

Witt Auto Sales

From: "Mark Walter" <mwalter@baylakerpc.org>
To: <Linda29@centurytel.net>; <service@wittford.com>
Sent: Tuesday, September 20, 2005 1:45 PM
Attach: Subdivision Ord2.doc; Subdivision Ord.pdf
Subject: updated Amberg Subdivision Ordinance

Fred –

I made the changes you had asked about, added language up front that the ordinance only applies to NEW divisions of land; added a part requiring all roads to have street signs.

Attached are two files:

1. A Word document of your Subdivision Ordinance that can be edited. Formatting may change depending on which machine it gets opened on.
2. An Adobe Acrobat file of your Ordinance that you can print from any computer.

Let me know if you have any additional questions.

Mark A. Walter

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9/20/2005

TITLE 14

Subdivision Regulations

CHAPTER 1

Subdivision Regulations

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SECTION 14-1-1: INTRODUCTION AND PURPOSE

- (a) **Introduction.** In accordance with the authority granted by Section 236.45 of the Wisconsin Statutes and for the purposes listed in Section 236.01 and 236.45 of the Wisconsin Statutes, the Town Board of the Town of Amberg does hereby ordain as follows:
- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town.
 - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) **Purpose.** The purpose of this Chapter is to promote the public health, safety, convenience and general welfare. The regulations are designed to lessen congestion in the streets; to foster the orderly layout and use of land; to insure safety from fire, flooding, panic and other dangers; to provide optimum light and air; to discourage overcrowding of the land; to lessen concentration of population; to facilitate adequate provision of transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; to facilitate the further division of large tracts of land into smaller parcels; and to implement the policies set forth in the Town of Amberg Comprehensive Plan. The regulations apply only to new divisions of land. The regulations are made with the reasonable consideration of, but not

SECTION 14-1-2: DEFINITIONS

limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry and providing for the most appropriate use of land in the Town.

State Law Reference: Chapter 236, Wis. Stats,

SECTION 14-1-2: DEFINITIONS

(a) The following definitions shall be applicable in this Chapter.

- (1) Alley. A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
- (2) Arterial Street A street which provides for the movement of relatively heavy traffic to, from or within the Town, It has a secondary function of providing access to abutting land.
- (3) Block. An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
- (4) Building Line. A line parallel to a lot line and at a distance from the lot line to comply with the set back described in Town of Amberg Ordinance Title 15-1-12.
- (5) Collector Street A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
- (6) Commission. The Plan Commission created by the Town Board pursuant to Section 62.23 of the Wisconsin Statutes, if one is created.
- (7) Comprehensive Development Plan. A comprehensive plan prepared by the Town indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Town and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (8) Cul-de-Sac. A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (9) Division of Land. Any condition that division of land occurs.
- (10) Easement The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (11) Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities.

SECTION 14-1-2: DEFINITIONS

- (12) Final Plat. The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds. Said plat must conform to all State laws.
- (13) Floodlands. Those lands, including the floodplains, floodways, and channels, subject to inundation by the one hundred (100) year recurrence interval flood or, where such data are not available, the maximum flood of record.
- (14) Frontage Street. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (15) High-Water Elevation. The average annual high water level of a pond, stream, river, lake, flowage, or wetland referred to an established datum plane or where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distance mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic geological or vegetative characteristic.
- (16) Improvement, Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
- (17) Local Street. A street of little or no continuity designed to provide access to abutting property and leading in to collector streets.
- (18) Lot. A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
- (19) Lot, Area. The area contained within the exterior boundaries of a lot excluding streets, easements and land under navigable bodies of water.
- (20) Lot, Corner. A lot abutting intersecting streets at their intersection.
- (21) Lot, Double Frontage. A lot which has a pair of opposite lot lines along two (2) substantially parallel streets, and which is not a corner lot. On a double frontage lot, both street lines shall be deemed front lot lines.
- (22) Lot, Reversed Corner. A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (23) Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.
- (24) Lot Lines. The peripheral boundaries of a lot as defined herein.
- (25) Lot Width. The width of a parcel of land measured along the front building line.
- (26) Major Thoroughfare. A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.

SECTION 14-1-2: DEFINITIONS

- (27) Marginal Access Street A street which is parallel to and adjacent to major thoroughfares and which provides access to abutting properties and protection from traffic on the major street.
- (28) Minor Street. A street used, or intended to be used, primarily for access to abutting properties.
- (29) Minor Subdivision. The division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels of building sites.
- (30) Navigable Stream. Any stream capable of floating any boat, skiff, or canoe, of the shallowest draft used for recreation purposes.
- (31) Owner. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.
- (32) Pedestrian Pathway. A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (33) Plat. The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Town for approval.
- (34) Preliminary Plat. The preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Town Board for their consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
- (35) Protective Covenants. Contracts entered into between private parties which constitute a restriction on the use of all private property within a subdivision for the benefit of the property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (36) Replat. The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (37) Shorelands. Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (38) Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
- (39) Subdivision. The division of a lot, outlot, parcel, or tract of land by the owner thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of minimum lot size or more in area, or where the act of division creates five (5) or more parcels or building sites by successive division within a period of five (5) years, whether done by the original owner or a successor owner. (See section 14-1-11 design standards- lots)

SECTION 14-1-3: GENERAL PROVISIONS

- (40) **Wetlands.** Those lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to high-water table.
- (41) **Wisconsin Administrative Code.** The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

SECTION 14-1-3: GENERAL PROVISIONS

- (a) **Compliance.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division or a replat as defined herein; no such subdivision, land division 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 Chapter and the following:
 - (1) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.
 - (2) The rules of the Division of Health contained in Wis. Adm. Code for Subdivision H 85 not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code for Subdivisions Hy 33, which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in Wis. Adm. Code for Floodplain Management Program.
 - (5) Comprehensive Plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Town Board.
 - (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
- (b) **Jurisdiction.** Jurisdiction of these regulations shall include all lands within the limits of the Town of Amberg. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
 - (1) Transfers of interests in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
 - (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Chapter or other applicable laws or ordinances.
- (c) **Certified Survey.** Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.24, Wis. Stats.
- (d) **Permits.** No building permit shall be issued by the Town authorizing the building on or improvement of any parcel of land not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been met.

SECTION 14-1-4: CONDOMINIUM DEVELOPMENTS

- (e) **Applicability to Condominiums.** This Chapter is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to Sec. 703.27(1), Wis. Stats. For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.
- (f) **Land Suitability.** No land shall be subdivided which is held unsuitable for its proposed use by the Town Board for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, 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 Town. The Town Board in applying the 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 afford the subdivider an opportunity to present evidence regarding such unsuitability if he/she so desires. Thereafter the Board may affirm, modify, or withdraw its determination of unsuitability.

SECTION 14-1-4: CONDOMINIUM DEVELOPMENTS

(a) Purpose

- (1) The Town Board hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
- (2) The factor that makes this Chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels", with each property entity having different ownership and management. The Town of Amberg determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.
- (3) Thus, the Town Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - a. Additional population density.
 - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
 - c. Additional demands upon Town area parks, recreation areas, utility facilities and schools.
 - d. Additional traffic and street use.

(b) Portions of Chapter Applicable to Condominium Developments. The following Sections of this Chapter shall apply to condominium developments:

- (1) Sections 14-1-5 through 14-1-6 relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 14-1-6 shall not only

SECTION 14-1-5: PROCEDURE FOR SUBMITTING SUBDIVISION PLAT

apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.

- (2) Section 14-1-15.
 - (3) Sections 14-1-9 through 14-1-17.
 - (4) Section 14-1-18.
- (c) **Exceptions.** This Section shall not apply to the following condominiums:
- (1) Any condominium plat recorded prior to the effective date of this Chapter.
 - (2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

SECTION 14-1-5: PROCEDURE FOR SUBMITTING SUBDIVISION PLAT

- (a) **Preliminary Meetings.** Before filing a preliminary plat, or certified survey, the subdivider is encouraged to consult with the Town Board for advice regarding general subdivision requirements. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his/her development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.
- (b) **Preliminary Plat Review Within the Town**
- (1) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file an adequate number of copies of the Plat and the application as required by this Section with the Town Clerk at least twenty-five (25) days prior to the meeting of the Town Board at which action is desired. The Town Clerk may submit a copy of the preliminary plat to the Town Engineer for review and written report of his/her recommendations and reactions to the proposed plat.
 - (2) **Public Improvements, Plans and Specifications.** Simultaneously with the filing of the preliminary plat of map, the owner shall file with the Town Clerk ten (10) complete sets of preliminary plans and specifications for the construction of any public improvements required by this Chapter.
 - (3) **Property Owners Association.** The Town Board may require submission of a draft of the legal instruments and rules for proposed property owners associations when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners.
 - (4) **Affidavit.** The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he/she has fully complied with the provisions of this Chapter.

