

## **Chapter 2**

### **Subdivision Ordinance**

EFFECTIVE: JUNE 27, 1993

#### **2.1 Purpose**

The purpose of this ordinance is to promote the public health, safety and general welfare of the community, and these regulations are designed to lessen congestion in the street 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 provisions for transportation, water, sewage, schools, parks, playgrounds and other public requirements; to facilitate further subdivisions of larger tracts into smaller parcels of land. These regulations are made with the reasonable consideration of, among other things, the character of the Town with a view of 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 Town.

#### **2.2 General**

**(A)** Any division of land within the Town or its' jurisdiction which results in a primary subdivision shall be surveyed in a plat thereof approved as required by this ordinance and Chapter 236 of the Wisconsin Statutes.

**(B)** Any division of land within the Town or its' jurisdiction which results in a secondary subdivision shall be by certified map by a registered land surveyor and such division of land shall be subject to the Town Board after recommendation of the Town Planning Committee.

**(C)** No road or street or way of travel shall be dedicated, donated or granted to the Town , either within a primary subdivision or secondary subdivision, or without, unless the same is in compliance with the provisions of sections 2.5 and 2.6 of this ordinance. The Town Board may, but shall not require to, waive all or a part of the requirements set forth in sections 2.5 and 2.6 of this ordinance.

#### **2.3 Definitions**

##### **(A) Primary Subdivision**

The division of a lot, parcel or tract of land by the owner thereof or their agent or by the owner's immediate grantee or their agent where the act of division or successive division creates five or more lots or outlets of one and one-half acres each or less in area within a period of five years.

##### **(B) Secondary Subdivision**

The division of a lot, parcel or tract of land by the owner thereof or their agent or by the owner's immediate grantee or their agent where the act of division or successive division creates two, three or four lots or outlots of one and one-half acres each or less in area or three or more lots or outlots more than one and one-half acres and five acres each or less in area, and any such division occurs within a period of five years.

##### **(C) Subdivision**

A primary or secondary subdivision

##### **(D) Building Line**

A line or a plat or certified survey between which line and a street no building or structure may be erected.

##### **(E) Cul-de-sac**

A minor street with only one outlet culminated by a turnaround.

##### **(F) Town Planning Committee**

That body duly authorized by the Town to plan land use.

#### **2.4 Procedures**

**(A) Preliminary Plat**

**(1)** The subdivider shall file with the Town Board at the office of the Town Clerk, five copies of the preliminary plan, and pay a filing fee in accordance with the following rates: \$100 for each preliminary plat submitted for approval by the Town at the time the preliminary plan is filed with the Clerk.

**(2)** The Town Clerk shall immediately distribute three copies to the Town Planning Committee and two copies to the Town Board.

**(3)** After review of the preliminary plat and negotiations with the sub-divider on changes deemed advisable and the kind and extent of public improvements which will be required, the Town Planning Committee shall within 40 days of its submission, approve, approve conditionally or reject the plat. The sub-divider shall be notified in writing of any conditions of approval and the date of the Town Board Meeting or the reasons for rejection.

**(4)** The Town Board shall review the preliminary plat forwarded to them by the Town Planning Committee with any conditions of approval recommended. The Town Board shall approve, approve with further conditions or reject the plat.

**(5)** 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.

**(B) Final Plat**

**(1)** The final plat and such copies as shall be required shall be submitted within six 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 Town Board, the final plat shall be submitted within six months of such approval. The Board may waive failure to comply with this requirement.

**(2)** The Board shall approve or reject the final plat within 60 days of its submission, unless the time is extended by an 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.

**(3)** 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, the Town 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.

**2.5 General Requirements and Design Standards**

**(A) General. The proposed subdivision shall conform to:**

**(1)** The provisions of Chapter 236 of the Wisconsin Statutes.

**(2)** All applicable ordinances and resolutions of the Town.

**(3)** The rules of the Department of Natural Resources relating to lot size and lot elevations, if the subdivision is not served by a public sewer and provisions for such services have not been made.

**(4)** The rules of the State Highway Commission relating to safety of access and the preservation of the public interest and investment in the streets, if the subdivision or any lot contains therein abuts on a State trunk highway or connecting street.

**(5)** All provisions of the Portage County Subdivision Ordinance which are more restrictive than those provisions contained within this Town ordinance.

**(B) Streets**

**(1) General considerations.** Streets shall be designed and located in relation to existing and planned streets and to topographical conditions and natural terrain features, such as streams and existing tree growth, to public convenience and safety, and in appropriate relation to the proposed uses of the land to be served by such streets.

(2) **Width.** All streets shall be not less than 66 feet in width, including Cul-de-sacs and dead-end streets.

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

(4) **Alignment and Visibility.** There shall be a minimum sight distance of not less than 150 feet with clear visibility along the center line of all streets.

(5) **Dead-end Streets.** Dead-end streets, Cul-de-sacs, or streets designed to have one end permanently closed, shall terminate with a turnaround of not less than 130 feet in diameter, with a reversed radius of not less than 50 feet at the entrance of the cul-de-sacs. Cul-de-sacs that are back to back must allow a 15 foot utility easement between cul-de-sacs.

**(C) Intersections**

(1) Where streets intersect and cross other streets, their alignment shall be continuous and street jogs or off-center intersections shall be avoided.

(2) Streets shall intersect as nearly as possible at right angles.

(3) Not more than two streets shall intersect at one point unless approved by the Town Board.

**(D) Easements.**

(1) 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 of each lot can be added together to meet the width requirement.

**(E) Lots**

(1) **In General.** The size, shape and facing of lots and the minimum building setback lines shall be appropriate for the topography of the subdivision and the type of development and use contemplated.

(2) **Lot Dimensions.** Residential lots shall have a minimum lot area of 20,000 square feet, provided that where regulations of the State Department of Health and Social Services (State Board of Health), or shore land zoning regulations, require a larger lot area, such regulations shall govern.

(3) Residential lots to be served by private sewage disposal facilities, shall comply with the rules of the Wisconsin Department of Health and Social Services, or other governing authority.

(4) **Access to Public Street.** Every lot shall front or abut on a public street.

(5) **Municipal Boundaries.** The lots shall follow municipal or town boundary lines whenever practicable rather than cross them.

**2.6 Required Improvements**

(A) Receipt of the signed copy of the preliminary plan is authorization for the subdivider to proceed with the preparation of the plans and specifications for the following minimum improvements and with the preparation of the final plat. Prior to the construction of any improvements required or to the submission of a bond in lieu thereof or to the provisions for any assessment for such construction, the subdivider shall furnish the Town Board or engineer designated by the Town all plans, information and data necessary to determine the character of said improvements. These plans shall be examined by the Town Board or engineer designated by the Town and will be approved, if in accordance with the requirements of this section. Following this approval, construction can be started or the amount of bond determined or an assessment provided for.

(B) No final or official plat of any subdivision shall be approved unless:

(1) The subdivider agrees with the Town Board upon an assessment whereby the Town is put in an assured position to install the improvements listed in section 2.6 (c ) 1-4 at the cost of the owners property within the subdivision, or

(2) the improvements listed in section 2.6 (c ) 1-4 have been installed prior to such approval,

(3) or the subdivider file with the Town Board a surety bond, a cashier's check or a certified check upon solvent bank located in Portage County, conditioned to secure construction of the improvements listed in section 2.6 (c ) 1-4 in a satisfactory manner within a period specified by the Town Board, such period not to exceed two years. No such bond or check shall be accepted unless it be enforceable by or payable to the Town in a sum at least equal to the cost of constructing the improvements as estimated by the Town Board or engineer designated by the Town, and in form with surety and conditions approved by an attorney retained by the Town.

(C) The owner of a tract may prepare and secure approval of a preliminary subdivision plan of an entire area and may install the above improvements only in a portion of such area, but the improvements must be installed in any portion of the area for which a final plat is approved for recording.

**(1) Street Improvements.**

(a) All new street and public ways shall be graded to their full width including side sloped, and to the appropriate sub-grade, and the traveled roadway 32 feet in width shall be surfaced with six (6) inches of road gravel, and the traveled roadway 22 feet in width shall be surfaced with either three (3) inches of a cold mix or two (2) inches of a hot mix bituminous substance (black topping), all in accordance with applicable specifications of the Town. Said black topping shall not be applied to the streets until such time as the six (6) inches of road gravel has laid on the proposed streets for a period of one winter season (winter season defined herein as December 15 through May 31), but in no event later than two years from the Town's approval of the final or official plat. Such construction shall be subject to inspection and approval by the engineer designated by the Town. After black topping is completed, the remaining roadway shall be shouldered with material approved by the Town. The remainder of the right-of-way shall be seeded with grass and covered to prevent erosion.

(b) Where a subdivision or certified survey map will be created along an existing Town road, the Town and the subdivider shall enter into an agreement prior to the approval of the final plat or certified survey map for the payment by the subdivider to the town of moneys to be used to upgrade the existing road. The subdivider shall pay \$2.50 per linear foot of road frontage with a minimum of \$500.00 per lot. These moneys shall be deposited to the Town prior to the final approval of the plat or certified survey map. The Town shall deposit these moneys into a certificat of deposit, and the moneys shall be used solely for the purpose of upgrading that road. The Town reserves the right to upgrade the road when they deem it necessary, but shall be required to do so when 67% of the subdivided lots have had homes constructed upon them. The Town Board reserves the right to waive this requirement.

(2) **Street Signs.** All streets and public ways shall be named and designated by appropriate markers at all street intersections of the proposed plat. There shall be no duplication of the name of any street in the Town or other municipalities or townships of the county, unless the street is an already existing street, in which case the street name shall be used. Said street markers shall conform to materials and be set in a manner approved by the Town Board. The subdivider shall furnish and install one right-of -way marker on the corner of each lot adjacent to all Town roads affected by the subdivision.

(3) **Drainage.** All necessary facilities shall be installed sufficient to prevent the collection of surface water in any low spot, and to maintain any natural water

course. Drainage facilities satisfactory to the Town Board to the engineer designated by the Town shall be provided for the ends of all cul-de-sacs and dead-end streets.

**(4) House Numbers.** The plotting out of house numbers (fire numbers) in a subdivision shall be done by the Town Clerk or a house numbering firm approved by the Town Board. Cost of plotting and the purchasing of the fire signs shall be bore by the owner or subdivider.

**(D)** If the Town Board deems it necessary to seek professional engineering expertise in reviewing and inspecting any subdivision plat submitted to the Town for approval the subdivider shall as a condition to approval of the final plat reimburse the Town for the actual cost of such engineering help.

## **2.7 Reservations**

Within limits of the Town, where feasible and compatible with the development of the community and the plans of the Town Planning Committee, the subdivider shall provide and dedicate to the public adequate land to provide for the school, park and recreation needs of the subdivision. The amount of land to be provided for such dedication shall be determined on the basis of a proportion equal to one acre for each 20 building sites set forth in the plat or survey. Where such dedication is not feasible or compatible with the plans of the Town Planning Committee, the subdividers shall in lieu thereof pay to the Town a fee of \$100 for each building site. The determination as the feasibility of dedication and location of land shall be made by the Town Planning Committee.

## **2.8 Plats and Data**

### **(A) Preliminary Plat**

**(1)** The preliminary plat shall be drawn with water proof non fading black ink or legibly drawn with pencil on tracing cloth, or tracing paper of good quality on a scale of not more than 100 feet to an inch and shall be in sufficient detail and contain such information as will enable the Town Planning Committee to determine whether the design of the final plat will conform with this ordinance.

**(2)** Supplementary Information. The subdivider shall furnish the following information with this preliminary plat:

**(a)** A brief description of the improvements such as grading, paving, tree planting, installation of street signs, installation of utilities which the subdivider proposes to make and the time he proposes to make them.

**(b)** A brief description of deed restrictions, if any, which will be put on the plat.

**(c)** A consecutive numerical designation shall be given to each lot on the plat.

### **(3) The Preliminary plat shall show:**

**(a)** The location of present property lines, streets, buildings, water courses, tree masses and other existing features within the area to be subdivided and similar information regarding existing conditions of land immediately adjacent thereto.

**(b)** The proposed location, width, and grade of streets, lots, building and setback lines and easements, especially noting that sufficient easements are shown on the plat for the purpose of utility easements; also, the total square footage of each lot shall be designated.

**(c)** Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto, if any.

**(d)** The title of which the proposed subdivision is to be recorded and the name of the subdivider plotting the tract.

**(f)** The names and adjoining boundaries of all the adjoining subdivisions and the names of the recorded owners of the adjoining parcels of land not subdivided.

**(e)** North point, scale and date.

**(f)** Soil boring data for septic system siting by a Certified Soil Tester (one boring per three acres minimum).

- (a) Wetlands shall be delineated per Wisconsin Department of Natural Resources Wetlands Inventory Maps or by an individual deemed competent by the DNR or Army Corp. of Engineers.

**(B) Final Plat**

**(1)** A final plat of subdivided land shall comply with the requirements of Section 236.20 of the Wisconsin Statutes, which is hereby adopted by reference.

**(2)** The affidavits and certifications required by Section 236, Wisconsin Statutes, shall be lettered or printed legibly with black durable ink or typed legibly with black ribbon on the final plat.

**(3)** The final plat shall show:

**(a)** Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of length as to make their lettering on the plat impractical and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.

**(b)** Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, parks or other open spaces shown thereon and the granting of easements required.

**(c)** Street address or fire numbers for each lot of the plat, except outlots.

**2.9 Subdivision Created by Successive Divisions**

**(A)** Where it is not practicable to require that a final plat of the subdivision created by successive divisions to be filed in accordance with this ordinance, the Town Board may in lieu thereof order an assessors plat to be made under Section 70.27 of the Wisconsin Statutes and may assess the costs thereof as provided in such section, or to the subdivider.

**(B)** Regardless of the type of plat filed, any such subdivision shall comply with all provisions of this ordinance to the extent that they may reasonably be applied.

**2.10 Variances**

When in the judgment of the Town Board it would be inappropriate to apply literally the provisions of this ordinance because extraordinary hardship would result, it may waive or vary such provisions so that substantial justice may be done and the public interest secured, provided that in no event shall the requirement of filing and recording the plat be waived.

**2.11 Penalty**

Any person, firm or corporation who fails to comply with any provision of this ordinance, shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$200.00, together with the costs of the prosecution for each violation and in default of payment thereof shall be imprisoned in the County Jail of Portage County, Wisconsin, 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 section 236.30 and 236.31 of the Wisconsin Statutes shall be available to the Town.

**2.12 Effective Date**

This ordinance shall take effect and be enforced after its passage and publication. (June 27, 1993)

**2.13 Prior Ordinances**

This ordinance on its effective date repeals all prior Town Subdivision Ordinances.

**2.14 Subdivision Procedures**

**(A)** Initial subdivision review. Sub-divider shall provide a copy of the proposed subdivision plan. Subdivider shall receive a copy of the Town Subdivision Ordinance and a copy of the Town Subdivision Procedures.

**(B)** The Town Board shall discuss the subdivision with Portage County Planning and Zoning Department.

**(C)** Sub-divider shall meet with the Town Planning Committee. They shall review the proposal to see that it meets the guidelines of the Town Land Use Plan. After review and working on necessary changes to meet the Town Land Use Plan, they shall approve, approve with conditions or reject the preliminary plat. It shall then be forwarded to the Town Board for consideration for action with the Committee's recommendation for approval, approval with conditions, or the reasons for rejection.

**(D)** The Town Board shall discuss with the sub-divider changes and County requirements that may be necessary.

**(E)** The sub-divider shall submit the preliminary plat. The Town Board shall collect \$100 for the preliminary plat according to Town Ordinance. The sub-divider shall sign an agreement to abide by the Town subdivision ordinance.

**(F)** The Town Board shall act on approving the preliminary plat.

**(G)** The sub-divider shall present road plans and specifications.

**(H)** The Town Board shall act on approving road plans and specifications.

**(I)** The Town Board shall inspect the proposed road (This may be by-passed if the Town is collecting money necessary to complete the entire road project).

**(J)** The Town Board shall act on approving the final plat. Prior to approval, the Town Board shall collect money for:

- (1)** all road improvements not completed,
- (2)** any engineering assistance needed for plat approval or road work,
- (3)** street signs,
- (4)** house numbering costs, and
- (5)** moneys for the Parks Fund.

**(K)** The Town Board shall act on accepting road(s) in the subdivision. The Board will accept the road before it is black topped with moneys set aside, or when the road construction is completed.

### **Subdivision Agreement**

#### **TOWN of DEWEY SUBDIVISION AGREEMENT**

\_\_\_\_\_, sub-divider of \_\_\_\_\_ Subdivision,  
have read and acknowledged the Town of Dewey Subdivision Ordinance. I agree to comply with the Town of Dewey Subdivision Ordinance, and will follow the procedures outlined by the Town of Dewey.

\_\_\_\_\_  
Sub-divider

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dewey Chairperson

\_\_\_\_\_  
Date