ACCEPTANCE OF STREETS AND UTILITIES.** After the subdivider has completed installation of the above required improvements, he shall notify the Village Board, in writing, of such completion. The Board shall, within 60 days of such notification, have the installations inspected by the Village Engineer, who shall report back to the Board. If the installations are found to have been done in a satisfactory manner, the Board shall accept ownership and responsibility for future maintenance of such streets and utilities. However, the subdivider shall enter into a written agreement with the Village, providing that the subdivider shall be responsible and liable for any repairs necessary for a period of one year, which repair work is necessitated by reason of faulty workmanship or materials in the original installation.

16.07 CONSTRUCTION. (1) **COMMENCEMENT.** No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved by the Village Board and the approving agencies and the construction plans have been approved by the Village Engineer.

(2) **BUILDING PERMITS.** No building permit shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met.

(3) **PLANS.** The following plans and accompanying construction specifications shall be required by the Village Board before authorization of construction and installation of improvements:

(a) Street plans and profiles showing existing and proposed grades, sizes, elevations and cross-sections of required improvements.

(b) Sanitary sewer and water plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities in compliance with current Village standards and applicable Department of Natural Resources administrative rules.

(c) Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations and material of required facilities in compliance with current Village standards.

(d) Additional special plans or information as required by the Village Engineer.

(4) **WORKING DRAWINGS.** After the work is completed, working drawings showing both horizontal and vertical locations of all underground utilities, as they were actually installed, shall be provided to the Village by the subdivider.

(5) **INSPECTION.** The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Village Board to provide for adequate inspection. Such arrangements shall be made in writing. The engineer retained by the subdivider shall inspect and approve all completed work. The Village shall not perform any maintenance on any utility or accept the responsibility thereof until all utility installation has been accepted by Village Board resolution. Such resolution shall be adopted only after all bonds or other guarantees have been released in accordance with the requirements governing the installation of public utilities. The subdivider shall reimburse the Village for the cost of inspection supplied by the Village. Under no circumstances shall any construction take place without a qualified inspector present.

(6) **ENGINEERING COSTS.** All engineering costs shall be provided by the subdivider. Copies of all plans and specifications required to perform any or all required construction shall be submitted to the Village Board for approval. Any construction requiring Department of Natural Resources approval shall be submitted for approval by the Board after the Department of Natural Resources approval has been granted. One copy, bearing Department of Natural Resources and all applicable agencies' approval, shall be provided to be placed on file in the office of the Clerk-Treasurer. All improvement tests, including sanitary sewer infiltration, concrete, etc., shall be caused by the subdivider at his expense. The engineer retained by the subdivider shall provide the Street Committee with the results thereof in writing.

16.08 VARIANCES. When, in the judgment of the Village Board, it would be inappropriate to apply literally a provision of this chapter because the subdivision is located outside the corporate limits of the Village, or because extraordinary hardship would result, it may waive or vary such provision 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 be waived.

16.15 PENALTY. Any person who fails to comply with any provision of this chapter shall, upon conviction thereof, forfeit not less than \$25 nor more than \$200, together with the costs of prosecution, for each violation and, in default of payment thereof, shall be imprisoned in the County Jail of Grant County until payment of such forfeiture and costs, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. In addition, the remedies provided by ss. 2236.30 and 236.31, Wis. Stats., shall be available to the Village.