

CHAPTER 17

LAND SUBDIVISION AND REGULATIONS

17.01 **INTRODUCTION AND PURPOSE.** The purpose of this ordinance is to regulate and control the division of land within the corporate limits of the Village of New Auburn in order to promote the public health, safety and general welfare of the community.

17.02 **DEFINITIONS.** For the purpose of these regulations, certain words used herein are defined as follows:

(1) **SUBDIVISION.** The term subdivision means the division of a lot, parcel or tract of land by the owners thereof or their agents for the purpose of sale or of building development, where:

(A) The act of division creates five or more parcels or building sites of one and one-half acres each or less in area; or

(B) The act of division creates five or more parcels or building sites of one and one-half acres each or less in area by successive divisions within a period of five years.

(2) **EXTRA-TERRITORIAL PLAT APPROVAL JURISDICTION.** This is the unincorporated area within 1-1/2 miles of the corporate limits of the Village of New Auburn.

(3) **LOT DIVISION.** The term lot division means the division of a parcel of land into two lots or parcels any one of which is less than three acres in area for the purpose of sale or building development.

(4) **STREET.** The term street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

(5) **MAJOR STREETS AND HIGHWAYS.** The term major streets and highways means those streets which are used primarily for fast or heavy through traffic.

(6) **COLLECTOR STREETS.** The term collector streets means those streets which carry traffic from minor streets to the major system of major streets and

highways and includes the principal entrance streets to residential developments and streets for circulation within such development.

(7) **MINOR STREETS**. The term minor streets means those streets which are used primarily for access to abutting properties.

(8) **MARGINAL ACCESS STREETS**. The term marginal access streets means those streets which are parallel and adjacent to major streets and highways and which provide access to abutting properties and protection from through traffic. These could also be called "Frontage Streets".

(9) **ALLEYS**. The term alleys means those streets which are a secondary means of access for vehicular service to the back or side of properties otherwise abutting on a street.

(10) **MASTER PLAN**. The comprehensive plan for guiding and shaping the growth and development of the New Auburn community, including all of its component parts as set forth in the various maps, plats, charts, and descriptive and explanatory matter.

(11) **OFFICIAL MAP**. The map indicating the location, width, and/or extent of existing and proposed streets, highways, parkways, parks and playgrounds as adopted and amended by the Village Board pursuant to Section 62.23 of the Wisconsin Statutes.

(12) **SUBDIVIDER**. Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, and including any agent of the subdivider.

(13) **DWELLING UNIT**. A self-contained place of residence, comprising the usual kitchen, bath and sleeping facilities.

(14) **OTHER**. All other pertinent terms shall be as defined in the Zoning Code of the Village of New Auburn and in Chapter 236 of the Wisconsin Statutes.

17.03 **GENERAL REQUIREMENTS**

(1) **SUBDIVISIONS**. No person, firm or corporation shall divide any land located within the corporate limits of the Village of New Auburn or within the extra-territorial plat approval jurisdiction thereof which shall result in a subdivision as defined

herein without complying with the provisions of Chapter 236 of the Wisconsin Statutes and the requirements of this ordinance.

(2) **REQUIREMENTS.** The proposed subdivision shall conform to:

(A) The provisions of Chapter 236, Wisconsin Statutes.

(B) All applicable ordinances of the Village.

(C) The Master Plan and Official Map or any portion thereof.

(D) The rules of the State of Wisconsin 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.

(E) The rules of the State of Wisconsin Department of Transportation, Division of Highways 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.

(3) **SPECIFIC CONDITIONS**

(A) Whenever a subdivision embraces any street, alley, easement, water course or greenway designated in the Master Plan or Official Map of the Village of New Auburn, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at the width indicated.

(B) Where any drainage easement or utility easement is in existence or required, the developer shall include the limits of such easement on the final plat.

(C) For subdivisions and lot division, lot sizes shall conform to the area and width requirements of the Zoning Ordinance. In Commercial and Industrial districts where the Village Board deems that the minimum width and area requirements under the zoning ordinance should be enlarged due to the proposed use and development contemplated, the Village Board shall consider the factors relating to the health, safety, welfare and general aesthetics of the area platted and the community generally.

(D) A lot grading plan for the entire subdivision shall be submitted with the preliminary plat application.

(4) **EXCEPTIONS.** The provisions of this ordinance shall not apply to:

(A) Transfers of interests in the land by will or pursuant to court order.

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

(C) Sale or exchange of parcels of land between owners of adjoining properties, if additional lots are not thereby created, and if the resulting lots are not reduced below the minimum sizes required by Chapter 236, Wisconsin Statutes, or any ordinance of the Village of New Auburn.

17.04 **PROCEDURE FOR SUBDIVIDING.** In planning and developing a subdivision, the subdivider or his agent shall in every case pursue the following course unless excused by the Village Board.

(1) **PRE-APPLICATION PROCEDURE.** Previous to the filing of an application for approval of the preliminary plat, the subdivider may consult the Village Board and its staff for advice and assistance. This step does not require formal application, fee or filing of a plat, but is intended to informally inform the subdivider of the objectives of these regulations and the Master Plan and Official Map and to informally reach mutual conclusions regarding the general program and objectives of the development.

(2) **PRELIMINARY PLAT PROCEDURE**

(A) The subdivider shall cause to be prepared a preliminary plat and supplementary materials by a Wisconsin Registered Land Surveyor and shall file with the Village Clerk, a written application for conditional approval of said Plat, accompanied by five (5) blue-line prints, or other acceptable reproductions, at least ten days prior to the meeting of the Village Board at which action is desired.

(B) The preliminary plat shall cover the entire area owned by the subdivider even though only a small portion is proposed for development at the time. The Village Board may waive this requirement where it is unnecessary to fulfill the purpose of the ordinance and undue hardship would result from strict application thereof.

(C) Following review of the preliminary plat and other material submitted for conformity with all ordinances, administrative rules and regulations, negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the Village Board within 90 days of the filing of the plat, in writing, approve, approve conditionally, or reject the plat. Such

time may be extended by agreement with the subdivider.

(D) The action of the Village Board shall be noted on 3 copies of the preliminary plat; one copy to be returned to the subdivider with the date and action endorsed thereon and if approved conditionally or rejected, the conditions or reasons therefor.

(E) Conditional approval of a preliminary plat shall not constitute approval of the final plat; rather, it shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration of the Village Board.

(3) FINAL PLAT PROCEDURE

(A) The final plat, a written application for approval, and such copies thereof as shall be required by the Village Board shall be submitted to the Village Clerk within six months of approval of the preliminary plat and at least seven days prior to the meeting of the Village Board at which action is desired. The Village Board, may, however, waive compliance within the six months' time limit.

(B) The subdivider shall not submit the final plat until the approval of the State of Wisconsin as required by Section 236.12, or of such other officer or division of the State of Wisconsin as shall from time-to-time be vested with the authority to review and approve plats, shall have been first obtained. The Village Board shall approve or reject the final plat within 60 days of its submission to the Village Clerk, unless the time is extended by agreement with the subdivider. Reasons for rejection shall be forwarded to the subdivider in writing.

(C) The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time.

(D) 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 Village Board shall be inscribed on the original of the final plat, the surveyor, or the subdivider shall certify the respects in which the original of the plat differs from the true copy and all modifications must first be approved.

17.05 REQUIRED IMPROVEMENTS

(1) **MONUMENTS**. The subdivision shall be monumented in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required

by the Village Board. The Village Board may waive the placing of monuments for a reasonable time on condition that the subdivider executes a surety bond to ensure placing of such monuments. Required block corners shall be fully encased with minimum of 4 inches of concrete and shall be set so that the top of the monument shall be at the final sidewalk elevation. If the topography is such that extensive grading is required at the block corners, the subdivider may, with permission of the Village Board, place the monuments after the grading is completed.

(2) **IMPROVEMENTS.** Unless alternative arrangements are made with the Village and such arrangements are approved by Resolution of the Village Board, before final approval of any Residential plat located within the corporate limits of the Village of New Auburn, the subdivider shall install street and utility improvements as hereinafter provided.

(A) **Water.** The subdivider shall have filed, prior to approval of the final plat, a petition with the Village Clerk petitioning the Village for installation of water mains in the plat.

(B) **Sanitary Sewer.** The subdivider shall have filed prior to approval of the final plat a petition with the Village Clerk petitioning the Village for installation of sewers in the plat. If public sewer facilities are not available, lot sizes shall be such that effective private disposal systems can be provided on the individual premises, and shall be determined on the basis of recommendations of the Village Board of New Auburn and the State of Wisconsin. Approval of Chippewa and/or Barron County must also be submitted.

(C) **Street Grading.** The subdivider shall furnish drawings which indicate the existing and proposed grades of streets shown on the plat. After review and approval of the proposed grades by the Village Board, the subdivider shall grade or cause to be graded, the full width of the right-of-way of the streets proposed to be dedicated. The bed for the roadways in the street right-of-ways shall be graded to subgrade. The subsoil condition shall be of adequate bearing value for street construction or shall be undercut and backfilled with select material.

(D) **Sidewalk Grades.** Sidewalk grades, whether sidewalks are subsequently installed or not, shall be proposed and approved by the Village Board at the same time as the street grades are proposed and approved.

(E) **Sodding or Mat-Type Seeding.** Where lot grades exceed 10%, sodding or mat-type seeding shall be required.

(3) PAYMENTS FOR IMPROVEMENTS. Unless alternative arrangements are made with the Village and such arrangements are approved by resolution of the Village Board, when filing a petition with the Village Clerk for the above-mentioned water main, sanitary sewer, and street improvements, the subdivider shall accompany said petitions with a certified or cashier's check for the following items:

(A) The estimated cost, prepared by the Village Clerk, for construction of water mains.

(B) The estimated cost, prepared by the Village Clerk for construction of sanitary sewer.

(C) The estimated cost, prepared by the Village Clerk for providing 6-inch crushed stone base for the street.

(D) Public sites and open spaces contributions shall be provided as hereinafter specified in these regulations.

(4) PAYMENTS FOR IMPROVEMENTS BY CONTRACT: The payment provisions for the installation of improvements, hereinabove set forth, shall not preclude the Village of New Auburn from entering into a contract with a subdivider or land developer for construction of the required improvements at his own expense, provided that the work is done pursuant to the requirements of these ordinances and under the supervision of the Village Board by contractor approved by the Village of New Auburn, and upon the filing with the Village Clerk of a performance bond executed by the subdivider or his contractors and a corporate surety licensed to do business in the State of Wisconsin.

17.06 DESIGN STANDARDS

(1) STREETS AND ALLEYS

(A) General Requirements: The streets shall be designed and located in relation to existing and proposed streets, to the topography, to economical utility service, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of the land to be served by such streets. The arrangements, width, grade and locations of all streets shall conform to the Official Map and Master Plan, and where applicable, the plans of any political subdivision superseding the authority of the Village of New Auburn.

(B) Arrangement:

(1) Major streets and highways shall be properly integrated with the existing and proposed system of major streets and highways and insofar as practicable shall be continuous and in alignment with existing planned or platted streets with which they are to connect.

(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 concentration and to the major streets into which they feed.

(3) Minor streets shall be designed to conform to the topography, to discourage use by through traffic, to permit the design of efficient drainage, and sewer system, and to require the minimum amount of street necessary to provide convenient safe access to abutting property.

(4) Treatment of railroad right-of-way or limited access highways. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Village Board 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 or industrial purposes in other districts. Location of minor streets immediately adjacent and parallel to railroad right-of-ways shall be avoided.

(5) Protection of major streets and highways where a subdivision borders on or contains a major street or highway. The Village Board may require that marginal access streets be provided, or that the backs of lots (reversed frontage) be provided with screen planting contained in a non-access reservation along the real property line.

(C) **Alleys.** Alleys shall be provided in commercial or industrial districts for off-street loading and service access unless otherwise required by the Village Board but shall not be approved in residential districts. No dead end alleys shall be approved; nor shall any alley have its point of connection on a major thoroughfare. The width of an alley shall not be less than 30 feet.

(D) **Intersections**

(1) Streets shall intersect each other as nearly as possible at right angles, as good design and topography permit.

(2) Not more than two streets shall intersect at one point unless

approved by the Village Board.

(3) Property lines at street intersections shall not be rounded except in industrial areas or on major or collector streets when required by the Village Board.

(4) Street jogs with center line offsets of less than 125 feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

(E) **Street Width.** The right-of-way and roadway of all streets shall be the width specified on the Official Map or Master Plan. If no width is specified thereon, they shall be not less than the width specified below, nor more than the maximum grade also specified below:

<u>TYPE OF STREET</u>	<u>R.O.W. WIDTH</u>	<u>ROADWAY WIDTH</u>	<u>MAX. GRADE</u>
Major and Highways	120	36 x 2	4%
Collector	80	44	6%
Minor	66	40	8%
Alleys	30	24	--

(F) **Vertical Curves.** All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for arterial and collector streets, and one-half this minimum for local streets.

(G) **Radii of Curvature.** When a continuous street centerline deflects at any one point more than 5 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

Major Streets	300 feet
Collector Streets	200 feet
Minor Streets	100 feet

(H) **Tangents.** A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets. On all streets at least 100 feet of tangent shall be provided between the curve and any intersection.

(I) **Cul-De-Sac or Dead End Streets.** 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 120 feet in diameter of right-of-way and a roadway

turnaround of 94 feet in diameter.

(J) **Half Streets**. Where an existing half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider.

(K) **Reverse Strip**. There shall be no reverse strips controlling access to streets except where control of such strips is definitely placed in the Village under conditions approved by the Village Board.

(1) **Cluster Development**. The standards applicable to street right-of-way and roadway widths may be waived by consent of the Village Board for special situations such as cluster developments, where other well planned interior street systems are provided.

(2) **Easements**

a. Easements of widths deemed adequate by the Village Board for the intended purpose across lots or on rear or side lot lines shall be provided where necessary for the construction and maintenance of telephone, electric, gas, water, sanitary sewer, storm sewer and other utilities deemed necessary by the Village Board.

b. Where a subdivision is traversed by a water course, drainageway, channel or stream, an adequate drainageway or easement shall be provided as required by the Village Board, conforming substantially with the lines of such water course. The location, width, alignment, and improvement of such drainageway or easement shall be subject to approval of the Village Board.

(3) **Blocks**

a. The lengths, widths, and shapes of blocks shall be compatible to the planned use of the land and the type of development contemplated.

b. Facilities for distribution of electric, telephone, and gas utility services located within a subdivision shall be installed underground except where the Village Board finds that adverse soil conditions or problems of utility distribution make such installation prohibitively expensive or impractical. Transformers, junction boxes, meter points, or similar equipment may be installed upon the ground surface, if the location and utility-approved landscape screening plan therefore have been approved by the Village Board.

(4) Lots

- a.** The size, shape and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- b.** Lot dimensions shall conform to the requirements of the zoning ordinance.
- c.** Residential lots, fronting on major streets and highways, shall be platted with extra depth to permit generous distances between the buildings and such traffic ways.
- d.** Excessive depth in relation to width shall be avoided and a proportion of 2 to 1 shall normally be considered as a desirable maximum for lots of 80 feet or more.
- e.** Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- f.** Every lot shall front or abut on a public street.
- g.** Side lot lines shall be right angles to straight street lines or radii to curved street lines on which the lots face whenever possible.
- h.** Corner lots shall have an extra width of 10 feet to permit adequate building setbacks from side streets.
- i.** In case a tract is divided into large parcels, such parcels shall be arranged as to allow the resubdivision on any such parcels into normal lots in accordance with the provisions of this ordinance.
- j.** Lots shall follow municipal boundary lines rather than cross them.
- k.** Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

17.07 LAND DEVELOPMENT OTHER THAN SUBDIVISION (LOT DIVISIONS)

(1) **PROCEDURE.** The applicant for a lot or land development shall file a certified survey map with the Village Board, which shall within 40 days approve, approve conditionally, or reject the proposed lot division. The applicant shall be notified in writing of any conditions for approval or the reasons for rejection.

(2) REQUIREMENTS

(A) As a condition of approval, the Village Board may require compliance with the provisions of Section 17.03, General Requirements; Section 17.05, Required Improvements and Section 17.06, Design Standards so far as applicable.

(B) The survey shall be performed and the map prepared by a registered land surveyor, and shall comply with the requirements of Section 236.34, Wisconsin Statutes, which is hereby adopted by reference. In addition, the map shall show all existing buildings, watercourses, drainage ditches and other features pertinent to proper division.

(C) The map shall be prepared in accordance with Section 236.20(2) (a), (b), (c), (e), (f), (g), (h), (j), (k) and (l), Wisconsin Statutes. All lines shall be made on the map with non-fading black ink.

(D) The approval of the Village Board shall be typed, lettered or otherwise reproduced legibly on the face of the map with non-fading ink.

(E) The map shall include the affidavit of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with non-fading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. Public Land Survey. Such affidavit shall include the statement of the surveyor to the effect that he has fully complied with the requirements of this section.

(F) The map shall be filed by the subdivider for record with the Register of Deeds except in those cases when the proposed division lies within a duly recorded subdivision.

17.08 SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS

(1) Where it is not practicable to require that a final plat of a subdivision created by successive lot developments to be filed in accordance with this ordinance, the Village Board may in lieu thereof require an assessor's plat to be made under Section 236, Wisconsin Statutes, and may assess the cost thereof as provided in such section or to the subdivider.

(2) 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.

17.09 REPLATS

(1) Whenever it is proposed to replat a recorded subdivision or any part of a recorded subdivision, the Village Board shall hold a public hearing on the proposed replat. The Village Board shall schedule the public hearing and the Village Clerk shall mail notices of the scheduled hearing thereon at least ten days prior to the time of such hearing to the owners of all properties situated within the limits of the proposed replat, and to the owners of all properties within a radius of two hundred feet of the exterior boundaries of the proposed replat.

17.10 VARIANCES

(1) When in judgment of the Village Board it would be inappropriate to apply literally a provision of this ordinance because the subdivision is located outside the corporate limits or because extraordinary hardships would result, it may waive or vary such provision so that substantial justice may be done and the public interest secured.

17.11 SEVERABILITY OF PROVISIONS

(1) If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof.

17.12 REMEDIES AND PENALTIES

(1) Failure to comply with the requirements of these regulations shall invalidate purported transfers of title at the option of the purchaser, in accordance with the provisions of Section 236.31(3) Wisconsin Statutes. Any subdivider or other person who shall violate or fail to comply with any of these regulations shall be

subject to a penalty as prescribed by Section 1.05 of this code. Building permits shall be refused or construction on all sites created in violation of these regulations, or any of them.