

SUBDIVISION ORDINANCE, VILLAGE OF NELSONVILLE

ORDINANCE ESTABLISHING SUBDIVISION AND
MINOR SUBDIVISION REQUIREMENTS IN THE VILLAGE OF NELSONVILLE
AND ITS EXTRATERRITORIAL JURISDICTION.

TABLE OF CONTENTS

SECTION:		PAGE:
I.	PURPOSE	1.
II.	MANDATE	1.
III.	DEFINITIONS	1.
IV.	PROCEDURE FOR PLATTING A SUBDIVISION	4.
IV.	PROCEDURE FOR MINOR SUBDIVISION	6.
V.	DRAFTING AND DATA REQUIREMENTS	7.
VI.	DESIGN STANDARDS AND REQUIRED IMPROVEMENTS	10.
VII.	DEDICATION AND RESERVATION OF LANDS	15.
VIV.	VARIANCES	15.
X.	PENALTIES	16.
XI.	INTERPRETATIONS	16.
XII.	SERVERABILITY	16.
XIII.	REPEAL OF CONFLICTING ORDINANCES	16.
XIV.	TITLE	16.
XV.	EFFECTIVE DATE	16.

THE VILLAGE BOARD OF THE VILLAGE OF NELSONVILLE, PORTAGE COUNTY, WISCONSIN DOES ORDAIN AS FOLLOWS:

SECTION I. PURPOSE

The purpose of this ordinance is to promote the public health, 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 provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements, as they may be developed; and to facilitate the further resubdivision of larger tracts into smaller parcels of land. These regulations are made with the reasonable consideration, among other things, of the character of the Village 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 Village. This ordinance is further intended to promote the application of good community planning principles, preservation of environmental quality, avoidance of conflicting land uses, protect the value of property, to serve as a tool to help manage the location and timing of growth, to provide for economical and efficient development, and to protect the fiscal integrity of the village government.

SECTION II. MANDATE

A. Subdivision.

Any division of land within the Village of Nelsonville or any extraterritorial plat approval jurisdiction which results in a subdivision as defined herein shall be surveyed and a plat thereof approved and recorded as required by this ordinance and Chapter 236, Stats.

B. Minor Subdivision.

Any division of land within the Village of Nelsonville which results in a minor subdivision as defined herein shall be surveyed and a map thereof approved and recorded as required by this ordinance.

SECTION III. DEFINITIONS.

For the purposes of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The work "shall" is mandatory and not directory or precatory.

Alley: A public or private way affording only secondary vehicular access to abutting property.

Building Line: A line parallel to a lot line and at a distance from the lot line to comply with the yard and setback requirements.

Collector Street: A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential development.

Community: A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic or physical interests.

Comprehensive Plan: An extensively developed plan, also call a Master Plan, which may be adopted by the Plan Commission or Village Board pursuant to Section 62.23 of the Wisconsin Statutes including proposals for future land use, transportation and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division regulations, building codes and capital improvements programs shall also be considered a part of the comprehensive plan. The official map, for the purposes of this ordinance, may also be considered independent of the comprehensive plan.

Cul-De-Sac Street: Minor street closed at one end with a turnaround provided for passenger vehicles.

Extraterritorial Plan Approval Jurisdiction: the area extending one and one-half (1 1/2) miles beyond the Village Corporate limits, or to a point equidistant between the Corporate limits of the Village of Nelsonville the Corporate limits of any other incorporated municipality, whichever is less. This is the area within which the Village Board shall exercise the authority to approve plats with such authority provided in Section 236.45(3) and 237.10(1)(6)2.

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.

Lot: a parcel of land, including building sites, adequate for improvement for a permitted use, providing the years and area are fronting directly on a street.

Major Street: A street designated by the Village Board as an arterial street.

Minor Street: A street used, or intended to be used, primarily for access to abutting properties.

Minor Subdivision: A division of land by the owner or subdivider

resulting in the creation of two (2) or three (3) lots or building sites, any of which is fifteen (15) acres in size or less, or the division of the block, lot or outlot within a recorded subdivision plat into not more than two (2) or three (3) lots or building sites without changing the exterior boundaries of said block, lot or outlot.

Official Map: A map which may be developed by the Village Board showing the Village of Nelsonville and its extraterritorial plat approval jurisdiction, together with its extraterritorial zoning jurisdiction, if any, showing the streets, highways, parkways, parks and playgrounds laid out, adopted and established by law, to be deemed to be final and conclusive with respect to the location and width of said streets, highways, and parkways, and the location and extent of parks and playgrounds shown thereon.

Outlot: An outlot is a parcel of land, other than a lot or block, so designated on the plat.

Plan Commission: A body which may be instituted by the Village Board, consisting of the Village President, the Director of Public Works, a trustee, and four (4) or more local citizen members of recognized experience and qualifications. The functions of the Plan commission are to develop the comprehensive plan, including the official map, review all subdivision plats and minor subdivision maps, make recommendations on land use and other duties as stated in Section 62.23 of the Wisconsin Statutes. PROVIDED, HOWEVER, that until such time as the Plan Commission may be established, the Village Board, or any committee designated by the Village Board, shall perform all functions of the Plan Commission set forth in this Subdivision Ordinance.

Preliminary Plat: A map showing the salient features of the proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

Public Way: Any public road, street, highway, walkway, drainageway, or part thereof.

Replat: The changing of the boundaries of a recorded subdivision plat or part thereof.

Setback: Minimum distance from property lines as set forth in this Subdivision Ordinance.

Subdivider: Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.

Subdivision: A 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 or other improvement where:

- (1) The act of division creates four (4) or more lots any of which are two (2) acres or less in area: or
- (2) Four (4) or more lots any of which are two (2) acres or less in area are created by successive divisions within a period of five (5) years.
- (3) The act of division or the creation of any lots results in the creation or alteration of any street or alley.

Surveyor: A State of Wisconsin registered land surveyor.

Zoning Ordinances: A set of mandatory rules and regulations which may be instituted and amended from time to time by the Village Board describing what uses, and the requirements for such uses, allowed on land within the Village of Nelsonville, its extraterritorial plat approval jurisdiction, and its extraterritorial zoning jurisdiction, if any.

The definitions herein shall apply with equal effect to the division or creation of lots or building sites whether or not said tracts shall at such time be part of a previously platted subdivision.

SECTION IV. PROCEDURE FOR PLATTING A SUBDIVISION.

A. Pre-Application.

It is recommended that, prior to the filing of an application for approval of the preliminary plat, the subdivider consult the Plan Commission and/or its created staff for advice and assistance. This step does not require formal application, fee, or filing of a plat, but is intended to explain to the subdivider the purposes and objections of these regulations, the comprehensive plan, official map and to informally read mutual conclusions regarding the general program and objective of the proposed development.

B. Preliminary Plat.

1. Before submitting a final plat for approval, the subdivider shall submit six (6) copies of the preliminary plat, clearly marked "preliminary plat" and it shall be sufficient detail to determine whether the final plat will meet layout requirements, to the Clerk of the Village of Nelsonville, who shall forthwith forward same to the Plan Commission.

2. 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 Plan Commission shall (a) forthwith, conditionally approve, or reject such plat, stating in writing to the subdivider any conditions of approval or reason for rejection, or (b) forthwith request and receive an extension of time for such consideration with the subdivider.

3. Following final action of the Plan Commission regarding approval, conditional approval, or rejection of the plat, the Plan Commission shall submit its recommendations to the Village Board at the next regular meeting of the Village Board, but not more than either (a) thirty (30) days subsequent to initial submission of the preliminary plat by the subdivider or (b) if an extension of time has been obtained by the Plan Commission, at the next regular meeting of the Village Board, but not less than ten (10) days prior to the termination date of any such extension of time s agreed between the developer and Plan Commission in writing as required by Section 236.11(1)(a) of the Wisconsin Statutes.

4. Approval of the Preliminary plat shall entitled the subdivider to final approval of the layout shown by such plat if the final plat conforms substantially to such layout and conditions of approval have been met.

C. Final Plat.

1. If the final plat conforms substantially to the layout shown in the preliminary plat as approved by the Village Board, including any conditions of that approval, it shall be entitled to approval with respect to such layout. If the final plat is not submitted to the Clerk of the Village of Nelsonville within six (6) months of the last required approval of the preliminary plat, the Village Board may refuse to approve the final plat. The final plat may, if permitted by the Village Board, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time. The Village Board may, at its option only, waive failure to comply with this requirement.

2. The Village Clerk shall forward the final plat to the Plan Commission which shall refer said final plat with its recommendation to the Board with thirty (30) days of its submission, unless the time is extended by agreement between the Village Board and the subdivider. The Village Board shall approve or reject the final plat within sixty (60) days of its submission, unless the time is extended by agreement with the subdivider. When the Village Board determines to approve the plat, it shall give at least ten (10) days prior written notice of its intention to the clerk of any municipality whose boundaries are within one thousand (1000) feet of any portion of such proposed plat. If a plat is rejected, the reasons therefor shall be stated in the minutes of the meeting and a copy thereof or a written statement of the reasons supplied the subdivider. If the Village Board fails to act within sixty (60) days and the time has not been extended by agreement

and if no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and upon demand a certificate to that effect shall be made on the face of the plat by the Clerk of the Village which has failed to act.

3. 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 Village Board shall 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 differ from the true copy, and all modifications must first be approved by the Village Board.

D. Replat.

1. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of the recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Section 236.40 through 236.44 of the Wisconsin Statutes. The subdivider, or person wishing to replat, shall then proceed as specified in Section IV. A. through C.

2. The Village clerk shall schedule a public hearing before the Plan Commission when a Preliminary Plat of the replat of lands within the Village is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed replat.

E. Assessor's Plat Optional for Successive Subdivision.

Where it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this ordinance, the Village Board may in lieu thereof order an assessor's plat to be made under Section 70.27 of the Wisconsin Statutes and may assess the cost thereof as provided in such Section, or to the subdivider.

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 V. PROCEDURE FOR MINOR SUBDIVISION

A. Certified Survey Map.

When it is proposed to divide land into two (2) or three (3) lots, any one of which is less than two (2) acres in size, or when it is proposed to divide a block, a lot or outlot into not more than two (2)

or three (3) lots or building sites within a recorded subdivision plat without changing the boundaries of said block, lot or outlot, the subdivider may subdivide by use of a Certified Survey Map. The subdivider shall prepare the Certified Survey Map in accordance with this Ordinance and shall file an adequate number of copies of the Map and the letter of application with the Village Clerk fifteen (15) days prior to the meeting of the Plan commission at which action is desired.

B. Consideration.

The Village Clerk shall, within two (2) days after filing, transmit the copies of the Map, and letter of application to the Plan Commission and to all affected boards, commissions, or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within ten (10) days from the date the Map is filed. The Map shall be reviewed by the Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, comprehensive plans, and comprehensive plan components which affect it. The Plan Commission shall, within thirty (30) days from the date of filing of the Map, recommend approval, conditional approval, or rejection of the Map, to the Village Board. Thereafter, at its next regularly scheduled meeting, the Village Board shall approve, conditionally approve, or reject such Map.

C. Certification.

If the Map is rejected by the Village Board, the reasons shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the Map is approved, the Plan commission shall cause the Village Clerk to so certify on the face of the original Map and return the Map to the subdivider.

D. Recording.

The subdivider shall record the map with the County Register of Deeds within thirty (30) days of its approval by the Village Board. Immediately following recording, the subdivider shall file two (2) copies of the Certified Survey Map with the Village Clerk.

SECTION VI. DRAFTING AND DATA REQUIREMENTS

A. Preliminary Plats.

1. The preliminary plat shall be drawn with waterproof nonfading 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 Plan Commission to determine whether the design of the final plat will conform to this ordinance.

2. Supplementary Information. The subdivider shall furnish the following information with his preliminary plat:

a. A brief description of the improvements such as grading, paving, tree planting, installation of utilities which the subdivider proposes to make and the time when he proposes to make the.

b. A brief description of the deed restrictions, if any, which will be put on the plat.

3. The preliminary plat shall show:

a. The location of present property lines, streets, buildings, watercourses, tree masses and other existing features within the area to be subdivided and similar information regarding existing conditions of land immediately adjacent thereto.

b. The proposed location, width, and grade of streets, alleys, lots, building and setback lines and easements.

c. Existing sanitary and storm sewers, water mains, culverts, and other underground structures or utilities within the tract or immediately adjacent thereto.

d. The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract.

e. The size of each proposed lot in square feet

f. The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land.

g. Contours with intervals sufficient to determine the character and topography of the land to be subdivided, but in no case shall the intervals be more than five (5) feet.

h. North Point, scale, date, owners of subdivision, name of surveyor.

B. Final Plats.

1. 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.

2. The affidavits and certificates required by chapter 236, Wisconsin Statutes shall be letter or printed legibly with black durable ink or typed legibly with black ribbon on the final plat.

3. The final plat shall show:

a. 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 impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.

b. Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.

C. Certified Survey Maps.

1. General. A certified Survey Map prepared by a registered land surveyor shall be required for all minor subdivisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes.

2. Additional Information. The Map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, as follows:

- (a) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
- (b) Setbacks or building lines required by the Village Plan Commission.
- (c) All lands reserved for future acquisition.
- (d) Date of the Map
- (e) Graphic scale
- (f) Name and address of the owner, subdivider, and surveyor.

3. Certificates.

(a) The surveyor shall certify on the face of the Map that he has fully complied with all the provision of this Ordinance. The Village Board, or the Plan Commission if delegated by the Village Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the Map.

(b) Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2) (a) of the Wisconsin Statutes.

4. Recordation.

The Certified Survey Map shall only be recorded with the County Register of Deeds after the certificates of the Village Board, or the Plan Commission if delegated by the Village Board, and the surveyor are placed on the face of the Map.

SECTION VII. DESIGN STANDARDS AND REQUIRED IMPROVEMENTS.

A. General. The proposed subdivision shall conform to:

- (1) The provision of Chapter 236, Wisconsin Statutes.
- (2) All applicable ordinances of the Village of Nelsonville.
- (3) The regulations of the Wisconsin Administrative Code, Chapter H-65 regarding "subdivisions not served by public sewers".
- (4) 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.
- (5) The duly approved comprehensive plan, official Map and zoning ordinance, or special plan such as a sewer and water plan, solid waste plan, etc.
- (6) No land shall be subdivided which is held unsuitable for such use by the Village Board for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, pollution of ground or surface water, 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 Village. The Village Board shall, or the Plan Commission if so directed by the Village Board in applying the provision of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the Village Board may affirm, modify, or withdraw its determination of unsuitability.
- (7) All necessary facilities shall be installed to prevent the collection of surface water in any low spot, and to maintain natural water course. Drainage facilities approved by the engineering representative designated by the Village shall be provided for the ends of all cul de sacs and dead-end street.

B. Streets.

- (1) General Considerations: Streets shall be designed and located in relation to existing streets and planned streets on the official map to topography 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.

(2) Major Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reverred frontage with screen planting contained in a non-access reservation along the rear property line, or by the use of frontage streets.

(3) Off 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 Village unless the street is an extension of an existing street, in which case the existing street name shall be used. Street markers shall conform to materials and be set in a manner approved by the Village Board.

(4) Alignment and Visibility. There shall be a minimum sight distance with clear visibility along the center line of all major streets of not less than 300 feet.

(5) Street design standards. 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, official Map, or if no width is specified therein, the minimum widths shall be as follows:

URBAN SECTION

Type of Streets	R.O.W. Width To be dedicated	Pavement Width (face of curb to face curb)
Arterial Streets	Variable	44 to 52 feet*
Minor Streets	66 feet	36 feet
Cul de sac and Frontage Street	66 feet	20 feet
Alleys	24 feet	30 feet
Pedestrian Ways	10 feet	5 feet

* The Plan Commission and Village Board shall establish definite pavement widths.

The suggested R.O.W. and pavement widths indicated above are for urban sections; if permanent rural sections are to be used, the following widths are suggested:

RURAL SECTION

Type of Streets	R.O.W. Width To be dedicated	Pavement Width
Arterial Streets	66 feet	24 feet, 10 feet outside shoulders
Collector Streets	66 feet	23 feet, 8 feet outside shoulders
Minor Streets	66 feet	22 feet, 3 feet outside shoulders

Subdivision Ordinance

November 2016

(6) No curb and gutter shall be required unless deemed necessary after the review process by either the Village Board or the Plan Commission if so directed by the Village Board.

(7) Sidewalks are not required on new streets unless deemed necessary after the review process by either the Village Board or the Plan Commission if so directed by the Village Board.

(8) Grades. The grade of streets shall not exceed six (6) percent unless necessitated by Topography and approved by the Village Board.

(9) Radii of Curvature. When a continuous street centerline deflects at any one point more than five (5) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

Major Streets	.	.	.	.	.	300 feet
Minor Streets	.	.	.	.	.	100 feet

(10) Tangents. A tangent at least 100 feet long shall be introduced between reverse curves on major and collector streets. On all streets at least 100 feet of tangent shall be provided between the curve and any intersection.

(11) Half Streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of half-streets should be avoided where possible.

(12) Cul-De-Sac or Dead End Streets. Streets designed to have one end permanently closed shall not exceed Five Hundred (500) feet in length and shall terminate with a turnaround of not less than One Hundred (100) feet in diameter of right-of-way and minimum outside curb radius of forty (40) feet.

(13) Street Surfaces. In accord with the dimensions set forth in paragraph (5) hereof, all streets and public ways shall be graded to their full R.O.W. width, including side slopes, and to the appropriate subgrade. A subdivider shall be required to pay the total cost of all public streets and roadways accepted by the Village Board in an approved subdivision, with said streets and roadways constructed according to the street improvement standards specified in this paragraph. The Village Board shall have the right to arrange for the construction of said streets and roadways and to devise arrangements with the subdivider for the payment of the cost of such streets and roadways. The Village Board may waive its right to arrange for the above construction to the subdivider. All roads, streets, and public ways shall be graded to their full width, including side slopes, and to the appropriate subgrade, and the traveled roadway thirty-two (32) feet in width shall be surfaced with a minimum of twelve (12) inches of road gravel, and the traveled roadway twenty-two (22) feet in width shall be surfaced with three (3) inches of a hot mix bituminous substance (blacktopping), all in accordance with applicable specifications of the Village. Said blacktopping shall not be applied to the streets until such time as the twelve (12) inches of road gravel has laid on the proposed street for a period of one (1) winter season (December 15th to May 31st), but in no event later than two years from the Village's approval of the final or official plat. Such construction shall be subject to the inspection and approval by the Village Board or its designated engineering representative.

C. Intersections.

(1) Where streets intersect and cross major streets, their alignment shall be continuous and street jogs or off-center intersections shall be avoided.

(2) Streets shall intersect as nearly as possible at right angles or allow for vision triangles.

(3) Not more than two (2) streets shall intersect at one point unless approved by the Village Board, or the Plan Commission, if so delegated by the Village Board.

D. Alleys.

Alleys shall be provided in commercial and industrial districts for off-street loading and service access unless otherwise required by the Village Board, or the Plan Commission if designated by the Village Board. Dead-end alleys shall not be approved and alleys shall not connect to a major thoroughfare. Alleys shall not be less than twenty-four (24) feet wide and shall be continuous through blocks. Alleys shall not be used in residential areas unless approved by the Village Board, or Plan Commission if so delegated by the Village board.

E. 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 ten (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 in each lot can be added together to meet the width requirements.

F. Blocks.

The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated. Block lengths in residential areas shall not be more than 1,500 feet nor less than 400 feet between street lines. Pedestrian crosswalks of not less than ten (10) feet wide may be required by the Village Board through the center of blocks more than 900 feet in length where deemed essential to provide circulation and access to community facilities.

G. Lots.

(1) 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 for the type of development and use contemplated.

(2) Lot Dimensions. Residential lots shall have a minimum area of 65,340 square feet (1 1/2 acres) with a minimum density of 87,120 square feet (2 acres) and a minimum width of 100 feet at the building line. PROVIDED, HOWEVER, residential lots to be served by private sewage disposal facilities shall comply with the rules of the State Board of Health, and shall be a minimum size of two (2) acres.

(3) Corner Lots. Corner lots for residential use shall have a width sufficient to provide a building setback at of at least 25 feet from each street.

(4) Access to Public Street. Every lot shall front or abut on a dedicated public street.

(5) Lot lines. Side lot lines shall be substantially at right angles or radial to street lines.

(6) Municipal Boundaries. Lots shall follow municipal boundary lines whenever practicable, rather than cross them.

Subdivision Ordinance

November 2016

(7) Major Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line, or by the use of frontage streets.

H. Storm Drainage.

Storm drainage facilities, where needed, shall be designed to permit the unimpeded flow of natural watercourses; insure the drainage of all points along the line of streets, and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreline erosion and siltation of surface waters and preventing excess run-off on adjacent property. The Village Board may require that easements or drainageways of widths sufficient to accommodate anticipated storm water run-off be provided, and all natural water courses shall be maintained as such.

I. Monuments.

Subdivisions shall be monumented as required by Section 236.15 Stats., which is hereby adopted in full by reference.

J. Compliance.

(1) Prior to commencing construction of any improvements, the subdivider shall furnish the engineering representative designated by the Village all plans, specifications, and other data and information deemed necessary by the engineering representative to determine the character of such proposed improvements. Such plans and specifications shall be examined by the engineering representative and shall be approved if in accordance with the requirement of this Subdivision Ordinance.

(2) To assure itself that all planned improvements shall be completed according to approved plans and specifications and other requirements of this ordinance, the Village Board, or the Plan Commission if so designated by the Village Board, may require of the subdivider all reasonable surety, including performance bond or stipulated assessment. Such surety shall be deemed a requirement unless expressly waived by the Village Board or by the Plan Commission if so designated by the Village Board.

(3) All requirements hereunder shall be deemed conditions of approval under paragraph IV.B(4) hereof.

(4) All construction hereunder shall be subject to inspection and approval of the engineering representative of the Village.

SECTION VIII. DEDICATION AND RESERVATION OF LANDS.

A. Dedication of Streets.

Where an area being subdivided includes lands planned for public streets, as shown on the official Village Map or otherwise and in some other manner designated by the Village Board, said lands shall be dedicated to the public for such purpose as part of such plat.

B. Dedication of Park Land.

A subdivision shall have one (1) acre of land within it dedicated for park purposes for each five (5) proposed dwelling units, or in lieu of this dedication shall pay to the village the sum of \$1000.00 per each proposed dwelling unit in the subdivision. The Village Board shall determine which of the above options will be required. A combination of the above two options may be permitted at the discretion of the Village Board. Funds received in lieu of park land dedication shall go into a village park fund. Dedicated park land shall be well located as determined by the Village Board.

SECTION VIV. VARIANCES.

When in the judgment of the Village Board it would be inappropriate to apply literally a provision of this ordinance because extraordinary hardship would result, it may waive or vary such provision 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 and in no event shall a variance be granted resulting in a change of use under the zoning ordinance.

SECTION X. PENALTIES.

Any person, firm or corporation who fails to comply with any provision of this ordinance shall, upon conviction thereof forfeit not less than \$200.00 nor more than \$1,000.00, together with the costs of 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. Each day a violation exists or continues shall constitute a separate offence. In addition, the remedies provided by Sections 236.30 and 236.31 of the Wisconsin Statutes shall be available to the Village.

SECTION XI. INTERPRETATION.

In their interpretation and application, the provision of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

SECTION XII. SEVERABILITY.

If any Section provision or portion of this Ordinance is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION XIII. REPEAL OF CONFLICTING ORDINANCES.

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

SECTION XIV. TITLE.

This Ordinance shall be known as, referred to, or cited as the SUBDIVISION ORDINANCE, VILLAGE OF NELSONVILLE.

SECTION XV. EFFECTIVE DATE.

This ordinance shall be effective after a public hearing, adoption by the Village Board and publication or posting as provided by law.

PUBLIC HEARING HELD: _____

PASSED AND APPROVED: _____

RECORDED: _____

President
Village of Nelsonville

ATTEST:

Clerk

POSTED: _____

EFFECTIVE: _____