

CHAPTER 19

SUBDIVISION

19.01 INTRODUCTION: AUTHORITY, PURPOSE AND INTERPRETATION

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

- a. 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.
- b. 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.
- c. 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 Stockbridge and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

19.02 DEFINITIONS

1. “Alley” means a public or private right-of-way shown on a plat, which provides secondary access to a lot, block or parcel of land.
2. “Copy” means a true and accurate copy of all sheets of the original subdivision plat. Such copy shall be on durable white matte finished paper with legible dark lines and lettering.
3. “Correction instrument” means an instrument drafted by a licensed land surveyor that complies with the requirements of Sec. 236.295, Stats., and that, upon recording, corrects a subdivision plat or a certified survey map.
4. “County planning agency” means a rural county planning agency authorized by Sec. 27.019, Stats., a county park commission authorized by Sec. 27.02, Stats., a county zoning agency authorized by Sec. 59.69, Stats., or any agency created by the county board and authorized by statute to plan land use.
5. “Department” means the department of administration.

6. “Extraterritorial plat approval jurisdiction” means the unincorporated area within 3 miles of the corporate limits of a first, second or third class city, or 1 ½ miles of fourth class city or a village.
7. “Municipality” means an incorporated city or village.
8. An “outlot” is a parcel of land, other than a lot or block, so designated on the plat.
9. “Plat” is a map of a subdivision.
10. “Preliminary plat” is a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.
11. “Record” means, with respect to a final plat or a certified survey map, to record and file the document with the register of deeds.
12. “Recorded private claim” means a claim of title to land based on a conveyance from a foreign government made before the land was acquired by the United States.
13. “Replat” is the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
14. “Arterial street” means a street used, or intended to be used, primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways.
15. “Building line” means a line parallel to a lot line and at a distance from the lot line to comply with the Village Zoning Ordinance yard requirements.
16. “Certified survey map” means as defined in Section 19.03(2) or its modification thereof.
17. “Collector street” means 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.
18. “Community” means a town, municipality, or a group of adjacent towns and/or municipalities, or any part(s) thereof, having common social, economic or physical interests.
19. “Comprehensive plan” means the extensively developed plan, also called a master plan, adopted by the Plan Commission and certified to the Village Board pursuant to Sec. 63.23, Stats., including proposals for future land use, transportation, urban development 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.

20. “Cul-De-Sac Street” means a minor street closed at one end with a turnaround provided for passenger vehicles.
21. “Division of land” means the creation of a parcel(s) or tract(s) of land, having an area of five acres or less for purposes of sale or building development.
22. “Frontage street” means 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.
23. “Lot” means a buildable parcel of land separate from other parcels and designated by metes and bounds, a certified survey map, assessors plat, land subdivision plat, or public land survey for the purpose of sale, lease, or building development.
24. “Minor street” means a street used, or intended to be used, primarily for access to abutting properties.
25. “Minor subdivision” means as defined in Section 19.03(2) or its modification thereof.
26. “Plan commission” means that official body as provided for in Sec. 62.23, Stats., (61.35 provides that 62.23 shall apply).
27. “Public way” means any public road, street, highway, walkway, drainageway, or part thereof.
28. “Subdivider” means any person, firm or corporation or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
29. “Subdivision” means as defined in Section 19.03(1) or its modification thereof.

19.03 GENERAL PROVISIONS

1. **SUBDIVISION.** The dividing 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 five or more parcels of building sites of five acres or less (each) in area, or five or more parcels or building sites of five acres or less (each) in area are created by successive division within a period of five years.
2. **MINOR SUBDIVISION.** Those divisions of land into one to four lots or building sites. Certified survey maps shall be used for such divisions. Certified survey maps shall be prepared in accordance with Chapter 236, Wisconsin Statutes, and the provisions of this Ordinance. Ten copies and the original of the map shall be filed with the Plan Commission, ten days prior to the meeting of the 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 re-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 Sec. 236.21(2)(a), 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 which meets the definition of subdivision used in this ordinance within the Village or within its extraterritorial jurisdiction, shall be permitted unless a plat or certified survey map is submitted and approved in accordance with this ordinance and Chapter 236 of the Wisconsin Statutes.
4. In addition to the provisions of this Ordinance and Chapter 236 of the Wisconsin Statutes; all subdivisions shall conform to the Zoning Ordinance, and any other ordinance or plans adopted by the Village.
5. For all subdivision improvements required to be installed by the subdivider, the subdivider shall provide satisfactory proof that he had contracted to install such improvements or shall file a performance bond, ensuring installation of such improvements within the time 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 improvement by the Village Board or release of the subdivider's bond.
7. The developer of land shall not be granted approval for the division of said land if it is deemed unsuitable by the Plan Commission for reason of flooding, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety, or general welfare of the future residents or uses of the proposed subdivision.
8. Any person aggrieved by an objection to a plat or failure to approve a plat may appeal therefrom, as provided in Secs. 236.13(5) and 62.23(7)(e), 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.

19.04 PROCEDURE FOR SUBMITTING SUBDIVISION

1. **PRELIMINARY MEETING.** Before filing a preliminary plat, the subdivider shall meet with 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. The Village will be responsible for the cost of one initial meeting. Requested or needed subsequent meetings for plan review should the plan not meet minimum plan requirements shall be the responsibility of the developer.

2. PRELIMINARY PLAT. The subdivider shall submit to the Plan Commission ten copies of the preliminary plat for its review and transmittal by the Village Clerk to those agencies having the authority to object to the plat under the provisions of Sec. 236.12, 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 the one inch per one hundred 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 and shall indicate by accompanying letter when the improvements shall be provided. Any proposed restrictive covenants for the land involved shall be submitted. All preliminary plats submitted to the Village shall contain a complete drainage plan. The Village reserves the right to have preliminary plats submitted reviewed by an outside planning agency, and such review expenses shall be borne by the developer.
 - a. The Plan Commission shall reject, approve or conditionally approve the preliminary plat within 40 days after submission, as provided by Statute.
 - b. If the final plat conforms substantially to the layout shown in the preliminary plat as approved, including any condition of the approval, it shall be entitled to approval with respect to such layout.
 - c. The existing grade on all four corners of a platted lot must be included on the preliminary and final plat as provided at 3. below.
3. FINAL PLAT. 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 and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Sec. 236.12(2), Stats. The final plat shall be accompanied by detailed construction plans of all improvements. These plans shall include a complete listing of all materials and appliances, including brand names where applicable, to be used in the installed improvement. All water and sewer utilities to be installed within a subdivision shall be subject to approval by the Village Utility Commission before approval of the plat. The final plat shall be presented to the Plan Commission at least ten work days prior to the meetings 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 the 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 the 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.

- a. Waivers for the interior staking of plats may be granted under the provisions of the Sec. 236.15(1)(h), Stats.

4. **SUBDIVISIONS OUTSIDE THE VILLAGE (WITHIN THE VILLAGE EXTRATERRITORIAL PLAT APPROVAL JURISDICTION).** In planning and developing a subdivision in an unincorporated area within 1½ miles of the corporate limits of the Village, as provided by Secs. 236.02(5) and 236.10(2), Stats., the subdivider or his agent shall follow the procedures outlined in Section 19.04 of this ordinance.

19.05 DESIGN STANDARDS

1. **STREETS AND LOTS.**

- a. The subdivider shall dedicate land and improve streets as approved herein. Streets shall conform to the Comprehensive Plan and/or the Official Map of the Village. 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. The standards for the approval of roads and road beds and the minimum road construction standards for plats, certified surveys and road dedications incorporated in Chapter 21 of the Village Ordinances are incorporated herein by reference and made a part hereof as though set forth herein completely and shall meet the requirements of Chapter 24 - Zoning Code.
- b. All lots shall have sufficient frontage on a public street to allow access by emergency and service motor vehicles.
- c. 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 minimum requirements:

Street Type	R.O.W. Width (Minimum)	Pavement Width Minimum	Minimum Radius of Curvature	Maximum Grade
Arterial Highway	120'	24'	300'	6%
Collector	66'	24'	200'	7%
Minor	66'	24'	100'	10%

- d. No street grade shall be less than one-half of one percent. Base of streets must consist of a minimum of 12" of crushed rock (8" of 1½" to 2 ½" aggregate and 4" of ¾" aggregate).
- e. Streets shall be laid out to provide for continuation wherever topographic and other physical conditions permit.
- f. Minor streets shall be so laid out so as to discourage their use by through traffic.
- g. The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.
- h. 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 insure safe, efficient, traffic flow and adequate protection of residential properties.
- i. Reserve strips controlling access to streets shall be prohibited.
- j. A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets.
- k. Streets shall afford maximum visibility and safety and shall intersect at right angles, where practical.
- l. Dedication of half streets shall be prohibited.
- m. Permanent dead-end streets or cul-de-sac shall not be longer than 1,000 feet, and shall terminate with a turn around having pavement diameter of 80 feet and a right-of-way diameter of 100 feet. A cul-de-sac which is temporarily constructed may terminate with a "turn around" which is of adequate size and construction to accommodate snow removal equipment.
- n. Where possible, lot lines shall be perpendicular to straight street lines and radial to curved street lines.
- o. Lots shall follow, rather than cross, municipal boundary lines wherever practical.
- p. No street names shall be used which duplicate or may be confused with names of existing streets. Street names shall be subject to the approval of the Plan Commission.

- q. Alleys may be required at the rear of all lots used for multi-family commercial or industrial developments, but shall not be provided in one-family and two-family residential developments unless the subdivider provides evidence satisfactory to the Plan Commission of the need for alleys.
- r. The subdivider/developer shall be required to provide two inches of blacktop to any public dedicated street.
- s. The subdivider shall provide finished grading on public dedicated streets to the specifications approved by the Plan Commission.
- t. Subdivision lots in the Village and the extraterritorial plat jurisdiction area shall be in conformance with the area and width requirements of the Village Zoning Ordinance, County Zoning Ordinance, and Wisconsin Division of Health.
- u. All lots shall abut on a public street and in all cases such newly-created streets shall conform to the minimum standards as set forth herein and as set forth in Chapter 21 of the Village Ordinances as though fully set forth herein.

2. BLOCK DESIGN.

- a. The length, width, and shape of blocks shall be determined by:
 - i. Building site needs.
 - ii. Needs for convenient access, circulation, control and safety of street traffic.
 - iii. Limitations and opportunities of topography.
- b. Blocks shall not be greater than 1500 feet in length nor less than 600 feet in length, except where necessary, in the case of:
 - i. Cul-de-sacs and permanent dead-end streets.
 - ii. The connection of a new street with an existing street or other unusual circumstances.
- c. To provide adequate access and circulation to playgrounds, schools, and commercial facilities, the Plan Commission may require that walkways or sidewalks be provided in locations specified by the Commission, either along streets or through the center of blocks.
- d. The Plan Commission may require that certain species of trees be planted on both sides of all streets.

19.06 IMPROVEMENTS

Improvements, which consist of street base preparation, surface water drainage facilities, sewer and water facilities, and any other facilities deemed necessary by the Village Board in the future, shall be provided by the subdivider for all subdivision plats as defined by this ordinance.

1. Water and sewer mains shall be installed and shall conform to all applicable state statutes and code provisions, county ordinances, and village ordinances and approval by the Village Utility Commission.
2. All utility transmission lines (including electrical, telephone and any other type of lines desired by the developer) shall be installed underground.
3. If the developer chooses to use his own engineer and contractor to install said utilities, all aspects of the project (engineering, layout, excavation, placement, etc.) shall be subject to approval by the Village Board and its consulting engineer.
4. The construction of all utility improvements specified in this ordinance shall be under way within six months of the date of final plat approval. Said utilities shall be completed and made useable, to the complete satisfaction of the Village, within eighteen months of final plat approval. The Village Board may grant a maximum of six months extension for completion of such utility improvements.
5. The Developer shall submit a surety bond in an amount sufficient to cover the cost of all required utility and road improvements as a guarantee that said improvements will be made. The amount of the bond will be determined by the Village' consulting engineer and must be received by the Village Clerk prior to final plat approval. Once all required construction of installations have been completed to the satisfaction of the Village, the bond shall be returned.

19.07 EASEMENTS

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

19.08 PUBLIC RESERVATION

1. The Plan Commission may require that suitable sites of adequate area be dedicated for future public use such as parks, playgrounds and open spaces, or, in lieu of such land dedication, may require a monetary payment (assessment) by the developer to be placed in reserve for future public facilities development as the Village deems necessary. In locating such sites, consideration should be given in preserving scenic and historic sites, stands of fine trees, marshes, and shorelines.
2. It shall be the duty of the Village to properly develop and maintain the dedicated areas. The owner who dedicated said land shall in no way be responsible for its development, maintenance or liability thereon except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property.

19.09 VARIANCES

1. The Village Board 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, Stats.
2. The requirements of filing and recording a plat for subdivision will not be waived.

19.10 ENFORCEMENT, PENALTIES AND REMEDIES

1. The Village Code Administrator shall have primary responsibility for enforcing this Ordinance. No lot shall be sold until a Certified Survey Map or plat is approved and recorded. No building (Land Use) permit shall be issued for construction on any lot until the provisions of this Ordinance have been complied with.
2. Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$800.00 and the costs of the 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 Secs. 236.30, 236.31, 236.32 and 236.335, Stats., shall be available to the Village.

19.11 FEES

The party seeking a variance or making an amendment from the provisions of this Ordinance shall pay to the Village the fees prescribed at Section 24.053(c) of the Village Ordinances at the time the variance or amendment is requested to defray the costs of administration, investigation, processing and legally required advertising.

19.12 AMENDMENTS

This Ordinance may be amended from time to time by the Village Board. A public hearing shall be held to review the proposed amendment. Proper notice shall be given by means of a Class II notice.

19.13 SEPARABILITY

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

19.14 EFFECTIVE DATE AND APPLICATION

This Ordinance shall be in force from and after its passage, publication and recording, according to law.

All ordinances, parts of ordinances, resolutions or parts of resolutions inconsistent with this Ordinance are hereby repealed. Whenever the provisions of this Ordinance and those of some other resolution, ordinance or statute apply to the same matter; that resolution, ordinance or statute requiring the highest or more strict standard shall govern.