

## Chapter 64

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#### **64.01 Purpose**

This chapter's purpose is to adopt minimum requirements for improving undeveloped areas of the Village of Lake Delton to ensure orderly development and the efficient use of Village resources, and to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Village of Lake Delton.

#### **64.02 Intent**

This chapter's general intent is to regulate the development of those areas of the Village and those areas lying within the Village's extraterritorial plat approval jurisdiction limits that are currently undeveloped or underdeveloped. The effects of such regulations and restrictions should be to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; adequately provide public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; and preserve and promote the beauty of the community. It is not this chapter's intent to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules or permits previously adopted or issued pursuant to law. Wherever this chapter imposes greater restrictions the provisions of this chapter shall apply.

### **64.03 Interpretation**

This chapter's provisions shall be interpreted and applied as minimum requirements, shall be construed in favor of the Village of Lake Delton, and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

### **64.04 State Law Adopted**

The provisions of Chapter 236 of the Wisconsin Statutes regulating the subdivision of land are hereby adopted and by reference made a part of this chapter as if fully set forth in full herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are made part of this chapter. When any provision of this chapter conflicts with the statutory provision, the more restrictive provision controls, except where the statute provides otherwise.

### **64.05 Scope: Land Division and Condominiums.**

Any person, firm or corporation dividing land that results in either a subdivision or a land division, shall prepare a subdivision plat or a certified survey map. In addition, this ordinance shall apply to condominiums created under Wis. Stats. Chapter 703, the Condominium Ownership Act, where a practical subdivision results. For land divisions resulting in less than four lots, a certified survey map shall be prepared in accordance with the provisions of subchapter VI, 236.33 Wis. Stats and Section 64.08 herein. For land divisions constituting subdivisions, as defined in s. 64.06 (c) a subdivision plat is required. No plat of subdivision of land shall be approved unless it is in full compliance with the provisions of Chapter 236 Wisconsin Statutes and this ordinance.

### **64.06 Definitions**

When used in this chapter the words and phrases shall be defined as they are in Chapter 236 Wisconsin Statutes, the Village zoning code, or as set forth below:

- a. **Conceptual plan.** A sketch or drawing of a proposed plat and the surrounding area or neighborhood if required, showing in sufficient detail the proposed location of streets, blocks and lots, and areas dedicated to the public.
- b. **Residential subdivision.** Any subdivision, or part thereof, in which it is intended single-family and multiple-family buildings, be constructed.
- c. **Subdivision.** A division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where: the act of division creates five (5) or more parcels or building sites of 1 1/2 acres each or less in area; or five (5) or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions within a five (5) year period; provided, however, that the following shall not be considered a subdivision and shall be exempt from this chapter's requirements:
  1. The division of lots or block of less than one acre, in an existing subdivision that does not involve any new streets or easements;
  2. The sale or exchange of parcels of land between owners of adjoining and contiguous land;

3. The conveyance of land for highway or other public purpose or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
4. Conveyance made to correct descriptions in prior conveyances;
5. The division of lots of record after the adoption of this chapter, into two or more parts and not involving any new streets or easements of access.

#### **64.07 Land Division Procedure**

The procedures as established under Chapter 236 Wisconsin Statutes shall be followed. In addition, to the procedures set forth by statute, pursuant to the power conferred upon the Village by s. 236.45, Wis. Stats. the following procedures are required for plat approval:

a. **Conceptual Plan**

1. Prior to filing any preliminary plat as required under paragraph B, the subdivider may meet with the Village staff to review the subdivision's conceptual plan. Upon the Village staff's determination that the conceptual plan is sufficiently developed to warrant the plan commission's consideration and upon payment of an application fee as set by the Village board, the Village staff shall schedule a plan commission meeting to review the conceptual plan. The plan commission may conditionally approve, recommend modifications or reject the conceptual plan.
2. Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit, the Village zoning administrator may, before approval, cause to be prepared a conceptual plan for the entire area or neighborhood. This conceptual plan shall be used by the plan commission as an aid in judging the proposed preliminary plat.
3. Fees charged for staff review and review by the Village plan commission and/or Village board shall be as established by the Village board.

b. **Preliminary Plat Filing Requirements**

1. The subdivider shall file five (5) copies of the preliminary plat with the Village clerk. The subdivider shall comply with the provisions of s. 236.11(6) Wis. Stats. regarding filing the plat with state and county agencies.
2. The Village clerk shall submit the preliminary plat to the plan commission for examination and subsequent recommendations of approval or disapproval.

c. **Preliminary Plat Review Process**

1. The plan commission shall meet to consider the preliminary plat within thirty (30) days from the date of filing. The plan commission shall render its decision within thirty (30) days of its first meeting. The plan commission shall recommend to the Village board the approval, conditional approval or the rejection of the preliminary plat. The plan commission's decision stating the reasons therefore, shall be in writing.

2. The Village board shall consider the plan commission's recommendation before the expiration of ninety (90) days from the date of filing of the preliminary plat. The Village board may approve, conditionally approve or reject the preliminary plat. The Village board's decision stating the reasons therefore, shall be in writing.
3. Within six (6) months after receiving approval of the preliminary plat, an original and five (5) copies of the final plat shall be submitted to the Village board for approval. If the final plat is in substantial conformity with the preliminary plat, the Village board shall approve it. The Village board shall render its decision within sixty (60) days of the final plat filing.
4. Following Village board approval, the final plat as approved shall be legally recorded in compliance with the Sauk County register of deeds office. Approval of the final plat by the Village board shall be null and void if the plat is not recorded within ninety (90) days after the date of approval, unless application for an extension of time is made in writing during said ninety (90) day period to the Village board and an extension is granted.
5. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal there from as provided in s. 62.23 (7) (e) 10, 14 & 15, Wis. Stats. within thirty (30) days of notification of the rejection of the plat. If the decision of the plan commission is appealed, then the appeal shall be to the Village board. If the decision of the Village board is appealed, then the appeal shall be to the Circuit Court for Sauk County.
6. The time periods set forth herein may be extended by agreement between the Village and the subdivider.

d. **Approval Conditions**

Approval of the preliminary or final plat shall be conditioned upon compliance with the following requirements:

1. Compliance with all state statutes, administrative regulations and Village ordinances;
2. That the subdivider shall enter into a development agreement with the Village, said agreement to provide:
  - i. Subdivider shall make and install any public improvements reasonably necessary at its expense, or execute a surety bond or provide other security to ensure that those improvements are completed within a reasonable time.
  - ii. All public streets, alleys or other ways to be dedicated to the public shall have been previously provided without cost to the municipality, constructed according to municipal specifications and under municipal inspection, such as, without limitation because of enumeration, sewerage, water mains and laterals, grading and improvement of streets, alleys, sidewalks and other public ways, street lighting or other such facilities.

3. The subdivider shall be responsible for the cost of any necessary alterations of any existing utilities that, by virtue of the platting or certified survey map, fall within the public right-of-way.
- e. Provisions necessary to comply with the requirements of Chapter 66, the Village Zoning Ordinance.
- f. **Preliminary Plat Requirements**  
The preliminary plat shall meet the requirements of the state statutes governing preliminary plats. In addition, said plat shall contain the information herein specified and comply with the following requirements:
1. Description and delineation:
    - i. Proposed name of subdivision.
    - ii. Complete legal description.
  2. Names and addresses of the owner and the designer of the subdivision.
  3. Date of preparation, scale 100 feet to the inch and north-point (designated as true north).
- g. **Existing Conditions**
1. Boundary line of proposed subdivision indicated by solid heavy line and the total approximate acreage encompassed thereby.
  2. Location, width and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, and section and corporation lines, within and adjacent to the tract.
  3. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least 100 feet beyond the tract boundaries indicating pipe sizes, grades, manholes and exact location.
  4. Boundary lines of adjacent tracts of un-subdivided or subdivided land, showing ownership where possible.
  5. Contour on Village datum at vertical intervals of not more than two feet. High-water levels of all watercourses, if any, shall be indicated in same datum used for contour elevations.
  6. Block and lot grading and draining.
- h. **Proposed Subdivision Plan**
1. Layout of streets showing location and widths of streets, crosswalks and easements.
  2. Layout, numbers and typical dimensions of lots and parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
  3. Building setback lines showing dimensions.
  4. Easements for public utilities where alleys are not provided.
  5. Typical street cross sections.

i. **Final Plat Requirements**

The final plat shall contain all information required under s.236.20 Wis. Stats and certifications required under 236.21 Wis. Stats. In addition, the owner shall furnish an abstract of title certified to date of submission for approval or, at the option of the owner, a policy of title insurance or certificate of title from an abstract company for examination in order to ascertain whether all parties in interest have signed the owner's certificate on the plat.

j. **Agreements as to Improvements**

The final plat to be placed on record shall be accompanied by a statement signed by the owner and subdivider, setting forth the following:

1. Plans and specifications for such improvements previously approved by the Village engineer clearly describing the same.
2. Any agreement executed by the owner and subdivider wherein they agree to make and install the improvements provided for in Section 64.09 in accordance with the plans and specifications accompanying the final plat; and that all such improvements shall be inspected during the course of construction by an inspector appointed by the Village board, salaries and other costs in connection with such inspections to be paid by the owner and subdivider, such costs to be based on the reasonable, customary charges for such services.

k. **Village Engineer Certification**

No final subdivision plat of land shall be approved without receiving a statement signed by the Village engineer certifying that the improvements described in the subdivider's plans and specifications, together with agreements, meet the minimum requirements of all Village ordinances and, as established by the Village engineer, comply with the following:

1. Sewer and water.
  - i. Sanitary sewers shall be installed to serve all properties in the subdivision.
  - ii. Storm sewers or drainage swales shall be constructed throughout the entire subdivision to carry water from all inlets and catch basins, and shall connect to an adequate outfall. The storm water drainage system shall be designed to meet the requirements of the Village's storm water control ordinances. The storm water drainage system shall be separate and independent of the sanitary sewer system.
  - iii. Water mains shall be constructed so as to conform to the overall water system plan for the subdivision and surrounding area.
  - iv. Approve site grading and drainage. Before final approval is given to any subdivision plat, the developer must submit for the Village engineer's review a master site grading plan (MSGP) and no plat shall be approved until the Village engineer has determined that the MSGP submitted complies with the provisions of this chapter

and the Village's storm water control ordinances and all other applicable ordinances. The MSGP shall reference plan and profile drawings, typical street cross sections and specifications that indicate the proposed final grades of all streets shown on the plat. The MSGP shall also show existing and proposed elevations of lot corners, possible building locations and minimum first-floor elevations that will provide adequate lot drainage and shall indicate control of drainage in and adjacent to the plat. The MSGP shall follow the grading, drainage and erosion control policy adopted by the Village. The drainage set forth on the MSGP shall be shown on the final plat by means of directional arrows along lot lines.

2. Street improvements.

- i. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relation to the proposed uses of the land by such streets.
- ii. The width of right-of-ways for all streets shall comply with the minimum recommended design standard of the Institute of Transportation Engineers.
- iii. Collector streets shall be so laid out that their use by through traffic will be discouraged.
- iv. No street names shall be used that will duplicate or be confused with the names of existing streets. Existing street names shall be projected wherever possible. Street names shall be subject to the plan commission's approval.
- v. Street signs shall be installed at each intersection and shall indicate the street names as shown on the final plat.
- vi. It is recommended that street grades not exceed more than three percent on major streets and collector streets, and not more than five (5) percent on all other streets.
- vii. Street lighting improvements shall be installed to serve all properties within the subdivision. Such improvements shall be individual service or the multiple circuit type and shall consist of standards, luminaries, cable conduit under driveways and/or streets, controllers, handholes, and all other miscellaneous work and equipment necessary for an integrated system of streetlights.
  - aa. Location. There shall be at least one standard street light at each intersection and interior of each cul-de-sac, and spacing of standards shall not exceed 200 feet in residential areas. In commercial and/or manufacturing areas, the Village engineer shall approve the spacing and location of standards.
  - bb. Specifications. Lighting standards shall be pre-stressed and centrifugally cast concrete, complete with butt base, and shall have a water-polish finish, complete with bracket and

handhole. Heights of standard and length of bracket shall be as follows:

- (1) Residential areas: standard twenty-three (23) feet; bracket arm eight (8) feet.
- (2) Commercial, industrial and manufacturing areas: standard with bracket arm thirty (30) feet.
- (3) Luminaries shall be of the sodium-vapor type with constant wattage-type ballasts, and shall comply with Wisconsin Power and Light standards.
- (4) Cable on multiple-circuit systems shall not be less than No. 8 wire and shall be buried at least thirty (30) inches below finished grade. Cable shall be installed in a two (2) inch galvanized rigid steel conduit with two (2) inch fiber bushings where such cable crosses beneath existing or proposed pavements, driveways or sidewalks. No underground cable splices will be permitted.

viii. Utilities.

- aa. All utility lines for telephone, cable television, and electric service shall be placed underground.
- bb. When telephone, cable television and electric service are placed underground throughout a subdivided area, said conduits or cables shall be placed within easements or dedicated public ways in a manner that will not conflict with other underground services. Furthermore, all boxes shall be located so as not to be unsightly or hazardous to the public.
- cc. The owner shall be responsible for the costs of extension of municipal services to serve the subdivision. The owner shall be entitled to reimbursement of up to ninety (90) per cent of the costs incurred by the Village in extending its services to the subdivision, including its engineering and legal costs related to said extension of services.

#### **64.08 Condominium Plats.**

Certain condominium plats which are essentially identical to subdivisions are required to conform to the requirements of sections 64.07, 64.08 through 64-.086 and 64.11. No condominium plat subject to regulation under these sections may be filed with the Sauk County Register of Deeds without the approval of the Village Board.

#### **64.081 Purpose.**

The Village board hereby finds that certain condominiums contain almost all the features of a subdivision. Chapter 703 Wis. Stats. allows the creation of condominium plats in which the units are “cubicles of air” not confined within a structure, whether or not they are developed. The condominium plats are commonly referred to as “raw land” condominiums.

**64.082 Authority.**

The state legislature has authorized the Village to establish regulations governing condominium plats and recognized that subdivision ordinances may apply to condominiums, provided that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.

**64.083 Intent.**

The Village board finds that such raw land condominium developments can place impacts on community resources in the same manner as other new developments that are characterized by division of land into lots, such as population density, additional traffic and street use, demands for public services and the possibility of use of particular land in a manner unsuitable to the land's characteristics. The Village board's intent, in enacting these provisions, is to impose the same or similar requirements upon condominium developments that are physically identical to subdivisions of land governed by this chapter.

**64.084 Scope.**

Sections 64.08 through 64.086. This section shall only apply to Plats of Condominiums establishing a raw land condominium.

**64.085 Regulations.**

The regulations set forth in sections 64.06 and 64.07 apply to Plats of condominium establishing raw land condominiums. No Plats of Condominiums shall be recorded without the approval of the Village Board, after receipt of a recommendation from the Plan Commission. In the event of a conflict between these regulations and the provisions of Chapter 703, the provisions of Chapter 703 shall control. No Condominium Plat shall be approved unless it is full compliance with the ordinance and Chapter 703 Wis. Stats

**64.086 Exceptions.** The Village Board may grant exceptions to the strict enforcement of the regulations governing condominium plats that are subject to this ordinance.

**64.09 Certified Survey Map procedure**

- a. No person, firm or corporation shall divide any land or combine lots or parcels located within the Village without the approval of the Village board. Any person proposing to create a Certified Survey Map shall submit a proposed Certified Survey Map to the Village Zoning Administrator for review.
- b. A certified survey map shall include all lots, parcels or building sites created by the land division and all remnants of the original parcel, which are ten (10) acres or less in size. The certified survey map shall conform to all applicable Village ordinances.

- c. The Village zoning administrator shall within forty (40) calendar days approve, approve conditionally, or reject the certified survey map, based on a determination of conformance with the provisions of this ordinance. The decision of the Zoning Administrator may be appealed to the plan commission, in which case, the forty (40) calendar day approval period shall be extended.
- d. The certified survey map shall be prepared by a registered land surveyor at a scale of not more than four hundred (400) feet to one (1) inch and include:
  - 1. The name and address of the individual dividing the lands and date of survey;
  - 2. A metes and bounds description referenced to a line and a corner of the U. S. Public Land Survey, or referenced to an adjoining recorded plat;
  - 3. The locations, rights-of-way widths and names of existing or proposed streets, alleys or other public ways; easements, and railroad and utility rights-of-way included within or adjacent to the proposed land division;
  - 4. The area(s) of the parcel(s) being created;
  - 5. The locations of existing property lines, buildings, drives, streams and water courses, lakes, marshes, and other significant features within the parcel(s) being created shall be shown;
  - 6. Utility easements and access restrictions, where applicable;
  - 7. When dedication of lands is required, an owner's certification of dedication prepared in accordance with Section 236.34, Wisconsin Statutes; and a certificate of acceptance of the dedication from the Village board;
  - 8. A certificate of approval for recording from the Zoning Administrator.

**64.10 Public space: rights-of-way, easements, parks and public sites**

Every subdivision shall dedicate on the plat or certified survey map or by separate deed or easement all streets, pedestrian ways, bikeways, public ways, drainage ways, utility easements, parks and/or open spaces. The dimensions and limits of each dedication shall be specifically indicated on the plat or survey map prior to approval for recording.

- a. Design of public sites or open area. In the design of the land division or plat, consideration shall be given to adequate provision of land for and correlation of land with public sites or open spaces.
- b. Compliance with development plans, official maps and park plans. Whenever the land division, lot division or subdivision embraces all or part of any street, drainage way, public way, park, recreational area or open space shown on the Village development plan, official map or park plan, the public way, street, drainage way, park, recreational area or open space shall be made a part of the plat or survey map or separately dedicated in the case of lot divisions by the developer or subdivider in the locations and dimensions indicated on the applicable plan or map, subject to the provisions of number (4) of this subchapter and Section 62.23(6) Wis. Stats.

#### **64.11 Enforcement And Penalties**

- a. Any person, agent, firm or corporation violating any provision of this ordinance shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$1000.00 for the first offense, with a deposit required of \$100.00 and not more than \$1000.00 for the second offense, with a deposit of \$500.00, and the costs of prosecution. In default of payment of such forfeiture and costs, such violator shall be imprisoned in the Sauk County Jail until the forfeiture and costs are paid, but not exceeding thirty (30) days for each violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
  
- b. Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the Village may apply to a Court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, temporary injunction, and permanent injunction.

(Recreated with Ordinance No. 06-009)