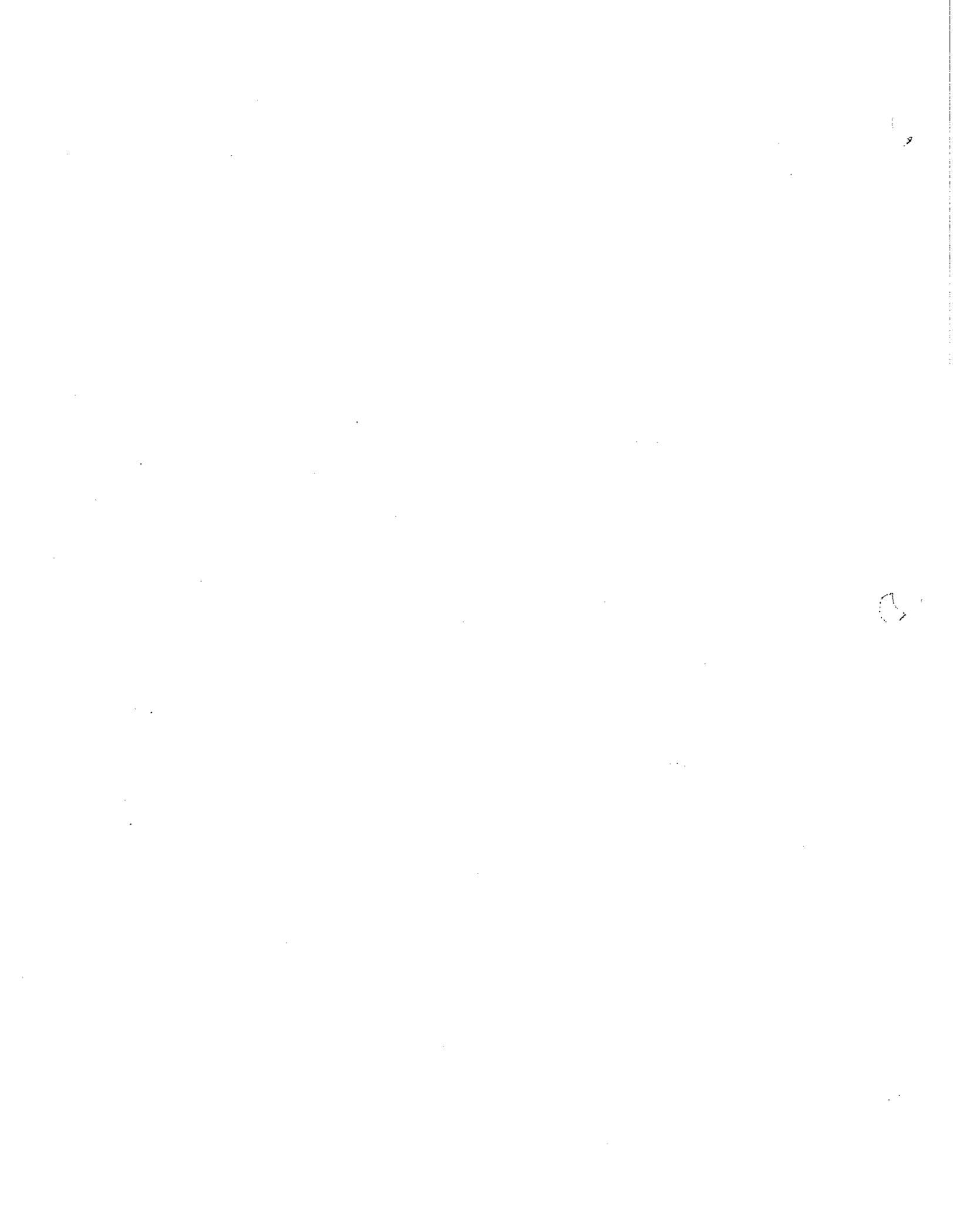


LAFAYETTE COUNTY
LAND SUBDIVISION REGULATIONS

Chapter 6-5

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SUBDIVISION REGULATIONS

FOR LAFAYETTE COUNTY

SECTION

6-5-1.1 AUTHORITY

To regulate the division of land within the unincorporated areas of Lafayette County for the purposes listed in Chapter 236 of the Wisconsin Statutes (1963), the County Board of Supervisors ordains:

6-5-1.2 PURPOSE

The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics and general welfare.

6-5-1.3 GENERAL INFORMATION

This ordinance shall not repeal, impair or modify private easements or covenants governing use of lands except that it shall be applicable to the extent that it imposes stricter regulations. Requirements of this ordinance shall also apply where they impose stricter requirements than Chapter 236 of the Wisconsin Statutes.

6-5-2.1 GENERAL REQUIREMENTS - ADMINISTRATION

The County Planning Committee or its duly authorized staff shall be responsible for administration of this ordinance.

6-5-2.2 JURISDICTION

Subdivision includes any division of a parcel of land by the owner or his agent for the purpose of sale or building development, where:

- (a) The act of division creates three or more parcels of thirty-five (35) acres or less each.
- (b) Three or more parcels of thirty-five (35) acres or less each are created by successive division within a five-year period. Every division of land within the unincorporated areas of Lafayette County shall be subject to the provisions of this ordinance and Chapter 236 of the Wisconsin Statutes.

6-5-2.3 COMPLIANCE

All divisions of land subject to this ordinance shall also be in conformity with the county zoning ordinance and any official map ordinance in effect in the county. Before the final plat is approved by the County Planning Committee and the County Board of Supervisors, the subdivider shall install all improvements required by this ordinance, or by town or municipal units of government, or shall file a performance bond with the County Clerk insuring installation of such improvements.

The specifications for all improvements shall be approved by the County Highway Engineer and County Public Health Department. Prior to either acceptance of the improvements by the County Board of Supervisors or release of the developer's bond, all improvements shall be inspected by the County Highway Engineer and County Public Health Department and found to have been installed according to specifications.

The plat shall be reviewed by the Department of Local Affairs and Development, Division of Highways, Department of Transportation, Division of Health, Department of Health and Social Services and other authorized state agencies.

6-5-3.1 CERTIFIED SURVEY MAP - REQUIREMENT

Any division of property which results in the creation of a new tax parcel number shall be surveyed by a surveyor registered in the State of Wisconsin by certified survey map or plat of survey. This survey shall be filed in the Lafayette County Land Records Office in compliance with State Statutes. A new tax parcel number is required when land is sold or transferred and new ownership boundaries are created which boundaries result in tax parcel splits.

6-5-3.2 APPROVAL

Approval shall be required by the County Public Health Department of any lot division by a recorded certified survey map if the lot is not to be served by a public water supply or sanitary sewer system.

6-5-4.1 PROCEDURES FOR SUBMITTING SUBDIVISIONS - PRELIMINARY MEETING

Before filing a preliminary plat the subdivider is encouraged to consult with the County Planning Committee and/or its staff for advice regarding general requirements affecting the proposed development. A sketch of the proposed subdivision drawn on a topographic survey map should be submitted. The

subdivider should also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities.

6-5-4.2 PRELIMINARY PLAT

The subdivider shall submit to the County Planning Committee and to those agencies having the authority to object to plats under provisions of Chapter 236 of the Statutes, 10 copies of a preliminary plat based upon an exterior boundary survey by a registered land surveyor which shall show clearly the existing conditions of the adjoining sites including data on covenants, land characteristics, available community facilities and utilities, easements, street locations, and lot widths and depths. The proposed layout shall be shown on a topographic map at a scale of one inch equals 100 feet having two foot contour intervals and shall identify the improvements (grading, tree planting, paving, installation of the facilities, 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. The County Planning Committee shall reject or approve conditionally the preliminary plat within 40 days as provided by statute.

6-5-4.3 FINAL PLAT

Final plats shall be submitted to the County Planning Committee within six months of preliminary plat acceptance unless this requirement is waived in writing by the County Planning Committee. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Section 236.12 (2), Wisconsin Statutes. The final plat shall be accompanied by detailed construction plans of all improvements. Final plats shall be presented to the Planning Committee at least 10 work days prior to the meeting at which they are to be considered and shall be accepted or rejected by the County Planning Committee and the Board of County Supervisors within 60 days of their submission. Approved final plats shall be recorded in accordance with the statutory requirements prior to the time that lots are offered for sale, reference is made to the map for sale purposes, or use is made of lot and block numbers shown on the plat.

6-5-5.1 DESIGN STANDARDS - STREETS

- (a) The subdivider shall dedicate land for and improve streets as provided herein. Streets shall conform to any applicable official map ordinance in effect in the county. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities, land uses, and public convenience and safety.
- (b) All lots shall have access to a public street.

- (c) Street locations shall be consistent with any applicable street plan officially adopted by the county. All street right-of-way widths, radii of curvature and grades shall conform to the following requirements:

URBAN SECTION

<u>Type of Streets</u>	<u>R.O.W. Width to be dedicated</u>	<u>Pavement Width (Face of curb to face of curb)</u>
Arterial Streets	80 feet	44 to 52 feet*
Parkway	120 feet	Dual 24 feet, 10 feet outside Shoulders, 4 feet inside Shoulders (24 feet median)
Collector Streets	70 feet	40 to 44 feet*
Minor Streets	66 feet	36 feet
Cul-De-Sac and Frontage Streets	66 feet	36 feet
Alleys	24 feet	20 feet
Pedestrian Ways	10 feet	5 feet

*The Plan Commission and County 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

<u>Type of Streets</u>	<u>R.O.W. Width to be dedicated</u>	<u>Pavement Width</u>
Arterial Streets	80 feet	24 feet, 10 feet outside shoulders
Collector Streets	80 feet	24 feet, 8 feet outside shoulders
Minor Streets	66 feet	22 feet, 3 feet outside shoulders

The minimum requirements expressed in this table generally exceed the minimum town road standards set forth in Section 86.26 of the Wisconsin Statutes.

<u>Type of Streets</u>	<u>Minimum Radius Of Curvature</u>	<u>Maximum Grade</u>
Arterial Street	300 feet	6%
Collector Street	200 feet	7%
Minor Street	100 feet	10%

For Highways see Design Standards in Transportation Plan Report

- (d) Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
- (e) Minor streets shall be so laid out so as to discourage their use by through traffic.
- (f) The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.
- (g) Where a subdivision abuts or contains an existing or proposed arterial highway, the County Planning Committee shall require a frontage road, non-access reservation along the rear of the property contiguous to such highway, or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (h) Reserve strips controlling access to streets shall not be provided except where control of such strip is placed with the appropriate public body; city, village, town, or county.
- (i) A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets.
- (j) Streets shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
- (k) Dedication of half-width streets shall be prohibited, except where it is essential for the reasonable development of the subdivision in conformity with the other requirements of this ordinance. Where a half street has been dedicated adjacent to a subdivision, the remaining half of the street shall be dedicated by the subdivider of the adjoining land.
- (l) Permanent dead-end streets or cul de sacs shall not be longer than 600 feet, shall have a minimum width of 66 feet and terminate with a turnaround

having a right-of-way diameter of at least 120 feet, and a minimum surface radius of 40 feet.

- (m) Where possible, lot lines shall be perpendicular to the street line, and to the tangent at the lot corner on curved streets.
- (n) No street names shall be used which will duplicate or may be confused with the names of existing streets. Street names shall be subject to the approval of the County Planning Committee.

6-5-5.2 BLOCK AND LOT DESIGN AND IMPROVEMENTS

- (a) A block is a parcel of land bounded on at least one side by a street and on the other sides by natural or man-made barriers or unplatted land.

The lengths, widths and shapes of blocks shall be determined by:

- (1) Building site needs.
 - (2) County zoning ordinance lot size and dimensional requirements. In towns which have not ratified the county zoning ordinance the minimum lot size shall be 20,000 square feet and the minimum frontage shall be 100 feet.
 - (3) Needs for convenient access, circulation, control and safety of street traffic.
 - (4) Limitations and opportunities of topography.
- (b) Block lengths shall normally not exceed fifteen hundred (1500) feet, or be less than six hundred (600) feet in length.
 - (c) To provide adequate access and circulation to playgrounds, schools, shopping centers or other community facilities, the County Planning Committee may require that walkways be provided, either along streets or through the center of blocks.
 - (d) Double frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome particular topographic and side disadvantages.
 - (e) The County Planning Committee may require that natural features including trees be preserved and that appropriate landscaping be provided.
 - (f) Sewer and water facilities, and surface water drainage shall be provide for each lot in accordance with specifications approved by the County Highway Engineer and County Public Health Department.

6-5-5.3 LAND SUITABILITY

No land shall be subdivided which is held unsuitable for the proposed use by the County Planning Agency for reason of flooding, 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. The County Planning Agency in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing.

(1) In cases where the County Planning Agency has held the site to be unsuitable because of flood hazard and the subdivider wishes to contest that decision the following procedure and standards shall apply:

(f) Procedure to be Followed in Passing on Plat Approvals where all or part of the Proposed Plat lies in any Flood-Prone Area. Upon receiving an application for a plat approval, the County Planning Agency shall, prior to rendering a decision thereon:

(b) Require the applicant to submit, at the time of the pre-preliminary meeting (Section 4.1) copies of an aerial photograph, or a plan certified by a competent technician, which accurately locates the flood plain proposal with respect to the flood plain district limits, channel of stream, existing flood plain developments, together with all pertinent information such as the nature of the proposal; legal description of the property, fill limits and elevations; building flood elevations; and flood proofing measures.

(c) Transmit one copy of the information described in subsection (a) to the Division of Resource Development with a request, where deemed necessary, to have that agency provide expert technical assistance in evaluating the effects of the proposed project upon flood heights, velocities, and flood plain storage areas and the determination of flood protection levels.

(d) Require the applicant to furnish such of the following additional information as is deemed necessary by the Board of Appeals for the evaluation of the effects of the proposal upon flood flows and flood plain storage and to render a decision on the proposed flood plain use.

(1) A typical valley cross-section 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.

- (2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structure on the site; location and elevations of streets, water supply, sanitary facilities, and soil types and other pertinent information.
 - (3) Profile showing the slope of the bottom of the channel or flow line of the stream.
 - (4) Specifications for building construction and materials, filling, dredging, grading, channel improvement, shortage of materials, water supply and sanitary facilities.
- (e) Affirm, modify or withdraw its determination of unsuitability basing its decision on the following standards.
- (2) Standards to be Applied in Passing upon Plat Approval Where All or Part of the Proposed Plat Lies in a Flood-Prone Area:
- (a) In all cases the decisions of the County Planning Agency shall be consistent with the flood plain management standards of the Wisconsin Department of Natural Resources or appropriate state agency.
 - (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 the Wisconsin Department of Natural Resources or appropriate state agency
 - (c) Development of sites, either individually or in aggregate, shall not have an adverse effect on flood flows. Adverse effects shall be determined according to the standards of the Wisconsin Department of Natural Resources or appropriate state agency
 - (d) Development of sites shall not have an adverse effect on the storage capacity of the flood plain. Adverse effects shall be determined according to the standards of the Wisconsin Department of Natural Resources or appropriate state agency
- (3) When the County Planning Agency determines that only part of a proposed plat may be safely developed, it shall limit development to that part and shall require that the method of development be consistent with its determination.
- (4) When the subdivider does not intend to develop the plat himself, and the County Planning Agency determines that limitations are required to insure safe development, it may require the subdivider to impose appropriate deed

restrictions on the land. Such deed restrictions shall be inserted in every deed and on the face of the final recorded plat. Where land is dedicated to the county in such a subdivision, the dedication shall also include an enforceable interest in such deed restrictions.

6-5-5.4 SUBDIVISION ABUTTING NAVIGABLE WATERS

- (1) Any division of land abutting on a navigable lake, pond, flowage, river or stream shall provide access at least 60 feet wide to the high water mark so that there will be public access, which is connected to existing public roads at least at one-half mile intervals except where it is agreed that there shall be wider access at greater intervals.
- (2) Where there is an existing public water supply or public sewer system on or near the subdivision the local municipality furnishing such sewers and the County Planning Agency shall determine the feasibility of extending service and the requirements to be followed by the subdivider in connecting to the system.
- (3) In subdivisions not to be served by public sewer and water the subdivider shall meet the requirements set forth by the County Health Department and/or the Department of Local Affairs and Development. These requirements include:
 - (a) Soil tests in the manner prescribed by H65.05, Wisconsin Administrative Code.
 - (b) Lot dimensions to meet the minimum specifications of H65.03, 04, Wisconsin Administrative Code.
 - (c) Disposal systems shall be constructed to meet the requirements of H62.20, Wisconsin Administrative Code.

6-5-5.5 EASEMENTS

The County Planning Committee shall require rear or side lot line utility easements at locations and of widths deemed adequate by the committee, but in no case less than ten feet.

The County Planning Committee shall require that easements or drainage ways of widths sufficient to accommodate storm water run-off be provided where a subdivision includes a segment or segments of water courses, drainage ways, channels or streams.

6-5-5.6 PUBLIC RESERVATIONS

The County Planning Committee may require that suitable sites be reserved for future public uses such as parks, playgrounds, and open spaces. In locating such

sites consideration shall be given to preserving scenic and historic sites, stands of fine trees, marshes and shorelines. Reservation of land for public acquisition shall be for a period not to exceed three years.

6-5-6.1 VARIANCES

The County Planning Committee may grant variances from the provisions of this ordinance after holding a public hearing, with 10 days notice in writing to owners of adjoining lands and upon finding that:

- (a) Because of the unique topographic or other conditions of the lands involved, literal application of the ordinance would impose a hardship
- (b) The variance will not violate the spirit of the ordinance or the provision of Chapter 236 of the Wisconsin Statutes.

6-5-6.2 The requirement of filing and recording a plat for a subdivision or a certified survey shall not be waived.

6-5-7.1 ENFORCEMENT AND PENALTIES

The county zoning enforcement agent shall have responsibility for enforcement of this ordinance. No land use permit shall be issued for construction on any lot until the final plat for the subdivision has been duly recorded or the certified survey map recorded. Any person who violates this ordinance shall be subject to a fine up to \$200, plus the costs of prosecution, for each day of violation.

6-5-8.1 SEVERABILITY

Invalidation of any part of this ordinance by a court shall not invalidate the rest of the ordinance.

6-5-9.1 EFFECTIVE DATE

This ordinance shall be in force from and after its passage, publication and recording according to law.

6-5-10.1 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 word "shall" is mandatory and not directory.

Alley

A special public way affording only secondary access to abutting properties.

Arterial Street

A street used, or intended to be used primarily for fast or heavy through traffic.

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.

Comprehensive Plan

The extensively developed plan, also called a master plan, adopted by the Plan Commission and certified to the County Board, including proposals for future land use, transportation and public facilities. Devices for the implementation of these plans, such as zoning, land division regulations, building codes and capital improvement programs shall also be considered a part of the comprehensive plan.

Cul-De-Sac Street

Minor street closed at one end with a turnaround provided for passenger vehicles.

Easement

An acquired privilege or right of use in the land of another.

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 adequate for occupancy by a permitted use, providing the yards and area and fronting directly on a street.

Minor Street

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

Public Way

Any public road, street, highway, walkway, drainage way, or part thereof.

Subdivider

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

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 where:

- (a) The act of division creates 3 or more parcels or building sites five (5) acres

each or less in area; or

- (b) Three or more parcels or building sites of five (5) acres each or less in area are created by successive divisions within a period of 5 years.
- (c) The act of division or the creation of any parcels or building sites results in the creation or alteration of any street or alley.
- (d) The definitions herein shall apply with equal effect to the division or creation of parcels or building sites whether or not said tracts shall at such time be part of a previously platted subdivision.

Surveyor

A State of Wisconsin registered land surveyor.