

## **SUBDIVISIONS**

### Section 23.01 Purpose

The purpose of this ordinance is to promote the public health, safety and general welfare of the community, and these regulations safety and general welfare of the community, and these regulations are designed to lessen congestion in the streets 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 a further re-subdivision 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 township.

### Section 23.02 General

- (1) Any division of land within the town or its jurisdiction, which results in a primary subdivision, as defined herein, shall be surveyed in a plat thereof approved as required by this ordinance and Chapter 236 of the Wisconsin Statutes.
- (2) Any division of land within the town or its jurisdiction which results in a secondary subdivision, as defined herein, shall be by certified survey map by a registered land surveyor and such division of land shall be subject to the approval of the Town Board.
- (3) 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 23.05 and 23.06 of this ordinance. The Town Board may, but shall not be required to, waive all of a part of the requirements set forth in sections 23.05 and 23.06 of this ordinance.
- (4) Prior to the recording of any Certified Survey Map within the town in which any perimeter of the property contained by said map abuts, encroaches upon or crosses over any Town road or other public way, the registered land surveyor preparing such Survey Map or the person under who such surveyor acts shall present such Survey Map for the approval of the Town Board. The approval of the Town Board shall be duly noted on the face of the certified survey map by appropriate signatures of the Town Chairman attested to by the Town Clerk.

### Section 23.03 Definitions

For this purpose, certain terms and words are herewith defined; the singular includes the plural and he plural includes the singular; the word "shall" is mandatory and not directory.

- (1) Primary Subdivision. The division of a lot, parcel or tract of land by the owner thereof or his agent or by the owner's immediate grantee or his

agent where the act of division or successive division creates five or more lots or out-lots of one and one-half acres each or less in area within a period of five years.

- (2) Secondary Subdivision. The division of a lot, parcel or tract of land by the owner thereof or his agent or by the owner's immediate grantee or his agent where the act of division or successive division creates two, three or four lots or out-lots of one and one-half acres each or less in area or three or more lots or out-lots 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.
- (3) Subdivision. A primary or secondary subdivision as above defined.
- (4) Building Line. A line or a plat or certified survey between which line and a street no building or structure may be erected.
- (5) Cul-de-sac. A minor street with only one outlet culminated by a turnaround.

#### Section 23.04 Procedure Plat.

- (1) Preliminary Plat.
  - a) \_\_\_\_\_ 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: \$100.00 for each preliminary plat submitted for approval by the Town at the time the preliminary plan is filed with the Clerk.
  - b) \_\_\_\_\_ The Town Clerk shall immediately distribute copies to the Town Board.
  - c) \_\_\_\_\_ After review of the preliminary plat and negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the Town shall within 40 days of its submission approve, approve conditionally or reject the plat. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection.
  - d) \_\_\_\_\_ 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 if conditions of approval have been met.
- (2) Final Plat.
  - a) \_\_\_\_\_ 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.
  - b) \_\_\_\_\_ The Town 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 to the subdivider.

- c) \_\_\_\_\_ 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 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.

Section 23.05 General Requirements and Design Standards

- (1) General. The proposed subdivision shall conform to:
  - a) The provisions of Chapter 236 of the Wisconsin Statutes.
  - b) All applicable ordinances and resolutions of the Town of Hull.
  - c) 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.
  - d) 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 contained therein abuts on a state trunk highway or connecting street.
- (2) Streets.
  - a) 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.
  - b) Width. All streets shall be not less than 66 feet in width, including cul-de-sacs and dead-end streets.
  - c) Grades. The grade of street shall not exceed 8% unless necessitated by topography and approved by the Town Board.
  - d) 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.
  - e) 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.
- (3) Intersections.
  - a) \_\_\_\_\_ Where streets intersect and cross other streets, their alignment shall be continuous and street jogs or off-center intersections shall be avoided.
  - b) \_\_\_\_\_ Streets shall intersect as nearly as possible at right angles.
  - c) \_\_\_\_\_ Not more than two streets shall intersect at one point unless approved by the Town Board.

- (4) Easements. 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.
- (5) Lots.
- a) 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.
  - b) Lot Dimensions. All residential lots which are not serviced by a municipal sewer utility shall have a minimum lot area of 35,000 square feet provided that where the regulations of the State Department of Health and Social Services, or shore land zoning regulations, require a larger lot area, such regulations shall govern. Residential lots which are serviced by a municipal sewer utility shall have a minimum lot area of 20,000 square feet.
  - c) Residential lots to be served by private sewage disposal facilities shall comply with the rules of the State Department of Health and Social Services (State Board of Health).
  - d) Access to Public Street. Every lot shall front or abut on a public street.
  - e) Municipal Boundaries. The lots shall follow municipal or town boundary lines whenever practicable rather than cross them.

#### Section 23.06 Required Improvements.

- (1) 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 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 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 a bond determined or an assessment provided for.
- (2) 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 below in paragraphs a), b) and c) at the cost of the owners of the property within the subdivision, or 2) the improvements listed below in paragraphs a), b) and c) have been installed prior to such approval or 3) the subdivider files with the Town Board a surety bond, a cashier's check or a certified check upon a solvent bank located in Portage County, conditioned to secure construction of the improvement listed below in paragraphs a), b) and c) 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 engineer designated by the Town, and in form with surety and conditions approved by an attorney retained by the Town.

- (3) 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.
- a) Street Improvements. All streets and public ways shall be graded to their full width including side slopes, and to the appropriate sub-grade, and the traveled roadway 32 feet in width shall be surfaced with four 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 (blacktopping), all in accordance with applicable specifications of the Town. Said blacktopping shall not be applied to the streets until such time as the four inches of road gravel has laid on the proposed streets for the 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.
  - b) 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 heretofore used in the Town or other municipalities or townships of the county, unless the street is an extension of 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.
  - c) Drainage. All necessary facilities shall be installed sufficient to prevent the collection of surface water in any low spot and to maintain any natural watercourse. Drainage facilities satisfactory to the engineer designated by the Town shall be provided for the ends of all cul-de-sacs and dead-end streets.

#### Section 23.07 Reservations

Within the limits of the Town of Hull, where feasible and compatible with the development of the community and the plans of the Town, 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, the subdividers shall in lieu thereof pay to the town a fee of \$100

for each building site. The determination as to the feasibility of dedication and location of land shall be made by the Town.

Section 23.08 Plats and Data

(1) Preliminary Plat.

- a) The preliminary plat shall be drawn with waterproof 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 to determine whether the design of the final plat will conform with this ordinance.
- b) Supplementary Information. The subdivider shall furnish the following information with this preliminary plat:
  - 1) A brief description of the improvements such as grading, paving, tree planting, installation of street signs, installation of utilities which the subdivider proposed to make and the time he proposes to make them.
  - 2) A brief description of the deed restrictions, if any, which will be put on the plat.
  - 3) A consecutive numerical designation shall be given to each lot on the plat.
- c) The preliminary plat shall show:
  - 1) The location of present property lines, streets, building, water courses, tree masses and other existing features with the area to be subdivided and similar information regarding existing conditions of land immediately adjacent thereto.
  - 2) 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.
  - 3) Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto, if any.
  - 4) The title of which the proposed subdivision is to be recorded and the name of the subdivider platting tract.
  - 5) The names and adjoining boundaries of all the adjoining subdivisions and the names of the recorded owners of the adjoining parcels of unsubdivided land.
  - 6) North pint, scale and date.

(2) Final Plat.

- a) 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.

- b) The affidavits and certificates required by Section 236, Wisconsin Statutes, shall be lettered or printed legibly with black ink or typed legibly with black ribbon on the final plat.
  - c) The final plat shall show:
    - 1) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impartibly and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.
    - 2) Acknowledgement 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.
- (3) Land Elevations. All subdivision preliminary plats and final plats shall show land elevations.

#### Section 23.09 Subdivisions Created by Successive Divisions

- 1) Where it is not practicable to require that a final plat of the subdivision created by successive divisions 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.
- 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.

#### Section 23.10 Variances

When in the judgment of the Town Board it would be inappropriate to apply literally a provision 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.

#### Section 23.11 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.

#### Section 23.12 Effective Date

This ordinance shall take effect and be enforced after its passage and publication.

Date Passed: May 26, 1971

Date of Publication: May 29, 1971

AMENDMENT TO SUBDIVISION ORDINANCE:

The Town Board of the Town of Hull, Portage County, Wisconsin, do ordain as follows:

The Town's "Subdivision Control Ordinance," effective first on May 29, 1971, and as subsequently amended, is hereby further amended to read as follows:

Section 2. The following shall constitute the fourth full paragraph of Section 2:

"Prior to the recording of any Certified Survey Map within the town in which any perimeter of the property contained by said map abuts, encroaches upon or crosses over any Town road or other public way, the registered land surveyor preparing such Survey Map or the person under whom such surveyor acts shall present such Survey map for the approval of the Town Board after recommendation of the Town Planning and Zoning Committee. The approval of the Town Board shall be duly noted on the face of the certified survey map by appropriate signatures of the Town Chairman attested to by the Town Clerk."

This ordinance shall take effect upon passage and publication according to law.

Passed: February 15, 1978

Published: February 21, 1978

RESOLVED, by the Town of Hull board, that all future subdivision preliminary plats and final plats show land elevations.

Dated: March 21, 1979

RESOLUTION AND ORDINANCE AMENDING THE TOWN OF HULL SUBDIVISION CONTROL ORDINANCE

The Town Board of the Town of Hull do ordain as follows:

WHEREAS, the recommendation of the Town Planning and Zoning Committee having been considered and a public hearing having been held on June 1, 1979;

BE IT RESOLVED:

1. That section 5E(2) is herewith deleted; and;

2. That the following shall be hereafter numbered and constitute section 5, E(2) of the Town of Hull Subdivision Control Ordinance:

Lot Dimensions. All residential lots which are not serviced by a municipal sewer utility shall have a minimum lot area of 35,000 sq. ft. provided that where the regulations of the State Department of Health and Social Services, or shore land zoning regulations, require a larger lot area, such regulations shall govern. Residential lots that are serviced by a municipal sewer utility shall have a minimum lot area of 20,000 sq. ft.

Passed: June 1, 1979

Published: June 5, 1979