

Chapter 2

SUBDIVISION

Sec. 2-1 Introduction.

- A) *Authority.* These regulations are adopted under the authority granted by s. 236.45 Wis. Stats.
- B) *Purpose and Intent.* The purpose of this ordinance is to promote the public health, safety and general welfare of the Town, and to lessen congestion in the highways; to further the orderly layout and use of land; to secure safety from fire, panic overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water sewerage, energy and communication facilities, surface drainage, schools, parks, playgrounds and other public requirements; to facilitate the further re-subdivision of larger parcels into smaller parcels of land.
- C) *Definitions.* For the purposes of this ordinance, the following definitions shall be used. All terms that indicate gender shall be interpreted as including all persons. The word “shall” is mandatory.
- 1) *"Agency"* means the Town of Dodgeville Plan Commission.
 - 2) *"Extraterritorial Plat Approval Jurisdiction"* means the unincorporated area within one and one-half (1 ½) miles of the corporate limits of a city of the fourth class (the City of Dodgeville).
 - 3) *"Improvements"* means the specific design standards required by the Agency to be installed.
 - 4) *"Land Division"* means any division of a parcel of land where the act of division created a lot, parcel, building site of less than thirty-five (35) contiguous acres.
 - 5) *"Lot"* means a land area of five (5) acres or less under one ownership, and undivided by street or railroad right-of-way. All calculations of lot area shall be exclusive of any dedications, right-of-way easements, or reservations.
 - 6) *"Master Plan"* means A plan for guiding and shaping the growth or development of the Town of Dodgeville and whose preparation is authorized by Wis. Stats.
 - 7) *"Parcel"* means contiguous lands under the control of a sub-divider(s) not separated by roads, highways or railroad rights-of-way.
 - 8) *"Plat"* means a map of sub-division.
 - 9) *"Road"* means a public right-of-way for vehicular traffic of pedestrian and vehicular traffic.

- a) Arterial Roads and Highways. Roads that provide for rapid movement of concentrated volumes of traffic over relatively long distances between activity acres. Includes all state and county highways and designated township roads.
 - b) Collector Roads. Roads that provide for moderate speed movement within large areas.
 - c) Local Roads. Roads designed for low speeds and volumes, which provide access from low traffic generating areas to collector and arterial streets.
 - d) Marginal Access Roads. Roads which are parallel and adjacent to arterial roads and which provide access to abutting properties.
 - e) Private/Shared Driveways. Driveway's owned by one or more land owner's.
 - f) Cul-de-sac Roads. Roads closed at one end with turn-a-rounds.
 - g) Dead-end Roads. Roads closed at one end without turn-a-rounds.
- 10) "*Sub divider*" means a person, firm, corporation and/or their designated agent initiation the creation of a land division or subdivision.
- 11) "*Subdivision*" means the division of a lot, parcel, tract or one-quarter of a one-quarter s. by the owner thereof or his agent, for the purpose of transfer of ownership or building development, where the act of division creates three (3) or more lots of 5 acres or less, or where the act of division creates four (4) or more lots by successive division within a five-year period; or proposed, potential or actual public roads are created.
- 12) *Driveway Maintenance Agreement* means the agreement filed at the Register of Deeds Office that defines responsibilities for cost and upkeep of private shared driveways.

SEC. 2-2 General Provisions.

- A) *Compliance.* Any person, firm or corporation dividing land which results in a subdivision or a land division shall prepare a subdivision plat or a certified survey map in accordance with the requirements of this ordinance (The Town of Dodgeville may retain an Engineer to review the subdivision plans at the applicant's expense) and;
- 1. The provisions of Chapter 236 and Sec 80.08, Wis. Stats..
 - 2. The rules of the Department of Commerce contained in Sec Comm 83 and sec Comm 85, Wisconsin Administrative Code for subdivisions not served by public sewer.

3. The rules of the Division of Highways, Wisconsin State Department of Transportation contained in HY 33, Wisconsin Administrative Code for subdivisions, which about a state trunk highway or connecting street.
 4. The rules of the Wisconsin Department of Natural Resources contained in NR 151, Wisconsin Administrative Code for Flood Plain Management Programs.
 5. Iowa County Ordinances and regulations
 6. Master Plan or Master Plan component.
 7. The rules and by-laws of the State Department of regulation and Licensing.
- B) *Access.* No lot, land division or parcel shall be created or sold unless it is accessible to a road or a recorded right-of-way. Every lot, parcel or tract not located within a subdivision shall front on a publicly dedicated road or a recorded right-of-way for at least fifty (50) feet, unless a lesser frontage is approved in writing by the Agency. Lot frontage of less than fifty (50) feet may be approved only where existing and potential ownership patterns make a larger frontage impractical or unnecessary.
- C) *Dedication of Land for Roads and Public Ways.* Prior to the design, preparation and construction of any roadway to be dedicated to the Town of Dodgeville, the applicant shall notify the Town Chairperson or Town Clerk. Before any plans preparation begins, an on-site meeting will then be arranged to be attended by the Town Board the Town Engineer and the Applicant to review the project and assist in directing the applicant on the approval process.

Before any construction begins, plans and specifications must be provided to the Town in order for the Town Engineer to check the Town Road Specifications, Design and the Drainage. All costs for the work completed by the Town Engineer will be the responsibility of the Applicant.

Any road created for the purposes of this s. or S. 2-2(b) shall be made a part of a plat or certified survey and dedicated to the public for road purposes. However, the dedication of road right-of-way. Acceptance of any street, road or highway for maintenance purposes shall require compliance with the design and construction standards of this ordinance and those of the applicable highway maintenance authority. The width of any dedicated street shall be sixty-six (66) feet, unless a wider right-of-way is requested by the appropriate highway authority, in which case, the wider right-of-way shall be dedicated. Rights-of-way less that sixty-six (66) feet wide are prohibited, except as approved in writing by the Agency and the town upon their finding that a wider right-of-way is unnecessary or impractical to achieve.

- D) *Dedication of Lands for Parks, Playgrounds, or Natural areas.* Whenever a lot is to be created, a dedication of lands for park, playground or natural area may be required by the Agency. This area shall equal not more than ten (10) percent of the area shown on any new preliminary plat, final plat or certified survey map and shall be dedicated by the subdivider with the ownership transferred to Iowa County or the Town of Dodgeville by means of a warranty deed free and clear of all encumbrances and restrictions. The unit of government to receive title shall be designated by the Agency.
- E) *Reservation of Land for parks, Playgrounds, School sites, or public sites.* Whenever a lot is to be created which contains all or in part a site for a park, playground, school or other public use designated in an adopted public plan, and the area designated is in excess of the amount of land required to be dedicated in S. 2-2(d), the excess amount of land shall be reserved for public acquisition for a period of three (3) years from the date of approval of the final plat, unless extended by mutual agreement between the Agency and the subdivider.
- F) *Land Suitability.* No land shall be divided or subdivided for a use which is held unsuitable for the proposed use by the Agency for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, inadequate water supply or sewage disposal capabilities or any other condition likely to be harmful to the health, safety or welfare of the future residents or users of the area or of the community.
- 1) Except as provided herein, the Agency shall determine land suitability at the time the preliminary plat is considered for approval. The subdivider shall furnish such maps, data and information as may be necessary to make a determination of land suitability. In addition to the data required to be submitted with the preliminary plat, the subdivider shall be required to submit some or all of the following additional information for development located in an area where flooding or potential flooding may be a hazard:
- a) Two (2) copies of an aerial photograph, or two (2) maps prepared by a registered land surveyor or engineer, which accurately locates the proposed development with respect to limits and elevations, and flood proofing measures taken or proposed to be taken.
 - b) Two (2) copies of a typical valley cross-s. showing the channel of the stream, the flood plain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information
 - c) Two (2) copies of a profile showing the slope of the bottom of the channel or flow line of the stream.
 - d) Such other data as may be required.

- 2) When a proposed subdivision is located in an area where flooding or potential flooding may be a hazard, the Agency shall transmit to the Division of Water Regulation and Zoning, Wisconsin Department of Natural Resources, one (1) set of the information required and shall request that agency to provide technical assistance in determining whether the land is suitable or unsuitable for the use and development proposed, or whether certain modification, limitations, improvements, or other conditions of the development can overcome the land suitability.
- 3) In applying the provisions of this s., the Agency shall, in writing, recite the particular facts upon which it bases its conclusion that the land is unsuitable for the intended use or development and afford the sub divider an opportunity to present evidence and the means of overcoming such unsuitability, if he so desires. Thereafter, the Agency may affirm, modify or withdraw its determination of unsuitability.
- 4) Where a proposed sub-division is located wholly or partly in an area where flooding or potential flooding may be a hazard, the Agency shall apply the following standards in addition to all other requirements in the approval of plats and certified survey maps.
 - a) The development shall be in accordance with flood plain management standards of the Division of Water Regulation and Zoning, Wisconsin Department of Natural Resources.
 - b) Building sites must be filled to a height and area sufficient to provide protection from the regional flood as defined by and according to the standards of said Division of Water Regulation and Zoning.
 - c) Development shall be carried out or assured as to not have an adverse effect on flood flows or storage capacity standards of said Division of Water Regulation and Zoning.
- 5) Unless specifically exempted from this requirement elsewhere in this ordinance, all subdivision proposals where private water and/or sewage disposal systems are to be used shall be accompanied by certifications and/or reports describing the soil conditions existing on the site as applicable to on-site waste disposal. A soils report shall accompany all subdivision proposals.
- 6) The sub divider may, as a part of the pre-application procedures, request a determination of land suitability, providing that he shall provide all necessary maps, data and information for such a determination to be made.

Sec. 2-3 Procedure.

A) *Pre-Application Procedure.* Prior to filling an application for approval of a certified survey or subdivision plat, the sub divider and/or his agent shall consult with the Agency for advice and assistance for the purpose of reviewing the procedures and requirements of this ordinance and other ordinances, and any plans or date which may affect the proposed development. As part of

this consultation, the sub divider shall submit a sketch of sufficient scale and reasonable accuracy indication the following information:

- 1) The boundaries of the property being considered for sale,
- 2) Uses of land adjacent to the proposed subdivision and current owners of such land; proposed roads, easements, public access to navigable water, dedications, community facilities, and utilities,
- 3) General lot layout showing proposed lot widths and depths,
- 4) General soil conditions, seasonally wet areas, rock outcrops and areas with slopes over 12 percent,
- 5) Proposed filling, grading, lagooning, dredging,
- 6) Delineation of any areas periodically flooded, shorelines and high water lines,
- 7) A description of all property owned or controlled by the sub divider contiguous to the proposed plat even though only a part of the area is proposed for immediate development.

At this review, or within twenty (20) days thereafter, the sub divider will be informed of any additions, changes or corrections to his proposed plat necessary to expedite the Preliminary Plat procedures.

B) Preliminary Plat Procedure

- 1) A preliminary plat shall be required for all subdivisions. No final plat shall be approved prior to the approval of the required preliminary plat. The application for approval of a preliminary plat shall include all data required by this ordinance accompanied by one (1) reproducible and two (2) copies of the proposed preliminary plat. Additional copies may be required.
- 2) The Agency shall forward copies of each preliminary plat submitted to all units of general purpose local government within the extraterritorial plat approval jurisdiction, if appropriate. Within 90 days the approving authority or its agent authorized to approve preliminary plats, shall take action to approve, approve conditionally, or reject the preliminary plat and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the approving authority or its agent to act within the 90 days, or extension thereof, constitutes an approval of the preliminary plat.

C) Final Plat Approval

- 1) Provided that all preliminary procedures have been completed, the subdivider may submit one (1) reproducible and ten (10) copies of the final plat within six (6) months of the last required approval of the preliminary plat.
- 2) The agency shall approve the final plat of the subdivision within sixty (60) days shall constitute approval.

Sec. 2-4 Data Submission Requirements.

A) Preliminary Plat. The preliminary plat shall be based upon a survey by a registered land surveyor or engineer and shall be drawn to scale of one hundred (100) feet to one (1) inch, and shall show correctly on its face:

- 1) Date, graphic scale and north point.
- 2) Name of the proposed subdivision.
- 3) Name, address and telephone number of the landowner, sub divider and person to be contacted regarding the plat.
- 4) Location of the proposed subdivision by legal description and indication on town map.
- 5) A scaled drawing of the exterior boundaries of the proposed subdivision of the proposed sub division referenced to a corner established in the U.S. Public Land Survey, and the total acreage encompassed thereby.
- 6) Location and names of adjacent subdivisions, parks and cemeteries.
- 7) Location, dimensions and names of all existing easements and rights-of-way and within or adjacent to the proposed subdivision.
- 8) Location, dimensions and names of all proposed streets, rights-of-way and easements within or adjacent to the proposed subdivision.
- 9) Location of existing property lines, buildings, drives, rock outcrops, wooded areas, and other similar significant features within the parcel being subdivided.
- 10) Location and approximate high water elevations of all streams and water courses, lakes, marshes and flowages within one thousand (1,000) feet of the proposed subdivision.
- 11) Delineation of flood plain and zoning boundaries within and adjacent to the proposed subdivision.

- 12) Any area which contains a slope greater than ten percent (10%) shall be designated.
- 13) On-site sewage disposal suitability, including soil suitability, depth to ground water and bedrock, and slope for each lot.
- 14) Source and availability of potable water supplies.
- 15) Location and approximate dimensions of any sites to be reserved for or dedicated to the public.
- 16) Approximate dimensions of all lots, and proposed lot and block numbers.
- 17) A draft of any proposed covenants or deed restrictions.

B) *Final Plat.* The final plat of the proposed subdivision shall comply with the requirements of Chapter 236 of the Wis. Stats., and the provisions of this ordinance.

Sec. 2-5 Design Standards.

A) *Roads.*

- 1) The arrangement, character, extent, width, grade, location and construction of all streets shall conform to the standards of the Town of Dodgeville, and the provisions of this ordinance.
- 2) The arrangement of roads in a subdivision shall provide, where possible, for the continuation on appropriate projection of existing or proposed collector and arterial streets.
- 3) Town roads shall be laid out so as to discourage their use for through traffic.
- 4) Where a subdivision abuts or contains an existing or proposed arterial road, the Agency may require marginal access roads, reverse frontage lots with screen plating contained in a non-access reservation along the rear of the property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- 5) Cul-de-sacs shall provide a turn-around with a minimum right-of-way radius of sixty five (65) feet. The traveled way within the cul-de-sac shall provide minimum radius of forty-five (45) feet. **Radius may be greater depending on terrain.**
- 6) Dead-end roads shall not be permitted without a suitable turn-around.

- 7) Road names.
- (a) The Agency may disapprove of the name of any road shown on the plat which has already been used elsewhere in Iowa County, or which, because of similarity, may cause confusion.
 - (b) Where a road maintains the same general direction, except for curvilinear changes for short distances, the same name shall continue for the entire length of the road.
 - (c) Approval of road names on a preliminary plat will not reserve road names, nor shall it be mandatory for the Agency to accept it at the time of final platting.
- B) *Fences*. Prior to the approval of any final plat, all sub dividers shall build a legal fence as defined in s. 90.02 of the Wis. Stats., completely surrounding the boundary of the plat except for any part that borders an existing street or highway. The fence shall be maintained as specified in s. 90.05 of the Wis. Stats.
- C) *Buffer Areas*. A buffer strip shall be required, set aside and maintained for all areas where development which may conflict visually or otherwise with an adjacent use, existing or proposed.
- D) *Utility Easements*.
- 1) Easements across lots or along rear or side lot lines shall be provided for utilities where necessary and shall be at least six (6) feet wide on each side of lot lines, and shall be designated as "Utility Easement" on the plat or certified survey map.
 - 2) Prior to approval of any final plat, the sub divider shall provide the Agency with written statements for the utility companies which will serve the proposed subdivision. The statements shall address the adequacy and location of all utility easements.
- E) *Storm Drainage*. Storm drainage facilities, where needed, shall be designed to permit the unimpeded flow of natural watercourses; insure 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 runoff on adjacent property. The Agency may require that easement or drainage ways of widths sufficient to accommodate anticipated storm water-runoff be provided.
- F) *Survey monuments*. The sub divider shall install survey monuments in accordance with the requirements of s. 236.15, Wis. Stats.

- G) *Water and Sewage Disposal Facilities.* Public water supplies and sewage disposal services shall be utilized whenever possible. The sub divider shall assure the suitability and availability of private water and sewage disposal facilities on all lots that are not served by public services at the time of the sub division. Private water and sewage disposal facilities shall comply with all applicable state statutes and Iowa County ordinances.
- H) *Erosion Control.* The sub divider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The Agency may request the sub divider to submit and erosion control plat that specifies measures that will be taken to assure the minimization of erosion problems. The erosion control plan shall be reviewed by the Soil and Water conservation District to determine the adequacy of the proposed measures. The guidelines, standard and specifications contained within "Minimizing Erosion in Urbanizing Areas" by the U.S. Department of Agriculture, Soil Conservation Service, will provide a framework for the development, review and implementation of the erosion control plan.
- I) *Installation of Improvements.* The improvement specified herein shall be installed and approval of the final plat shall be given only after work has been completed, or one of the following has been filed, with the Town of Dodgeville or with Iowa County.
- 1) A duly completed and executed, continuing surety bond in an amount sufficient to complete the work within one (1) year from the date of recording of the final plat or later if specified, with surety satisfaction to the appropriate governmental agency.
 - 2) A certified check, in the amount sufficient to complete the work, drawn on a local bank and available to the appropriate governmental jurisdiction. As the work progresses, the governmental jurisdiction may permit the exchange of said check for another check of sufficient amount to complete the remaining improvements agreed upon. If the improvements are not completed within one (1) year from the date of recording of the final plat or later if specified, the governmental agency may use the certified check to complete the remaining work.
 - 3) An irrevocable letter of credit from a bank making funds available to the appropriate governmental jurisdiction. As the work progresses, the governmental jurisdiction may permit the exchange of said letter of credit for another of sufficient amount to complete the remaining improvements agreed upon. If the improvements are not completed within one (1) year from the date of recording of the final plat or later if specified, the governmental agency may use the funds guaranteed by the letter of credit to complete the remaining work.

SEC. 2-6 Variance and fees.

- A) *Variances.* Where the Agency finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done; provided that public interest is secured and that such variation will not have the effect of nullifying the intent and purpose of the regulations.
- B) *Fees.* The sub divider shall pay such fees as shall be periodically established by the Town Board of the Town of Dodgeville.
- C) *Violations and Penalties.* Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be subject to penalties and forfeitures as provided in S.s 236.30, 236.31, 236.32, 236.335 and 236.35 of the Wis. Stats.