

SUBDIVISION
ORDINANCE NO. 9.01

AN ORDINANCE REPEALING ORDINANCE 9.01 AND IT'S AMENDING ORDINANCES KNOWN AS 9.011, 9.012, 9.013, AND 9.014 AND SUBSTITUTING THEREFORE AN ORDINANCE PROVIDING FOR SUBDIVISION CONTROL AND PROVIDING FOR IT'S ENFORCEMENT AND PROVIDING PENALTIES; AND THESE REGULATIONS ARE DECLARED TO BE IN THE INTEREST OF PUBLIC HEALTH, SAFETY, WELFARE, AND CONVENIENCE.

The Town Board of the Town of Medary, acting under the general powers of a Village Board and under the special powers granted by Chapter 236 of the Wisconsin Statutes, does ordain as follows:

1. Ordinances No. 9.01, 9.011, 9.012, 9.013 and 9.014 are hereby repealed and Ordinance No. 9.01 is re-created as follows;

Section 1. Definition of Subdivision. A subdivision is the division of a lot, parcel or tract of land by the owner thereof or his agent 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. Five or more parcels or building sites of one and one-half acres each or less in area are created by successive divisions within a period of five years.

Section 2. Survey and Plat - When Required. Any division of land which shall result in a subdivision as defined in Section 1., except cemetery plats and assessor's plats, shall be surveyed and a plat approved as required by this ordinance and as required by Chapter 236 or by Chapter 236, as amended, of the Wisconsin Statutes. As provided by Said Chapter of the Statutes, any provision of this ordinance more stringent in character than the Statute shall be controlling.

Section 3. Planning Agency. The Town Board shall constitute the planning agency which shall administer this ordinance and applicable provisions of Chapter 236 of the Wisconsin Statutes.

Section 4. Preliminary Plat. The owners of any lands seeking to subdivide the same shall submit three copies of a preliminary plat of such land to the Town Board for tentative approval of his plans before submission of the final plat. The preliminary plat shall be legibly drawn with pencil on tracing cloth or tracing paper of good quality at one hundred feet to the inch or larger scale, and shall show:

A. The title under which the proposed plat is to be recorded which title shall not duplicate or be deceptively similar to the name of any plat previously recorded in La Crosse County;

B. The names and addresses of the owner, subdivider and engineer or surveyor;

C. The exact location by distances and bearings of the exterior boundaries of the land to be platted with reference to a corner or corners established in the U. S. Public Land Survey;

D. The names and addresses of the owners of all adjoining unplatted lands or the names of all adjoining plats;

E. The location, names and widths of all existing lots, streets alleys, and easements and rights of way and the location of all property lines, section lines and quarter section lines within two hundred feet thereof,.

F. The location, arrangement and width of proposed streets, alleys, and easements and the location of proposed building lines;

G. All lots with dimensions;

H. Location and area of property proposed to be dedicated to public use and for other purposes, and to which governmental units the property will be dedicated;

I. The location of all permanent buildings and structures, and the size and location of all existing sewers and water mains, if any, within the proposed plat and within two hundred feet thereof;

J. Ground elevations and contours:

(1) for lands that slope less than approximately 2% show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred feet apart in all directions,

(2) for lands that slope more than approximately 2% show contours with an interval of not more than five feet where ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet where necessary because of irregular land or need for more detailed data,

(3) approximate boundaries of area subject to flood or storm water overflow, areas covered by water, approx-roate boundaries of wooded areas;

K. Approximate grades of streets and alleys where the proposed grade will exceed 4%;

L. a brief description of proposed restrictive covenants or building restrictions, if any;

M. The date, scale and North point;

N. A supplementary written statement briefly describing improvements, such as grading, paving, tree planting, installation of utilities, improvements to park and recreation areas, ect., which the owner proposes to make and when he proposes to make them,

Section 5, Action on the Preliminary Plat.

A, The Town Board shall call in the owner or his agent for consultation, and shall approve, approve conditionally, or disapprove the preliminary plat within 40 days of the date on which it is filed, unless such action is deferred by agreement with the owner or his agent;

B. Approval of the preliminary plat shall be indicated in writing on the face of each of the three copies therof by the Town Clerk, whereupon one copy shall be returned to the owner, and one copy shall be retained for filing by the Town Clerk, and one copy shall be for the Town Chairman.

C. In the event that the preliminary plat is disapproved, the reasons for such disapproval shall be stated in writing and attached to the three copies of the preliminary plat, one of which shall be returned to the owner, one filed by the Town Clerk and the other shall remain in hands of the Town Chairman.

D. At the time of approval of the preliminary plat, or as soon thereafter as practicable, the Town Board shall inform the owner as to what improvements, or bond covering their installations, if any, will be required before approval of the final plat; ' .

E. Approval of the preliminary plat shall be considered as merely a general approval of the layout submitted and shall not commit the Town Board to approval of the final plat;

P. Unless the final plat is filed with the Town Clerk within six months of the date of approval of the preliminary plat, the Town Board's approval of the latter may be cancelled upon written notice to that effect being sent to either the owner or his agent.

Section 6. Final Plat.

PLEASE NOTE THAT THIS SECTION FROM THE OLD ORDINANCE HAS BEEN COMPLETELY REMOVED AND COMBINED WITH THE OLD SECTION NO, 7 TO CREATE THE FOLLOWING;

NEW SECTION HO. 6. READS AS FOLLOWS:

Section 6. Prerequisites to Approval of Plat by the Town board..

A, Streets and utilities.

(1) Grades and Construction Standards.

The owner shall furnish and submit a grading plan with the final plat showing the grades approved by the County Highway Commissioner and the Town board, before the final plat shall be approved, and before the owner commences construction of any buildings on the premises. The owner shall also provide the following facilities, give satisfactory proof that a performance bond insuring that such facilities will be installed within the time required by the Town

(a) Water and sanitary sewer mains, and laterals to the lot line, where connections to existing systems can be reasonably provided, if deemed necessary by the Town Board.

(b) The right-of-way of all streets shall be sixty six (66) feet. Streets shall be graded to sub-grade with a twenty eight (28) foot top. The road way shall be built up with at least six (6) inches of compacted sand and at least six inches of compacted crushed rock. (The Town Board at its discretion may accept a total of twelve (12) inches of compacted crushed rock instead of the six (6) inches of compacted sand and the six (6) inches of crushed rock.)

(c) Streets shall have a two (2) inch asphalt hot mix surface, with a twenty four (24) foot top and two foot shoulders.

(d) Special exceptions may be made by the Town Board where a sixty (60) foot right-of-way may be deemed adequate. All specifications stated in the above subsection (b) shall apply with the exceptions that the subgrade width shall be twenty four (24) feet with a twenty (20) foot, two (2) inch hot mix surface and two (2) foot shoulders.

(e) Adequate facilities to provide surface water drainage as deemed necessary by the Town Board, including necessary culverts, which must be a minimum of eighteen (18) inches in diameter, if necessary, a black top or cement curb shall be required.

(f) As far as is reasonably possible, the Town Board shall discourage lot, house or business driveway entrances directly on to main or highly traveled streets or roadways such as County Trunk Roads or State and/or Federal Highways which numerous entrances would tend to reduce the normal flow of traffic.

(g) The guidelines contained herein shall be used by the Town Board in approving or disapproving other streets or roads in the Town which may not be a part of a formal plat.

(2.) Provisions shall be made in the plat for the suitable continuation of the present existing roads and streets in adjoining plats or in adjoining unplatted lands. In case straight continuations are not practicable, then continuations shall be accomplished by use of suitable curves in order to avoid street jogs or off center intersections.

(3.) At the ends of all dead-end streets there shall be provided a cul de sac not less than one hundred (100) feet in diameter. Where practical, the Town Board shall require a larger cul de sac, not to exceed one hundred thirty (130) feet in diameter. Where necessary to give access to or permit a satisfactory subdivision of adjoining land streets shall run through to the boundary of the property and the resulting dead-end streets may be approved without a turnaround, providing there is assurance of subdividing or developing the adjoining land within one year.

(4.) Streets shall intersect each other at angles as near to a right angle -as is practicable. No two streets shall intersect at an angle of less than thirty degrees or more than one hundred fifty degrees. Where more streets intersect at an angle of less than sixty degrees or more than one hundred twenty degrees, the two streets shall be connected by a curve having a radius of not less than twenty (20) feet. The town Board may require the rounding of corners of blocks where necessary to facilitate traffic movement.

(5) Convergence of more than two streets at one intersection shall be avoided where practicable, unless a satisfactory traffic circle is provided to insure safety and facilitate traffic movement,

(6.) Blocks shall be arranged, where practicable, so as to face upon major streets rather than to have ends of blocks abut on such streets.

(7.) Consideration shall be given to topography with a view to securing safe and easy grades and avoiding unsightly and expensive cuts and fills. Where grades are steep, it is desirable to cut diagonally across the contour lines. The grade of streets shall not exceed ten (10) percent unless approved by the Town Board.

(8.) Streets shall be platted a sufficient distance apart to allow two (2) tiers of lots, but not more than two. Where land is being subdivided into parcels larger than will eventually be required for normal building purposes, such parcels shall be divided so as to allow for the proper extensions of streets at the time of re-subdivision.

(9.) Adequate street connections or extensions shall be provided to insure free access to adjoining subdivisions and lands which may be subdivided later.

(10.) Where practicable, both horizontal and vertical curves in streets shall be so designed as to provide a clear view ahead for drivers of motor vehicles of at least eight hundred (800) feet on a major street and four hundred (400) feet on a minor street. A change of direction of a street shall be effected by means of a curve rather than an abrupt angle. Long sweeping curves are preferred to sharp curves. Where sharp curves or turns are used it may be desirable to begin a new street, and named accordingly.

(11.) Where the County Zoning Ordinance provides that land adjacent to a railroad is zoned industrially, the nearest street parallel or approximately parallel to the railroad right-of-way shall be a sufficient distance there from to insure suitable depth for industrial sites.

(12.) The intersection of a street parallel to the railroad right-of-way with a street which crosses the railroad shall be a distance of at least one hundred fifty (150) feet from the railroad right-of-way, and where a future • grade separation may be involved, at a sufficient distance to insure safe traffic control. Streets crossing railroads where future grade separations are anticipated may be required to have extra width at the approaches to the change of grade.

(13.) 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 named shall bear the names of the existing street.

B. Alleys and Easements

(1.) Alleys not less than twenty-five (25) feet in width shall be provided in the rear of all lots intended for

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business usage,

(2.) Alleys in the rear of lots intended for residential use are discouraged* except in the rear of lots fronting upon major highways. Where permitted, such alleys shall not be less than twenty (20) feet in width.

(3.) In order to facilitate turning, a diagonal cut-off shall be made measuring not less than five (5) feet in each direction from the corner, at all turning corners of alleys where the interior angle is less than 120 degrees.

(4.) Where alleys are not provided, utility easements of no less than eight (8) feet in width shall be provided on each side of all rear lot lines and along side lines of lots where necessary. Easements shall be continuous and in alignment from block to block where practicable.

C, Block Dimensions.

(1.) The long dimensions^ of blocks shall not be less than Seven hundred (700) feet nor more than one thousand* five hundred (1,500) feet, excepting where existing conditions justify a variation from this rule, residence blocks facing upon major streets should be comparatively long.

(2.) In blocks more than nine hundred (900) feet in length a right-of-way for a crosswalk not less than ten feet in width shall be provided entirely across the block near the center of the block. Where in grade of such right-of-way exceeds 20%, the owner shall construct satisfactory concrete stairways with hand rails before the final plat will be approved or surety bond covering compliance with this requirement shall be furnished by the owner.

(3.) block widths shall conform to those in existing nearby subdivisions in order that streets may be continuous and free from objectionable jogs.

D. Lots.

(1.) Minimum areas shall be as established by the County Zoning Ordinance.

(2.) All reversed corner lots, which front on a different street than the other lots on the same side of the block* shall have extra width sufficient to permit the maintenance* of the building line of the lots in the rear along the street side of such reversed/ corner lots.

(3.) Reversed corner lots in residence districts shall be avoided where practicable.

(4.) Lots fronting on two approximately parallel streets shall be avoided where practicable.

Every lot shall front upon a public street; and must have a minimum of One Hundred (100) feet frontage excepting lots abutting a cul de sac which must have at least 40 feet frontage. Lots which are land locked and appealed under Wisconsin Statute 80.13 must have a minimum of 66 foot right-of-way.

(6) Side lot lines shall be at right angles to straight street and radial to curved streets.

(7.) lots fronting on major streets shall be platted with extra depth to permit generous distance between buildings and such street.

(8.) The Town Board may waive the placing of monuments for a reasonable time on condition that the subdivider execute a surety bond to insure that he will place the monuments within the time required,

E, Parks, School Sites, Playgrounds, Etc.

(1.) The subdivider may be expected to dedicate from 5 to 15% of his tract for recreation, school sites, or other public grounds, other than streets. Areas not suitable for public use will not be accepted.

(2.) Where lands adjacent to railroad right-of-way are to be platted for residence use, the subdivider shall dedicate either a tree or park screen, not less than fifty feet in width, along the right-of-way before a final plat will be approved.

(3.) The Town Board may, at its option, require from the subdivider the sum of Two Hundred Dollars (\$200.00) for each lot, in lieu of the requirements of Paragraph (1)

F. No Cost Sharing on Road Construction or Platted Streets,

The Town will not cost share on hot mix or gravel or culverts or drainage structures or grading on any platting or private construction of roads and streets. Developers will be responsible for all costs to their development or subdivision and will be required to execute a proper road agreement for the maintenance of road right-of-way for at least a minimum of two years. Said agreement may be extended if said right-of-ways do not meet the requirements of the Town Board.

Section 7. General Provisions.

A. The Town Board shall endeavor to discourage the platting of lands deemed unsuitable for platting because of topography or otherwise and to encourage the replatting of lands deemed unsatisfactorily subdivided,

B, The Town Board may approve plats which vary slightly from these regulations in specific cases which will not affect the general plan or the spirit of these regulations.

C, The Town Board, by the passage of this ordinance, hereby determines it to be fact in the Town of Medary for the guidance of the Town Assessor, that the value of the subdivided property does not actually increase more than the amount of the money spent on subdividing and improving it until a sizable portion of the lots in the subdivision are sold.

D. Surveyors laying out a subdivision as defined in this ordinance without preparing a recordable plat shall be subject to the penalties provided below.

Section 8. Penalties. Any person, firm or corporation violating any provision of this ordinance, including those provisions of Chapter 236, or Chapter 236 as amended, of the Wisconsin Statutes which are incorporated herein by reference, shall upon conviction thereof forfeit no less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county Jail until payment of such forfeiture and costs of prosecution, but not exceeding thirty (30) days for each violation. Each violation shall constitute a separate offenses. In addition to such penalty the Town Board is authorized to bring an action to enjoin any violation and the building inspector is authorized to refuse to issue a building permit for construction of any premises contrary to this ordinance. The Town Board may further order an Assessor's Plat to be made under Section 70.27 of the Wisconsin Statutes at the expense of the subdivider or his agent when a subdivision is created in violation of this ordinance,

Section 9. Severability. The sections, subsections, sentences, clauses, phrases and portions of this Ordinance are hereby declared to be severable, and if any is, for any reason, held invalid or unconstitutional' by any court of competent Jurisdiction, such holding shall not affect the validity of the retaining portions of this Ordinance.

Section 10. Effective Date. This ordinance shall take effect and be in force upon its passage and publication,

PASSED)
THE TOWN OF MEDARY
LeRoy Loeffler

Supervisor
John Tonnis

Cecil Milled, supervisor

Jan Keil, Town Clerk