

CHAPTER 15

SUBDIVISION ORDINANCE

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15.01 - INTRODUCTION: AUTHORITY, PURPOSE, AND INTERPRETATION

In accordance with the authority granted by Section 236.45 of the Wis. Stats. and for the purposes listed in sections 236.01 and 236.45 of the Wis. Stats., the Village Board ordains:

The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, comfort, prosperity and general welfare of the Village. It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed, restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village of Cassville and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

15.02 - GENERAL PROVISIONS

- (1) Subdivision. The division of a lot, parcel or tract of land by the subdivider thereof for the purpose of sale or of building development where the act of division creates three (3) or more parcels or building sites of five (5) acres or less in area, or three (3) or more parcels or building sites of five (5) acres each or less in area are created by successive division within a period of five (5) years.
- (2) Minor Subdivision. Certified Survey Maps shall be used for all other divisions of land; only one Certified Survey Map shall be allowed on a single tract of land within a five-(5) year period. Certified Survey Maps shall be prepared in accordance with Section 236.34, Wis. Stats., and the provisions of this ordinance as they may be reasonably applied. Ten (10) copies and the original of the map shall be tiled with the Plan Commission ten (10) days prior to the meeting of the Plan Commission at which action is desired. If not recorded in the office of the register of deeds within 30 days, approved Certified Survey Maps shall be submitted to the Plan Commission for re-approval.
 - (a) The map shall include a certificate by the owners of record in substantially the

same form as required by Section 236.21 (2)(a), Wis. Stats.

- (b) A certificate of approval of the Plan Commission shall be typed, lettered or reproduced legibly on the face of the map.
- (3) No division of land within the Village or within its extraterritorial jurisdiction shall be permitted if it results in a subdivision, unless a plat of the subdivision is submitted and approved in accordance with this ordinance and Chapter 236 of the Wis. Stats.
- (4) In addition to the provisions of this ordinance and Chapter 236 of the Wis. Stats., all subdivisions shall conform to the Zoning Ordinance, the Official Map Ordinance and the General Development Program, for the Village of Cassville and its extraterritorial planning area.
- (5) For all subdivision improvements required to be installed by the subdivider, the subdivider shall provide satisfactory proof that he has contracted to install such improvements or shall file a performance required by the Plan Commission.
- (6) All improvements shall be inspected and found to have been installed according to specifications, prior to either acceptance of the improvements by the Village Board or release of the subdivider's bond.
- (7) Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13 (5) and 62.23 (7)(e), 10, 14, and 15 of the Wis. Stats, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

15.03 - DEFINITIONS

- (1) Alley. A special public way affording only secondary access to abutting properties.
- (2) Arterial Street. A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highways and parkways.
- (3) Building Line. A line parallel to a lot line and at a distance from the lot line to comply with the Village Zoning Ordinance's yard requirement.
- (4) Certified Survey Map. See Section II.
- (5) Collector Street. A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.
- (6) Community. A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic or physical interests.
- (7) Comprehensive Plan. The extensively developed plan, also called a master plan, adopted by the Plan Commission and certified to the Village Board pursuant to Section 62.23 of the Wis. Stats. including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

- (8) County Planning Agency. Any agency created by a county board and authorized by Statute to plan land use, such as a rural planning committee, a park commission, a zoning committee or a planning commission.
- (9) Cul-De-Sac Street. Minor street closed at one end with a turnaround provided for passenger vehicles.
- (10) Division of Land. The creation of a parcel(s) or tract(s) of land, having an area of five (5) acres or less for purposes of sale or building development.
- (11) Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one-half (1 1/2) miles of a fourth class city or a village within three (3) miles of all other cities.
- (12) Frontage Street. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (13) Minor Street. A street used, or intended to be used primarily for access to abutting properties.
- (14) Minor Subdivision. See Section II.
- (15) Municipality. An incorporated village or city.
- (16) Planning Commission. That official body as provided for in Section 62.23 (1), Wis. Stats. (61.35 provides that 62.23 [1] shall apply to villages).
- (17) Public Way. Any public road, street, highway, walkway, drainage way, or part thereof.
- (18) Replat. The changing of the boundaries of a recorded subdivision plat or part thereof.
- (19) Subdivider. Any person, firm or corporation or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
- (20) Subdivision. See Section II.

15.04 - PROCEDURE FOR SUBMITTING SUBDIVISIONS

- (1) Preliminary Meeting. Before filing a preliminary plat the subdivider is encouraged to consult the Plan Commission and/or its staff for advice regarding general requirements affecting the proposed development. A sketch of the proposed subdivision drawn on a topographic survey map shall be submitted. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities.
- (2) Preliminary Plat.
 - (a) The subdivider shall submit to the Plan Commission sufficient copies of the preliminary plat for its review and transmittal by the Clerk to those agencies having the authority to object to the plat under the provisions of Section 236.12, Wis. Stats. The preliminary plat shall be based upon an accurate exterior boundary survey made by a registered land surveyor which shall clearly show the proposed subdivision at a scale of not more than one inch per 100 feet having two-foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land) which the subdivider proposes to make and the easements to be granted will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

- (b) The Plan Commission shall reject, approve, or conditionally approve the preliminary plat within 40 days after submission, as provided by Statute.
- (c) If the final plat conforms substantially to the layout shown in the preliminary plat as approved, including any conditions of the approval, it shall be entitled to approval with respect to such layout.

(3) Final Plat.

- (a) If the final plat is not submitted within six months of preliminary plat approval, the Village Board may refuse to approve the final plat. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances; the Wis. Stats. and Wis. Adm. Code shall be submitted for certification of those agencies having the authority to object to the plat as provided by Section 236.12, Wis. Stats. The final plat shall be accompanied by detailed construction plans for all improvements. The final plat shall be presented to the Plan Commission at least ten work days prior to the meeting at which it is to be considered and shall be accepted or rejected by the Plan Commission and the Village Board within 60 days of its submission, unless the time is extended by an agreement with subdivider. Reasons for rejection shall be stated in the minutes of the Village Board meeting and a copy thereof or a written statement of such reasons shall be given to the subdivider. Approved final plats shall be recorded in accordance with the statutory requirements prior to the time that lots are offered for sale, reference is made to the map for sale purposes, or use is made of lot and block numbers shown on the plat.
- (b) If the original of the final plat has been submitted to another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Plan Commission and Village 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. All approvals must be in writing and a copy attached to the final plat.
- (c) Waivers for the interior staking of plats may be granted under the provisions of Subsection 236.15 (1)(h), Wis. Stats.

(4) Subdivisions Outside the Village. (Within the Village Extraterritorial Plat Approval Jurisdiction).

15.05 - DESIGN STANDARDS

- (1) Streets and Lots. The subdivider shall dedicate land and improve streets as provided herein. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety.
- (2) All lots shall have sufficient frontage on a public street to allow access by emergency and service motor vehicles.
- (3) Street locations shall be consistent with any street plans officially adopted by the village. All street right-of-way widths, radii of curvature and grades shall conform to the following requirements.

Street Type	Right-of-Way Minimum Width	Minimum Radius of Curvature	Maximum Grade
Arterial or Highway	120 feet	300 feet	6%

Collector (carries traffic from Minor streets to arterials or highways)	80 feet	200 feet	7%
Minor (provides access to individual lots)	66 feet	100 feet	10%

Streets located in the extraterritorial plat jurisdiction of the Village of Cassville must also comply with the minimum town road standards of Section 86.26, Wis. Stats.

- (4) Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
- (5) Minor streets shall be laid out so as to discourage their use by through traffic.
- (6) The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.
- (7) Where a subdivision abuts or contains an existing or proposed arterial highway, the Plan Commission shall require a frontage road, non-access reservation along the rear of the property contiguous to such highway, or such other treatment as may be necessary to ensure safe, efficient traffic flow adequate protection of residential properties.
- (8) Reverse strips controlling access to streets shall be prohibited.
- (9) A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets.
- (10) Streets shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
- (11) Half-Streets. Where, on the date of enactment of this Ordinance, an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets is prohibited.
- (12) Permanent dead-end streets or cul-de-sacs shall not be longer than 600 feet, shall have a minimum width of 50 feet and terminate with a turnaround having minimum radii of 30 feet for roadway and 40 feet for a street line.
- (13) Where possible, lot lines shall be perpendicular to straight street lines and radial to curved street lines.
- (14) Lots shall follow, rather than cross, municipal boundary lines wherever practicable.
- (15) No street names shall be used which will duplicate or may be confused with the names of existing streets. Street names shall be subject to the approval of the Plan Commission.
- (16) Subdivision lots in the Village of Cassville and the extraterritorial plat jurisdiction area shall be in conformance with the area and width requirements of the Village Zoning Ordinance, town and county zoning ordinances and Chapter ILHR 85, Wis. Adm. Code.
- (17) Block Design.
 - (a) The lengths, widths, and shapes of blocks shall be appropriate for the

topography and the type of development contemplated.

- (b) Wherever possible, right angle street intersections should be encouraged.
- (c) To provide adequate access and circulation to community facilities, the Plan Commission may require that sidewalks be provided, either along streets or through the center of blocks. Center crosswalks shall not be less than ten feet wide.
- (d) The Plan Commission may require that certain species of trees be planted on both sides of all streets.

15.06 - IMPROVEMENTS

Adequate sewer and water facilities; street base preparation, paving and curb and gutter; surface water drainage facilities; and street lighting facilities shall be provided by the subdivider for each lot in accordance with specifications approved by the Village Engineer.

15.07 - EASEMENTS

- (1) The Plan Commission may require easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the interest of this Ordinance to protect all established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (2) The Plan Commission may require that easements or drainage ways be provided where a subdivision includes a segment or segments or watercourses, drainage ways, channels or streams.

15.08 - PUBLIC RESERVATION

PUBLIC LANDS AND OPEN SPACES

The requirements of this section are established to ensure that adequate parks, open spaces and sites for other public uses are properly located and preserved as the Village grows. It has also been established to ensure that the cost of providing park and recreation sites and facilities necessary to serve the additional people brought into the community by land development may be equitably apportioned on the basis of the additional needs created by the development. The requirements shall apply to all lands proposed for all residential development.

DEDICATION OF LANDS FOR PARKS AND PLAYGROUNDS

The subdivider shall designate on every new preliminary plat of a residential subdivision an area of land suitable for parks, playgrounds, open spaces, drainage ways, and other public purposes and shall dedicate such land to the public. Consideration shall be given to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes, ponds, streams, watercourses, watersheds and ravines and woodland, prairie and wetland plant and animal communities. The amount of land to be so dedicated shall be at least one acre of land for every 25 proposed residential dwelling units within the plat, in accordance with the Village of Cassville's Park and Recreation Plan. However, the total amount of land dedicated for public purposes or otherwise provided for meeting the objectives of this section need not exceed 1/3 of the total area of

the plat.

Upon recommendation to the Village Board by the Plan Commission, the Village reserves the right to select those lands within the plat it considers best suited to meeting the recreational needs of the Village, providing such selection does not violate other provisions of this section. Such determination shall be made within 60 days from the meeting of the Plan Commission at which the preliminary plat was presented.

Where, at the discretion of the Plan commission and the Parks & Recreation Commission, there is no land in the plat suitable for recreational purposes, or the dedication of land would not be compatible with the Village's comprehensive development plan, or the Parks & Recreation Commission determines that a cash contribution would better serve the public interest, the Plan Commission and Parks & Recreation Commission may recommend to the Village Board that the subdivider pay to the Village Treasurer the sum of \$300 per possible dwelling unit created by such plat with the following schedule designating the fee based on the designated zoning:

<u>District</u>	<u>Units</u>	<u>Per Lot</u>
R-1	1	\$300
R-2	2	\$600
R-3	4	\$1200
C-1	2	\$600

The funds so collected by the Village shall be deposited as "Special Funds for the Acquisition and Development of Public Sites, Recreation Areas, Open Spaces and Greenways" (Park Special Fund), and that said funds so levied and collected shall be used for such purposes at such places and in such manner as shall be approved, ordered and directed by the Village upon recommendation by the Parks and Recreation Commission. Any and all interest accumulated upon such funds shall be added to the Special Fund and be used only for acquisition and development for said purposes.

15.09 - VARIANCES

- (1) The Board of Appeals may grant variances from the provisions of this ordinance, but only after determining that:
 - (a) Because of the unique conditions of the subdivision involved, literal application of the ordinance would impose a hardship.
 - (b) The variance will not violate the purpose of the ordinance or the provisions of chapter 236 of the Wis. Stats.
- (2) The requirement of filing and recording a plat for subdivision shall not be waived.

15.10 - ENFORCEMENT, PENALTIES, AND REMEDIES

The Building Inspector shall have primary responsibility for enforcing this ordinance. No land use permit shall be issued for construction on any lot until the provisions of this ordinance have been complied with.

Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$25 nor more than \$200 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 Section 236.30 and 236.31 of the Wis. Stats. shall be available to the Village of Cassville.

15.11 - SEPARABILITY

Invalidation of any part of this ordinance by a court shall not invalidate the rest of this ordinance.