

ORDINANCE NO: 51**AN ORDINANCE REGULATING THE DIVISION OF LAND**

The Town Board of the Town of Grand Rapids, Wisconsin, pursuant to § ~~60.61~~, 60.62, 61.35, 62.23, and **Chapter 236 of the** Wisconsin Statutes does ordain as follows with regard to its Town Ordinances:

51.1 Introduction

- A. **Purpose:** The purpose of this ordinance is to promote the public health, safety and general welfare of the Town of Grand Rapids. 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, including access to sunlight for solar collectors and to wind for wind energy systems; 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, and to facilitate the ~~further resubdivision~~ **redivision** of larger tracts into smaller parcels of land.

These regulations intend to provide reasonable consideration for, among other things, the character of the town, 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 town.

Further, these regulations intend to provide for proper ingress and egress; to promote proper monumenting of subdivided land and conveying by accurate legal description and to provide safe and orderly subdivision layouts.

- B. **Jurisdiction:** This ordinance shall apply to all land in the Town of Grand Rapids EXCEPT:
- 1) Transfers of Interests in land by will or pursuant to court order.
 - 2) Leases for a term not to exceed 10 years, mortgages or easements.
 - 3) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and any resultant lots are not reduced below the minimum sizes required by these regulations, and other applicable ordinances of the county and town are not violated by the sale or exchange.

Note: *This ordinance shall apply to all certified survey maps which change any previous approved certified survey map or plat.*

- C. **Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern. Where provisions of this ordinance are different from those in the Wood County Land Subdivision Ordinance **or other governing law**, the more restrictive ordinance shall apply.

D. Interpretation: In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Grand Rapids, and shall not be deemed a limitation or repeal of any other power granted by Wis. Statutes. **Provided, however, that if any provision of this Ordinance is contrary to a subdivider protection, as that term is used in 2009 Wisconsin Act 376, set forth in Chapter 236 Wis. Stats., the protection afforded in Chapter 236 shall prevail.**

E. **SEVERABILITY: The provisions of this Ordinance are severable. If any provision of the Ordinance is invalid, or if its application to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.**

51.2 Rules and Definitions

A. Rules:

- 1) In the construction of this ordinance, the rules and definitions contained in this section shall be applied, except when context clearly indicates otherwise.
- 2) Words used in the present tense shall include the future. Words used in the singular shall include the plural, and plural the singular. *Shall* is mandatory, not discretionary; *may* is permissive. The masculine gender includes the feminine and neuter. *Person* includes a partnership, association, firm, trust, club, institution, company or corporation as well as the individual.

3) Consideration of a preliminary plat, final plat, and CSM shall be based on all ordinances and regulations in effect at the time of submission.

B. Definitions:

- 1) Alley: A public way affording only secondary access to abutting properties. ~~Alleys shall not be allowed.~~
- 0) Block: A group of lots existing within **well-defined** and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter, or other name through which it may be identified.
- 0) Building: Any structure having a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals, equipment, materials or machinery.
- 0) Building Setback Line: The nearest point from a wall to a street, **adjacent lot** or normal high water line at which a building may be constructed, excluding uncovered steps.
- 0) Certified Survey Map (CSM): A map of a lot split prepared in accordance with Section 236.34, Wis. Stats., and the provisions of this ordinance. A CSM shall be required when:

Comment [C1]: Not an appropriate part of a definition.

- a) The division of land creates two or more parcels or building sites, any one of which is 10 acres or less in size; (The CSM shall include all new or remnant parcels which are 10 acres or less.) or,
- b) A division is proposed of a block, lot, or outlet within a recorded subdivision plat into not more than two parcels or building sites without changing the exterior boundaries of said block, lot or outlet; or,
- c) When it is proposed to combine a previously platted block, lot or outlet or part thereof with another platted or unplatted parcel.
- d) A previously approved certified survey map or plat is changed.
- 6) Double Frontage Lot: A lot which has a pair of opposite lotlines along two substantially parallel streets, and which is not a corner lot; also known as a "through lot."
- 7) Easement: The right of use or operation over a parcel of land specifically or generally described, operating as a servient tenement to other land, or an incumbrance against the described land. Easements may be reserved for public utilities, drainage, sanitation or other specified uses having limitation, the title to which shall remain with the property owner. ~~Grading, surfacing, tree planting or trimming and construction within easements shall be compatible with the specified use. Easements shall not be used as a sole means for providing ingress and egress.~~
- 8) Floodplain: The land adjacent to a body of water which has been or may be hereafter covered by flood water during the regional flood. The flood plain includes the floodway and flood fringe.
- 9) Frontage: The length of the front property line of all parcels of land abutting a public street, road, or highway, ~~or body of water.~~
- 10) Grade: The slope of a road, street or other public way specified in percent. The percent is based upon elevation difference in 100 feet of horizontal distance. (Five feet of change in elevation in 100 feet horizontal distance would be a 5% grade.)
- 11) Half Street: A public street whose right-of-way is less than the minimum total width required at the time it became a public right-of-way.
- 12) Improvement, Public: Any sanitary or storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the town may ultimately assume the responsibility for maintenance and operation.
- 13) Jog: An offset in the intersection of two or more streets to a common street where the horizontal distance between the centerline of the streets is less than 300 feet.
- 14) Lot: A buildable parcel of land represented and identified in a subdivision plat or on a

Comment [C2]: Not an appropriate part of definition

certified survey map as defined in this ordinance and in accordance with the applicable zoning ordinance.

- 15) Master Plan: The comprehensive plan or any of its parts for the development of the town as prepared by the ~~town~~ **Planning** Commission and adopted by the Town Board.
- 16) Official Map: The map established by ordinance in accordance with the town Master Plan and with Section 62.23 (6) Wis. Stats. The map shows streets, highways, parkways, parks and playgrounds theretofore laid out, adopted and established by law. The Official Map protects the beds of future streets as well as the beds of partially or wholly developed streets which are to be widened, by prohibiting construction of buildings in such beds.
- 17) Outlot: A parcel of land, other than a lot or block, so designated on a plat, or a remnant parcel of land not to be used for building purposes.
- 18) Pedestrian Way: A public way designed to provide pedestrian access to schools, churches, shopping centers or transportation facilities where deemed necessary to serve the needs of residents in a developed area.
- 19) Plat: The map of a subdivision, prepared in compliance with the provisions of Chapter 236, Wis. Stats. and this ordinance.
- 20) Replat: The process of changing of the exterior 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.)

- 21) Road, Street or Highway: A public thoroughfare within the right-of-way of which affords the principal means of vehicular access to abutting property. A street may be designated as an avenue, boulevard, circle, court, drive, highway, lane, parkway, place, road or other appropriate name. Streets are identified according to their functional classification, as shown on the Official Map.
 - a) State or county highway: An arterial highway **maintained by the state and/or county that is** designed to serve the rapid movement of concentrated volumes of vehicular traffic over relatively long distances. It provides primarily for movement between, rather than within, activity areas.
 - b) Collector street: A street designed to carry traffic between minor streets and arterials or highways. It provides for movement between, rather than within, activity areas. (Such streets are generally designated on the Official Map as 80-foot right-of-ways.)
 - c) Local (minor) street: a street designed primarily to provide access to abutting parcels, tracts or individual lots. (Such streets are generally designated on the Official Map as 66-foot right-of-ways.)
 - d) Cul de sac: A minor street terminating at one end with a vehicular turn-around.

- e) Frontage road: A minor street which is parallel to and either adjacent to or within the right-of-way of a highway.
- 22) Subdivider: Any person, firm, corporation or any agent thereof, dividing or proposing to divide land resulting in a subdivision, certified survey map or replat.
- 23) Subdivision: The division of a lot, parcel or tract of land by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where:
- a) The act of division creates five or more parcels or building sites of ~~five~~ ten acres each or less in area, or
 - b) Five or more parcels or building sites of ~~five~~ ten acres each or less in area are created by successive division within a five-year period.
 - ~~c) All subdivisions and certified survey maps as defined in this ordinance shall be approved and recorded according to requirements of this ordinance including General Provisions, Required Dedications and Public Improvements and Design Standards the Wood County Land Subdivision ordinance and Sec. 236 Wis. Stats., except that Wis. Dept. of Development review is not required for land divisions creating parcels or building sites of more than 1 1/2 acres each.~~
- 24) Surveyor: A registered land surveyor, licensed by the State of Wisconsin.
- 25) Town Board: The Grand Rapids Town Board, which shall be the approving authority in all matters involving this ordinance except where this ordinance specifies otherwise.
- 26) ~~Town~~ **Planning** Commission: The ~~5~~ 7-member commission of town residents as established in the Grand Rapids Zoning ordinance which shall make recommendations to the Town Board concerning all matters affecting this ordinance.
- 27) Undeveloped Land Value: The fair market value of said undeveloped land at the date of recording of the plat.
- 28) Zoning Administrator: The Town of Grand Rapids employee designated by the Town Board to assist the board and commission in administering this ordinance.

Comment [C3]: Not necessary and not appropriate in definition section

51.3 General Provisions

- A. Compliance: **Except as provided for in par. F herein, no** division of land which results in a subdivision, certified survey map or replat shall be entitled to record and no improvements shall be made to the land without compliance with:
- 1) All provisions of this and all other applicable town ordinances;
 - 2) The Wood County Land Subdivision, Floodplain, Shoreland and Private Sewage System Ordinances;
 - 3) Chapter 236, Wis. Stats. (Platting Lands and Recording and Vacating Plats);
 - 4) Wis. Admin. Codes regulating subdivisions not served by public sewers and plats

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

abutting state trunk highways and connecting streets.

B. Land Suitability:

- 1) Land shall not be subdivided which is held unsuitable for the proposed use by the Town Board (following recommendation of the **town Planning** Commission) for reason of flood hazard, inadequate drainage, soil and rock formations with severe limitations for development, 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 community.
- 2) 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.

C. Lots ~~Not Abutting~~ must abut a Public Road: No parcel of land under the jurisdiction of this ordinance shall **be created unless it be sold which does not abuts** for at least 33 feet on a developed public road.

D. Lands lying between the meander line established in accordance with Section 236.20(2)(g), Wis. Stats., and the water's edge, shall be included as part of lots, outlots, or public dedications in any plat or map abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in Section 236.16(4), Wis. Stats.

E. Survey monuments shall be installed by the surveyor in accordance with the requirements of Section 236.15, Wis. Stats.

F. Variances:

- 1) In any case where the subdivider can show that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this ordinance would cause practical difficulty or exceptional and undue hardships, the Town Board may relax such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this ordinance or the desirable general development of the town.
- 2) A 3/4 vote of the entire membership of the Town Board shall be required to grant any modification to these regulations, and any modification thus granted shall be entered in the minutes of the board setting forth the reasons, which in the opinion of the board, justified the modifications.

G. Violations:

- 1) It shall be unlawful to build upon, divide, convey, or record any land in violation of this ordinance.

- 2) No person, firm or corporation shall be issued a town building or zoning permit authorizing the building on or improvement in any subdivision, certified survey map or replat within the jurisdiction of this ordinance and not of record as of the effective date of this ordinance until the provisions and requirements of this ordinance have been fully met.
- 0) The town may institute appropriate action or proceedings to enjoin violations of this ordinance or applicable Wis. Statutes.

H. Appeals: Any denial of a plat or CSM may be appealed to the Circuit Court as prescribed in Wis. Statutes.

51.4 Required Dedications and Public Improvements

A. Subdivider's Responsibility:

- 0) The subdivider shall dedicate and construct improvements needed to serve the subdivision. The subdivider shall not be required to provide improvements in excess of those normally needed to serve the development itself.
- 2) Prior to Town Board final approval of a subdivision plat or CSM, the subdivider shall enter into a contract with the town agreeing to install all required improvements and shall file with said contract a surety bond or other satisfactory security meeting the approval of the town attorney as a guarantee that such improvements will be completed by the subdivider within the time set by the Town Board. **Provided, however, that the subdivider may construct the improvements in such phases as the Town Board approves, which approval may not be unreasonably withheld. If the improvements will be constructed in phases, the amount of security required herein shall be limited to the phase of the project that is currently being constructed. Security for improvements shall not be required sooner than is reasonably necessary before the commencement of the installation of the improvements.**

B. Dedication of Land:

- 0) Whenever a parcel of land to be divided includes all or any part of a proposed road, park, playground, public access, open space site, or other public land, said proposed public lands shall be made a part of the plat or CSM and shall be dedicated to the public.
- 0) If any road, park, playground, public access, open space site or other public land has been designated on the Official Map, said ~~pubic~~ **public** areas shall be dedicated in the locations and dimensions indicated on the Official Map.
- 0) Subdivisions abutting on a navigable lake or stream shall, according to Section 236.16(3), Wis. Stats., provide public access connecting existing public roads to the low water mark of said lake or stream. Such accesses shall be at least 66 feet wide at all points and shall be at intervals no greater than 1/2-mile apart.

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- a) Greater intervals and wider access may be agreed upon by the Dept. of Natural Resources, Department of ~~Administration, Development,~~ County Planning Agency, ~~and the Town Board~~ **and the subdivider.**
 - b) Shore areas where public parks, open space, or roads are provided on either side of a stream are provided, shall be considered to meet the access requirement of this section.
 - ~~c) The Town Board may require dedication of access points of greater width or at more frequent intervals at points designated by the board.~~
- C. Public Improvements: The Town Board shall specify improvements to be completed by the subdivider, as provided in this ordinance and town Road Ordinance #19., **including: to sec. 51.4 A.2., the improvements shall include the following:**
- 4) Grading and Surfacing of Streets: The subdivider shall: stump, grade, gravel and blacktop all streets being dedicated. The subdivider shall finish grade all shoulders and road ditches and install all culverts necessary to provide adequate surface drainage for the subdivision **or CSM.** No stumps or debris shall be buried in road right-of-way.”
 - 4) Storm Water Drainage Facilities: The subdivider shall construct, in accordance with Town Board specifications, all storm water drainage facilities determined by the board to be needed, which may include such road ditches, open channels, curb and gutter, catch basins and sand inlets as may be required to provide adequate surface drainage for the subdivision **or CSM.**
 - a) Storm drainage facilities shall be designed to permit the unimpeded flow of natural water-courses, insure the drainage of all points along the line of streets and provide positive drainage away from on-site sewage disposal facilities.
 - b) Special consideration shall be given to protection against erosion and siltation of surface waters and preventing excess water run-off on adjacent property.
- D. Public and Private Sewage Disposal Systems:
- 1) In areas that have a sanitary sewer system in or near the proposed subdivision **or CSM,** the Town Board and Sanitary Commission shall determine the feasibility of service and the procedures to be followed by the subdivider in joining the system.
 - a) If public sanitary sewer facilities are not available to the plat **or CSM** at the time of final platting, but will become available within three years from the date of the plat recording, the subdivider shall install sanitary sewers and sewer laterals within the street to the street lot-line and shall cap all laterals.
 - b) The size, type and installation of all proposed sanitary sewers to be constructed shall be in accordance with plans and standard specifications approved by the Sanitary Commission.
 - 2) If public sewers are not available, the subdivider shall **demonstrate that the**

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soils present in the subdivision or CSM will support ~~provide for adequate~~ private sewerage disposal systems authorized by the Wisconsin Department of Commerce as specified by DILHR.

- a) On-site sewage disposal systems will be permitted only when soil tests conducted in accordance with **COMM ILHR** 85, Wis. Admin. Code, indicate the systems will function adequately. Such systems shall be installed by the individual lot owners in accordance with the County Private Sewage System Ordinance.
 - b) The Town Board may prohibit the installation of sewage disposal facilities requiring soil absorption systems where such systems would impair water quality, and the agency may, with approval of the Department of Natural Resources, Division of Environmental Protection, allow alternative methods of waste treatment and disposal including, but not limited to, package treatment plants, or incinerator or chemical toilets.
 - c) Plans for private sewage disposal systems not utilizing soil absorption fields shall be approved in writing by the Division of Health, Wisconsin Department of Health ~~and Social Services~~ and the County Planning Agency. The subdivider shall clearly indicate on the face of the plat and in any deed of conveyance that soil absorption fields are not to be used.
- E. Drainage Easements: Where a subdivision or CSM is traversed by a watercourse, drainage way or stream, an adequate drainage way or easement shall be required to handle storm water runoff. The location, width, alignment and improvement of such drainage way or easement shall be approved by the Town Board.
- F. Utility Easements: All utility distribution facilities shall be installed with as little disruption as practicable of existing foliage. Utility easements shall be shown on all subdivision plats and CSMS at locations approved by all utilities and by the Town Board. All easements shall be a minimum of 12 feet wide. Easements need not be cleared of foliage beyond what is reasonably required to install and maintain utility transmission lines and structures.

51.5 Design Standards

A. Roads:

- 1) Roads shall conform in location and width to the Official Map and Town Road Ordinance (#19). The road layout shall recognize the functional classification of various road types and shall be developed and located in proper relation to existing and proposed roads, with due regard to topographical conditions, natural features, utilities, land uses, public convenience and safety. The subdivision or CSM shall be designed so as to provide each lot with the required frontage on a public road.
- 2) Proposed roads shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or CSM or for the advantageous development of adjacent tracts of land. Such roads shall terminate with a

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temporary turn around of 72 feet right-of-way radius and a roadway radius of not less than 50 feet.

- 0) Whenever the proposed subdivision **or CSM** contains or is adjacent to a state or county arterial highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided. **All subdivision lots shall abut a non-arterial road by at least 33 feet and access to lots shall be provided from such roads. In addition, for all subdivisions or CSMs that abut an arterial highway, a planting screen shall be installed in a reservation area adjacent and parallel to the arterial highway.** ~~by double frontage lots, with a planting screen contained in a non-access reservation along the property line abutting the arterial road, or by use of frontage roads.~~
- 0) Reserve strips controlling access to streets or alleys shall be prohibited except where their control is definitely placed with the town.
- 0) Road names shall not duplicate or be similar to existing road names. The town system of number names for north-south roads shall be adhered to wherever possible.

B. Limited Access Highway, Collector Streets and Railroad R-O-W:

- 1) When residential lots within a proposed subdivision or CSM **abut back** upon the right-of-way of an existing or proposed limited access highway or railroad, the following restriction shall be lettered on the face of the plat:

"Direct vehicular access to (name of road) from lots abutting said road is prohibited."
- 2) Where practicable, proposed subdivisions **and CSMs** adjacent to collector streets shall be designed with accesses to the local streets, rather than the collector streets. (Location of accesses shall be considered during review of the preliminary plat.)
- 3) Local streets immediately adjacent and parallel to railroad right-of-ways should be avoided.

C. Street Design Standards:

- 1) Minimum right-of-way of streets shall be that specified on the following requirements or the Official Map, whichever is greater:

Type	R-O-W width To be dedicated	Pavement width	Shoulder width
State highway	*	*	*
County highway	80 feet	(Constructed by county)	
Collector street	80 feet	24 feet	6 feet
Local street	66 feet	22 feet	6 feet

*(Right-of-way acquired by state and highway constructed by state.)

- 2) Streets terminating in cul-de-sacs shall not exceed 1,000 feet in length. Cul-de-sacs shall have a minimum right-of-way radius of 72 feet and minimum

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roadway radius of 50 feet.

- 3) The maximum centerline grade of any street shall not exceed:

<u>Type</u>	<u>Maximum grade</u>
State highway	(Constructed by state)
County highway	(Constructed by county)
Collector street	7%
Local street	8%

- 4) Radii of Curvature: When a continuous street centerline deflects at any one point by more than 10°, a circular curve shall be introduced having a radius of curvature on said centerline of not less than:

<u>Type</u>	<u>Maximum degree of curvature</u>
State highway	(Constructed by state)
County highway	(Constructed by county)
Collector street	7°
Local street	12° 30'

- 5) A tangent at least one hundred (100) feet in length shall be provided between reverse curves on collector streets.
- 6) Half-streets shall not be used for access until the other half is developed. Half-streets shall not be included on subdivision plats or CSMs except where:
- The other half has already been dedicated, or
 - Agreement has been reached for provision of the other half with the adjoining property owner, or
 - The street is on the Official Map.

D. Intersections:

- Streets shall intersect each other as close to 90 degree angles as is consistent with desirable subdivision layout.
- Not more than two streets shall intersect at one point.
- The number of intersections shall be held to a minimum. Where practicable, the distance between intersections should ~~not~~ be not less than 1,000 feet.
- Street jogs shall be prohibited. ~~with centerline offsets shall be at least 300 feet.~~

D. Blocks: The widths, lengths, and shapes of blocks shall be suited to the planned use of the land, for convenient access, control and safety of street traffic and based on limitations and of topography.

- Block lengths shall not be less than 600 feet or more than 1,500 feet unless otherwise dictated by use or conditions.

- 2) Block widths shall be sufficient to provide lots of appropriate depth.
 - 3) Pedestrian ways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed necessary by the Town Board to provide adequate pedestrian circulation or access to schools, churches, shopping centers, recreation or transportation facilities.
- F. Lots: The size, shape and orientation of lots shall be appropriate for the location of the subdivision or CSM and for the type of development and use contemplated. Lots shall be designed to provide aesthetically pleasing building sites and a proper architectural setting for the buildings contemplated. Lots designed for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the zoning provisions for such use. Lot lines shall follow municipal boundary lines.
- 1) Side lot lines should be at right angles to straight street lines or radial to curved street lines on which the lots face.
 - 2) Double frontage and reverse frontage lots are prohibited except where necessary to provide separation of development from arterial streets or to overcome specific disadvantages of topography and orientation.
 - ~~3) Access: Every lot shall have a minimum of 33 feet of frontage on a full width public street.~~
 - 3) Area and dimensions of lots shall conform to the town Zoning Ordinance and to ~~LLR~~ **COMM** 85 of the Wis. Admin. Code. When a tract is subdivided into parcels with areas in excess of the zoning requirements, such parcels should be arranged and dimensioned so as to allow redivision ~~re-subdivision~~ of any such parcels into normal lots in accordance with the provisions of this ordinance.
 - a) Depth should be in suitable proportion to the width. Neither long and narrow or wide and shallow lots are normally desirable. Normal depth should not exceed 2 ½ times the width nor be less than 150 feet.
 - b) Width shall conform to the requirements of the Zoning Ordinance.
 - c) Area shall be a minimum of 20,000 square feet, regardless of zoning district, for all lots served by a private sewage system.
 - 4) Corner lots shall be designed with extra width to permit adequate building setback from both streets.
- G. Building setback lines shall conform to the town Zoning Ordinance.

51.6 Subdivision Plats

A. Pre-preliminary Sketch:

- 1) Pre-application Consultation: Prior to filing an application for approval of a preliminary plat, the surveyor and/or subdivider ~~shall~~ **is encouraged to** consult

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with the town zoning administrator to become familiar with this ordinance, Master Plan, Official Map, Zoning and Road Ordinances. The subdivider ~~shall~~ **is encouraged to** consult the utilities serving the area to determine the location of facilities to serve the plat.

- 0) Sketch Plan: As part of this consultation, prior to submitting a preliminary plat for approval, the subdivider ~~shall~~ **is encouraged to** submit to the ~~town~~ **Planning Commission** two copies of a sketch plan of sufficient scale and reasonable accuracy indicating the following information:
-) Title, scale, north arrow, and date;
 -) Boundaries of the property to be developed.
 -) Soil conditions, seasonally wet areas, rock out-crops and areas with existing slopes of over 12%, including the general direction of the slope.
 -) Proposed filling, grading, lagooning and dredging, with a general indication of the finished grade and percentages of slopes over 10%.
 -) Delineation of any periodically flooded areas, shorelines and high water lines.
 -) Total acreage of the subdivision, number of proposed lots and general lot layout showing lot widths and depths in accordance with zoning regulations.
 -) Land uses adjacent to the proposed subdivision, proposed roads, easements, proposed public access to navigable water, dedications, community facilities and utilities.
 -) Description of all property owned or controlled by the subdivider contiguous to the proposed plat even though only part of the area is proposed for immediate development.
 -) Name and address of subdivider or his agent.
 -) Proposed access restrictions to collector streets, where access is feasible on a local street.
 -) Storm water drainage plan ~~(10-11-99)~~.

B. Preliminary Plat:

The Preliminary Plat shall conform to the requirements of this Ordinance and Chapter 236 of the Wisconsin Statutes and shall be accompanied by an application.

1) The application shall be signed by the subdivider and shall contain the following information:

a) Title under which the proposed subdivision is to be recorded.

b) Names and addresses of the owner(s), subdivider and land surveyor

preparing the plat.

c) Specifications for the construction of any public improvements required by this Ordinance.

d) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.

e) Draft of the legal instruments, covenants, deed restrictions, rules and bylaws for the plat. ~~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.~~

2) The Preliminary Plat shall be based upon an exterior boundary survey by a registered land surveyor and the plat prepared on appropriate material at a scale of not more than one (1) inch per one-hundred (100) feet and four (4) foot contour intervals. The preliminary plat shall include the following:

a) Location including complete legal description of the proposed subdivision by government lot, quarter section, section, township, range, county and state.

b) The total acreage of the proposed subdivision to the nearest one-hundredth (1/100) of an acre if the area is two (2) acres or more; or in square feet if the area is less than two (2) acres.

c) Date, scale and north arrow.

d) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development.

e) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to two (2) corners established in the U.S. Public Land Survey and the total acreage encompassed thereby.

f) Locations of all existing property boundary lines, structures, drives, boundary lines, streams and water courses, marshes, rock outcrops, wooded areas, and other significant features within the tract being subdivided or immediately adjacent thereto.

g) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

h) Building setback lines and easements for rights-of-way provided for public use, services or utilities, showing their dimensions and listing the proposed use of such easements and any limitations on said easements.

i) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted land.

j) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.

k) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.

l) Corporate limit lines within the exterior boundaries of the plat of immediately adjacent thereto.

m) Existing zoning on and adjacent to the proposed subdivision. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.

n) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than four (4) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Town Board, undue hardship would result because of the remoteness of the parcel from a Mean Sea Level reference elevation, another datum may be used.

o) High-water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat and located within one hundred (100) feet thereof.

p) Water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat and located within one hundred (100) feet thereof at the date of the survey.

q) Floodland and Shoreland boundaries and the contour line lying a vertical distance of four (4) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, four (4) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat and within one hundred (100) feet there from.

r) Location and results of soil evaluation tests within the exterior boundaries of the plat conducted in accordance with Section Comm. 85 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.

s) Approximate dimensions of all lots together with all proposed lot and block numbers.

t) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways or other public use or which are to be used for group housing, shopping centers, church sites or other non-public uses not requiring platting.

u) Approximate radii of all curves.

v) Any proposed lake and stream access with a small drawing and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.

w) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the subdivider shall submit a preliminary plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. All subdivisions must be shown to relate well with existing or potential adjacent subdivisions.

1) ~~The preliminary plat shall be based upon an exterior boundary survey of the area by a surveyor which shall show clearly:~~

a) ~~Existing conditions of the proposed subdivision; adjoining sites within 200 feet including existing buildings, covenants, land characteristics (wetlands, rock, out-crop, existing trees, percolation tests, distance to bedrock if less than 6 feet, distance to ground water table if less than six feet, soil types, available community facilities and utilities, easement, street locations, railroad right of ways, lot widths and depths, abutting property lines and subdivision names.~~

b) ~~Significant topographic features in adjacent land shall also be shown. The proposed layout shall be shown on a topographic map if any areas involved have slopes of 10% or more. Such topographic map shall be at an engineering scale of not smaller than one inch to 100 feet, and having two-foot contour intervals referenced to U.S.G.S. datum or local datum, and shall identify the improvements (grading, tree planting, paving, installation of public utilities, and dedications of land) which the subdivider proposes to make and shall indicate when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be stated.~~

3) ~~2)The subdivider shall file two copies of the preliminary plat and fee as per Ordinance 39 "Schedule of Fees and Forfeitures" with the town zoning administrator at least seven days prior to the meeting of the town Planning Commission where the plat will be considered. meeting at which action is desired.~~ The subdivider shall file a letter from each utility serving the area to be developed stating that the subdivider has shown on the preliminary plat a location and width for the necessary utility easements. The subdivider shall

provide a letter from an engineer showing that adequate drainage will be is provided.

4) ~~3)~~ Following review of the preliminary plat and accompanying supplemental material the ~~town~~ Planning Commission shall make a recommendation concerning the plat to the Town Board.

5) ~~4)~~ The Town Board shall reject or conditionally approve the preliminary plat within 60 days from the filing date of the preliminary plat, unless this time is extended by agreement with the subdivider, ~~and county plat review officer.~~

a) If action is to conditionally approve, the Town Board shall properly endorse approval and place the date of approval on two copies of the plat. One copy shall be returned to the subdivider and one shall be kept in the ~~town~~ Planning Commission's permanent file.

b) If revisions are to be made, said revisions shall be indicated on the plats prior to their endorsement. Such preliminary plat shall bear this certificate of approval:

The Grand Rapids Town Board hereby conditionally approves this preliminary plat in accordance with provisions of the Town Land Subdivision Ordinance this _____ day of _____, 20____.

Town of Grand Rapids

By _____
Town Chairman

6) ~~5)~~ Approval of the preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six months of preliminary plat approval and conforms to the preliminary plat layouts as indicated in Sec. 236.11(1)(b), Wis. Stats., the final plat shall be entitled to approval with respect to such layouts.

B. Final Plat:

1) The final plat shall conform to the preliminary plat as approved. It may constitute only that portion of the approved preliminary plat which the subdivider proposes to develop at the time, provided, however, that such portion conforms to all requirements of this ordinance.

2) The Plan Commission shall, within 30 days of submission of the final plat, provide the Town Board with its conclusions as to whether the final plat conforms substantially to the preliminary plat and with its recommendation on approval of the final plat. The conclusions and recommendation shall be made a part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing.

3) The Town Board shall, upon recommendation of the Plan Commission, reject or approve in writing the plat within 60 days from the date of filing. If the Town Board rejects any provisions of the final plat, the basis for such rejection shall be included in the report.

4) If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to other applicable town ordinances in effect at the time of submission of the preliminary plat, it is entitled to approval. If the final plat is not submitted within 36 months after the last required approval of the preliminary plat, the town board may refuse to approve the final plat or may extend the time for submission for the final plat.

~~0) Upon certification of the plat by the Wis. Dept. of Development, the subdivider shall submit two copies of the director-certified plat to the town zoning administrator, along with the fee.~~

~~0) The final plat shall conform to the preliminary plat as approved. It may constitute only that portion of the approved preliminary plat which the subdivider proposes to develop at the time, provided, however, that such portion conforms to all requirements of this ordinance.~~

~~0) If only part of an approved preliminary plat is presented for final approval, the subdivider shall within six months after conditional approval of the preliminary plat, apply to the town zoning administrator for an extension of the conditional approval of the unrecorded portion of such preliminary plat without being required to pay additional fees. Extension of the conditional approval of the unrecorded part of the preliminary plat shall be for one year.~~

~~0) The Town Board shall, upon recommendation of the town Plan Commission, reject or approve in writing the plat within 60 days from the date of filing. If the Town Board rejects any provisions of the final plat, the basis for such rejection shall be included in the report. (County and town 60-day review periods are to run concurrently.)~~

0) Upon approval of the final plat, the Town Board shall certify on the face of the plat:

The Grand Rapids Town Board hereby conditionally approves this final plat in accordance with provisions of the Town Land Subdivision Ordinance this _____ day of _____, 20_____.

Town of Grand Rapids
By _____
Town Chairman

D. Replats/Alterations:

1) If areas dedicated to the public are to be altered, the subdivider shall initiate court action to vacate or alter as provided by Sections 236.36 through 236.445 of Wis. Stats. A public hearing shall be held by the Town Board and a record thereof transmitted to the court prior to its consideration of the replat.

2) If areas to be dedicated to the public are not altered, the subdivider shall follow the procedure in this ordinance for submitting a subdivision. No public hearing is required for such replat.

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

51.7 Certified Survey Maps (CSMs)

- A. The CSM shall show, in addition to information required by Sec. 236.34, Wis. Stats.:
- 0) All existing buildings, watercourses, drainage ditches, easements and other significant features pertinent to proper land division, including setbacks of all buildings from all lotlines.
 - 0) All lands dedicated to the public for roads, parks, playgrounds, public access, open space sites, or other public use.
 - 0) Graphic scale.
 - 0) Name and address of the owner, subdivider and surveyor, including his registration number.
- B. A soils evaluation shall be performed if the lots being created will not be served by an approved sanitary sewer system. The soils evaluation shall be performed in accordance with ~~Sec. ILHR~~ **COMM** 85 of the Wis. Admin. Code and with the Wood County Land Subdivision Ordinance, where applicable.
- C. All distances and bearings shall be referenced to the Wisconsin State Plane Coordinate System. Where the CSM is located within a quarter-section in which the corners have been monumented and referenced by State Plane, the CSM shall be tied directly to one of the sections or quarter corners so monumented and referenced.
- D. Certificates shall be made on the face of the CSM by the following:
- 1) The surveyor shall certify that he has fully complied with all provisions of this ordinance.
 - 2) The owner's and mortgagee's certificate of dedication of streets and other public areas shall be in substantially the same form as required by Sec. 236.21(2)(a), Wis. Stats.
 - 3) Town Board certificate of approval, when dedication of streets and public areas are involved.
 - 4) County Planning Agency certificate of approval, where applicable.
- E. The subdivider shall file two copies of the **proposed** CSM and the fee as per Ordinance 39 "Schedule of Fees and Forfeitures" with the town zoning administrator at least seven days prior to the ~~Planning~~ **Planning** Commission meeting at which action is desired. The subdivider shall also file a letter from each utility serving the area to be developed stating that the subdivider has shown on the **proposed** CSM a location and width for utility easements to serve the development, **if applicable.**
- F. If no road or other dedications to the public are involved, the Plan Commission shall

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

review the proposed CSM map for conformance with this ordinance, the town Zoning Ordinance, Master Plan and Official Map and any other applicable regulations, and shall within 60 days of its submission approve, approve conditionally approve or reject the CSM.

- G. If road or other dedications to the public are involved, the ~~Planning~~ Commission shall forward its recommendation as to approval, denial or proposed conditions to the Town Board, which shall approve, conditionally approve or reject the CSM. The Town Chairperson Chairman shall certify on the CSM, in a statement entered on the CSM by the surveyor, that the board has accepted the dedication thereon. Town Board approval, conditional approval or rejection shall be given within 90 days of the submission of the proposed CSM.
- H. If a CSM is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider.
- I. The Subdivider shall timely record the CSM with the county Register of Deeds after within 90 days of its approval by the ~~town~~ Planning Commission or Town Board. Failure to do so will necessitate reapproval of the CSM by the town.

51.8 ~~Planned Unit Development (PUD)~~

- ~~A. Purpose: Grouping of structures in a cluster subdivision will permit individual minimum lot sizes to be reduced, provided overall density limits within the subdivision are maintained. The remaining undeveloped area within the subdivision is to be used to provide common open space. Groupings of buildings, common water supply and common sewage disposal systems are encouraged in proper respect to the preservation of natural resources.~~
- ~~B. Review: PUDs shall be submitted for review in the same manner as any other subdivision as outlined in this ordinance.~~
- ~~C. Requirements:~~
- ~~1) PUDs shall include a minimum of 5 acres and shall be platted according to the requirements of this ordinance and the Zoning Ordinance.~~
 - ~~2) The maximum number of lots shall be determined by dividing the total area of the subdivision excluding streets by the minimum lot sizes required by the town Zoning Ordinance.~~
 - ~~3) The minimum distance between principal structures shall be 20 feet.~~
 - ~~4) Excess land not used for lots, parking areas and streets shall be dedicated for open space purposes. This may be accomplished by conveyance in common to each of the owners of lots in the development or by dedication to the town. The Town Board may decide which land dedications will be accepted and how such land will be maintained. The board may require improvement of dedicated lands by the developer prior to town acceptance of dedication. If the land is to be conveyed to owners of lots in the development, a homeowners' association or similar legally constituted body shall be created to maintain the open space land.~~

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

~~5) Any restriction placed on platted land by covenant, easement or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.~~

~~6) Water supply and sewage disposal shall meet the minimum standards of the Dept. of Labor, Industry & Human Relations, the Division of Environmental Protection, and the County Private Sewage System Ordinance.~~

Comment [C4]: I suggest deleting this section as PUDs should be addressed in the Zoning Code and the requirements set forth in Par. C 1. and 2. are contrary to the whole concept of PUDs.

51.8 51.9 Construction

- A. Commencement: The subdivider may begin work on any streets or other improvements required by the town, in the subdivider's discretion, at his own risk after approval of the preliminary plat. All improvements shall be installed according to the Final Plat as approved by the Town Board.
- B. Plans: The following plans, profiles and construction specifications may be required by the Town Board before authorization of construction or installation of improvements:
 - 3) Streets: existing and proposed grades, elevations, cross sections and materials.
 - 3) Sanitary and/or storm sewers, water mains: locations, grades, sizes, elevations and materials.
 - 3) Special plans or information as required.
- C. Inspection: The subdivider, prior to commencement of any work within the subdivision, shall make arrangements with the Town Board to provide for adequate inspection. The board shall inspect and approve all completed work prior to release of sureties.

51.10 Amendments

The Town Board, after publication of required legal notice and holding of a public hearing, may alter, supplement, amend or change any or all of this ordinance in accordance with Wis. Statutes. The ~~town~~ **Planning** Commission shall review and make recommendation prior to the board hearing on any such amendment.

51.11 Fees

An applicant for the permits, approvals, or appeals required by this ordinance shall pay to the Town of Grand Rapids a fee, as per Ordinance 39 "Schedule of Fees and Forfeitures" for said permit, zoning or land subdivision approval, or appeal.

51.12 Penalties

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Any person or persons who shall violate any of the provisions of this ordinance or fail to comply therewith, or who shall violate or fail to comply with any order made hereunder, shall, upon conviction, be subjected to a forfeiture per Ordinance 39 "Schedule of Fees and Forfeitures" together with the costs of prosecution. Each day a violation exists or continues shall constitute a separate offense. Prosecutions of violations of provisions of this ordinance shall be commenced by citation pursuant to Ordinance #27.

This ordinance shall take effect from and after the date of its passage and publication as provided by law.

HISTORY

Declaration/Ordinance/Resolution No

Dated

RESOLUTION NO:

2006-07

May 1973
2-July-1985
19-April-1988
11-October-1999
23-May-2006

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.