

# CODE OF ORDINANCES

Town of Willard, Rusk County, Wisconsin

## 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 Town of Willard in order to promote the public health, safety and general welfare of the community.

### 17.02 EFFECTIVE DATE

This code shall be effective after adoption by the Town of Willard Town Board, and publication as provided by law.

### 17.03 DEFINITIONS

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

**Subdivision:** for purposes of this code, the term subdivision shall be defined as 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 or more parcels of building sites of five acres or less in area, or three or more parcels or building sites of five acres or less in acres are created by successive division within a period of five years.

**Replat:** the term replat shall be defined as set forth in Section 236.02, Wisconsin Statutes (2001-2002), and all subsequent amendments and revisions thereto.

**Lot Division:** the term lot division shall mean 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 purposes of sale or building development.

**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.

**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.

**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'.

**Dwelling Unit:** means a self-contained place of residence comprising the usual kitchen, bath, and sleeping facilities.

### 17.04 GENERAL PROVISIONS

**(1) JURISDICTION.** Jurisdiction of these regulations shall include all lands within the Town of Willard.

**(2) COMPLIANCE.** No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision or a replat as defined herein; no such subdivision or replat shall be entitled to record; and, no street shall be laid out or improvements made to land without compliance with all requirements of this code and: provision of Chapter 236, Wisconsin Statutes.

**(3) ALL OTHER APPLICABLE STATE STATUTES AND REGULATIONS.** In case of conflict between any of the above, the more stringent requirements shall be controlling. All streets, highways, and alleys shall be subject to the minimum specifications as set forth in these ordinances, including 14.01(5), 14.01(4), 14.01(7) and 14.01(8).

#### **(4) DEDICATION AND RESERVATIONS OF LAND**

**(a)** Whenever a tract of land to be subdivided embraces a street or any part of an arterial street, drain way or other public way which has been designated in the comprehensive plan, comprehensive plan component or on the official map, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in Section 17.07 of this code.

**(b)** Whenever a proposed playground, park, school site or other public land, other than streets or drain ways, designated in the comprehensive plan, comprehensive plan component, or on the official map, is embraced, all or part, in a tract of land to be subdivided, these proposed public lands, shall be made a part of the plat and shall be either dedicated to the public by the subdivider at the rate of one acre for each fifteen proposed dwelling units, but said dedication shall not be less than two acres.

**(c)** If no playground, park, school site or other public land has been proposed as of the date of the application of a subdivider, but the Town determines that a public facility should be provided in the area of the proposed plat to carry out the spirit and intent of this code, the Town may require dedication as set forth above.

**(d)** In lieu of the above paragraph, the Town may, at its option, if land within the tract is not designated for a proposed playground, park, school site or other land, other than streets or drain ways in the comprehensive plan or comprehensive plan component, levy a public site fee against the subdivider at the time of application for final plat approval at the rate and according to the procedures established in Section 17.10(6) of this code.

## **(5) WAIVER OF REQUIREMENTS**

- (a)** Where, in judgment of the Town Board it would be inappropriate to apply literally the provisions of this code because of exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper.
  - (b)** Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this code or the desirable general development of the Town in accordance with the comprehensive plan or comprehensive plan component. Reasons for such waiver and modification shall be stated in the minutes of the meeting.
- (6) LAND SUITABILITY.** No land shall be subdivided which is held unsuitable for the proposed use by the Town Board for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community. The Town Board in applying provisions of this section, shall in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afforded the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the Town Board may affirm, modify, or withdraw its determination of unsuitability.
- (7) VIOLATIONS.** It shall be unlawful to subdivide or lot divide, as defined by this code, in violation of any of the provisions of this code in addition to the forfeiture provisions contained in this section. In case of any violation, the Town Board may institute an appropriate action to enjoin a violation of this code.
- (8) PENALTIES.** Any person, firm, corporation or entity who fails to comply with the provisions of this code, shall upon conviction thereof, forfeit not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), and costs of prosecution, including reasonable attorney's fees, for each violation, and the default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 6 months. Each day a violation exists or continues shall constitute a separate offense. Procedures for enforcement shall be as set forth in Section 66.0114, Wisconsin Statutes. Any amendments or modifications to the penalties that are adopted under the Wisconsin Statutes shall be incorporated herein and made part of this ordinance.
- (9) APPEALS.** All appeals imposed under this code shall be taken as provided for in Section 66.0114, Wisconsin Statutes.
- (10) PLANS.** The Town Board may consider any Town comprehensive plan or plan components in determining the suitability of any proposed division of land.

## **17.05 PROCEDURE**

- (1) PLAT APPROVAL.** The Town Board of the Town of Willard shall approve or disapprove any plats, variations or exceptions to any plat that is filed with the Town. The Town Board shall not approve any plat or proposed subdivision in the Town that is not in compliance with the requirements of this code.
- (2) PRELIMINARY PLAT REVIEW.** No subdivider shall submit for approval a final subdivision plat until this person has previously submitted a preliminary subdivision plat. The Town Board shall approve on condition or reject the preliminary plat within the time required under Chapter 236, Wisconsin Statutes.
- (3) FINAL PLAT REVIEW.**
- (a)** A subdivider desiring a final subdivision plat approval shall submit the same to the Town Board at least thirty (30) days prior to the meeting of the Town Board at which action is desired. The final plat submitted to the Town Board shall comply with Chapter 236, Wisconsin Statutes and this ordinance. The Town Board shall recommend approval or rejection of the plat within the time period required under Chapter 236, Wisconsin Statutes.
  - (b)** The Town clerk shall transmit a copy of the map to all affected community boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. The Town Board shall approve conditionally or reject such a map within sixty (60) days from the date of filing of the map, unless the time is extended by agreements with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting, and a written statement supplied the subdivider. If the map is approved, the governing body shall cause the Town clerk to certify on the fact of the original map and return the map to the subdivider. The subdivider shall record the map with the county register of deeds within thirty (30) days of its approval by the governing body. The certified survey map may not be used to divide land into more than two (2) parcels.

## **17.06 PRELIMINARY PLAT DATA AND TESTING**

- (1) PLAT DATA.** In addition to all other requirements under the law, all preliminary plats shall show the following:
- (a)** The type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established center line or curb elevations, all USGS (1929 or 1988) datum.
  - (b)** The location, size and invert elevations of existing storm sewers, culverts and drain pipes.
- (2) TESTING.** The Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table. Where the subdivision will not be served by central sanitary sewer service, the provisions of the Wisconsin Administrative Code shall be complied with and the appropriate data submitted with the preliminary plat.

## 17.07 DESIGN STANDARDS

- (1) STREET NAMES.** All streets shall be named in conformity with the street naming plan of the Town or with adjoining streets. In case of diverging streets, the name shall be repeated. New street names shall not duplicate the names of existing streets, provided, however, that streets that are obviously in alignment with others already existing and names shall bear the names of existing streets.
- (a) Long** or continuous thoroughfares:
1. Running north and south shall be named avenues.
  2. Running east and west shall be named streets.
  3. Diagonal thoroughfares shall be named roads.
  4. Curving thoroughfares shall be named drives.
- (b) Short** or discontinuous thoroughfares:
1. Running north and south shall be named courts.
  2. Running east and west shall be named places.
  3. Diagonal thoroughfares shall be named ways.
  4. Curving thoroughfares shall be named lanes.
- (2) STREET DESIGN STANDARDS**
- (a)** The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component or the official map. Cross sections for freeways and parkways should be based upon detailed engineering studies.
- (b)** Cul-de-sac streets shall be designed to have one end permanently closed and shall not normally exceed seven hundred fifty (750) feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way of fifty-five (55) feet and a minimum outside pavement radius of thirty-eight (38) feet. The minimum distance between the outside pavement and right-of-way shall be ten (10) feet and grades shall not exceed two (2) percent.
- (c)** Street Grades. Unless necessitated by exceptional topography, subject to the approval of the Town Board, the maximum centerline grade of any street or public way shall not exceed the following:
1. Arterial streets: six (6) percent
  2. Collector streets: eight (8) percent.
  3. Minor streets, alleys, marginal access streets, and frontage streets: ten (10) percent.
  4. The grade of any street shall in case exceed ten (10) percent or be less than one half (0.5) percent.
- (3) LOTS.**
- (a)** The size, shape and orientation of lots shall be appropriate for the location of the subdivision and the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.
- (b)** Access. Every lots shall front or abut for a distance of at least forty (40) feet on a public street and shall not be less than one hundred ten feet (110) feet in width at the building setback line.
- (c)** Area and dimensions of lots shall conform with the requirements of the Town zoning ordinance, if any, the Town subdivision ordinance, state law and shall contain an area of not less than thirty thousand (30,000) square feet.
- (d)** Corner lots shall have an extra width of ten (10) feet to permit adequate building setbacks from side streets.
- (4) DRAINAGE EASEMENTS.** There necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Town Board.
- (5) PUBLIC SITES AND OPEN SPACES.** In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainage ways and other public purposes. If designated on the comprehensive plan, comprehensive plan component or official map, such areas shall be made part of the plat as stipulated in Section 17.04 (3) of these regulations, if required by the Town Board. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds, and ravines. Plans for all parks shall be submitted with each plat.

## 17.08 REQUIRED IMPROVEMENTS

- (1) GRADING.** The subdivider shall grade the full width of the typical road section of all streets proposed to be dedicated in accordance with plans and specifications approved by the Town Board. The subdivider shall grade the road beds in the street right-of-way to subgrade. The typical road section attached to this ordinance is incorporated by reference.
- (2) SURFACING.** After installation of all utility and storm water drainage improvements, the subdivider shall prepare for surfacing all roadways in streets proposed to be dedicated to the widths prescribed by these regulations by placing crushed rock on said roadways in a manner and quality consistent with plans and specifications approved by the Town Board.
- (3) CURB AND GUTTER.** After the installation of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and specifications approved by the Town Board. This requirement may be waived where a permanent rural section has been approved by the Town. Provisions shall be made at the time of construction for driveway access curb costs. The cost of installation of all inside curbs and gutters for dual roadway pavements shall be borne by the developer.

- (4) STREET CROSS SECTIONS.** When permanent street cross sections have been approved by the Town Board, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and specifications approved by the Town Board.
- (5) STORM WATER DRAINAGE FACILITIES.** The subdivider shall construct, at their expense, storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential values of flow, the type of facility required, the design criteria and the sizes and grades to be determined by the Town Board. Storm drainage facilities shall be so designed as to present no hazard to life or property; minimize shoreland erosion and siltation of surface waters; shall prevent excess run-off on adjacent property; and shall provide positive drainage away from one-site sewage disposal facilities. The size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Board.
- (6) OTHER UTILITIES**
  - (a)** The subdivider shall cause gas, electrical power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or cable television service shall be located on overhead poles unless otherwise allowed by the Town Board due to exceptional topography or other physical barrier.
  - (b)** Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Town Board.
- (7) STREET LAMPS.** The subdivider shall pay for street lamps as needed.
- (8) STREET SIGNS.** Street signs shall be installed by the Town, at the cost of the developer.
- (9) STREET TREES.** The subdivider is not responsible for any predetermined arrangement of trees, unless specifically required by the Town Board.

#### 17.09 CONSTRUCTION

- (1) COMMENCEMENT.** No construction or installation of improvements shall commence in proposed subdivision until the preliminary plat has been approved and the Town Board has given written authorization.
- (2) BUILDING PERMITS.** No building permits shall be issued for erection of a structure on any lot until all the requirements of this code have been met.
- (3) PLANS.** The following plans and accompanying construction specifications shall be required before authorization of improvements:
  - (a)** Street plans and profiles showing existing proposed grades and elevations. Cross sections of required improvements shall be prepared using a horizontal scale of one inch equals five feet (1" = 5') and a vertical scale of one inch equals ten feet (1" = 10') at intervals not less than every one hundred (100) feet of road centerline.
  - (b)** Storm sewer plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
  - (c)** Grading plans for the entire subdivision if it appears that erosion and sediment control will be a problem.
  - (d)** Additional special plans or information as required.
- (4) INSPECTION.** The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Town Board to provide for adequate inspection. The Town engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.
- (5) BOND.** The subdivider shall provide a bond, equal to one hundred (100) percent of the cost of street improvements, with adequate sureties approved by the Town Board. The condition of the bond is the cost of repairs and/or replacement of the streets in the subdivision for three (3) years after acceptance of the final plat.

#### 17.10 FEES

- (1) GENERAL.** The subdivider shall pay the Town all fees as hereinafter required and at the times specified.
- (2) PRELIMINARY PLAT REVIEW FEE.**
  - (a)** The subdivider shall pay a fee amounting to sixty dollars (\$60.00) at the time of first application for approval of any preliminary plats to assist in defraying the cost of review.
  - (b)** Reapplication fee amounting to fifteen dollars (\$15 .00) shall be paid to the Town clerk at the time of reapplication for approval of any preliminary plat which has previously been reviewed.
- (3) IMPROVEMENT REVIEW FEE.** There is no fee for this review.
- (4) INSPECTION FEE.** The subdivider shall pay a fee equal to the actual cost of the Town for such inspection, as the engineer deems necessary to assure that the construction of the required improvements are in compliance with the plans, specifications and ordinances of the Town or any other governmental authority.
- (5) FINAL PLAT REVIEW FEE**
  - (a)** The subdivider shall pay a fee amount of thirty dollars (\$30.00) to the Town clerk at the time of first application for approval of said plat to assist in defraying the cost of review.
  - (b)** A reapplication fee of thirty dollars (\$30.00) shall be paid to the Town clerk at the time of a reapplication for approval of any final plat which has previously been reviewed.

**(6) PUBLIC SITE FEE**

- (a) In the Town has elected not to have public lands dedicated within the plat as provided in Section 17 .04 (3), a fee for the acquisition or capital improvements of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the Town clerk at the time of first application for approval of a final plat of said subdivision in the amount to be determined for each lot within the plat. Final figures are to be determined by the Town Board.
- (b) Public site fees to be paid in lieu of dedication shall be paid to the Town clerk and shall be placed in a separate service district fund to be used only for the acquisition or capital improvement of park, school or other public facility sites.

**(7) ENGINEERING FEE.**

- (a) The subdivider shall pay a fee equal cost to the Town for all engineering work incurred by the Town in connection with the plat.
- (b) Engineering work shall include the preparation of construction plans and standard specifications. The Town engineer may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.
- (c) Inspection, checking and reviewing work has fees provided for in Section 17.10.
- (d) A subdivider shall deposit with the Town an amount equal to the anticipated engineering costs of the Town, as a guarantee of payment of Town engineering fees under these Sections, prior to final plat approval. In lieu of such deposit, a subdivider may file a bond with adequate sureties approved by the Town, or a letter of credit equal to the amount required to be deposited.

**(8) ADMINISTRATIVE FEE.**

- (a) The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the plat.
- (b) Legal work shall include the drafting of contracts between the Town and the subdivider.

**17.11 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 Town Board, which shall within 46 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 Town Board may require compliance with any of the provisions of this Chapter, including land suitability, design standards, requirement improvements, construction, engineering fees, and administrative fees.
- (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 (i), Wisconsin Statutes. All lines shall be made on the map with non-fading black ink.
- (d) The approval of the Town 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 nonfading 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.
- (g) A copy of the recorded certified survey map shall be filed with the Town of Willard after recording and within thirty (30) days of recording. The certified survey map is to be delivered to the Town clerk.

**17.12 SEVERABILITY OF PROVISIONS**

- (a) 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.

Ordinance Chapter 17  
Adopted this 10th day of June, 2019

Robert Nelson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Mark Taft	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Linda Bentley	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

Attest: Mary Jane Nelson, Town Clerk