

TITLE 14

Subdivision Regulations

Chapter 1 Subdivision Regulations

Title 14 ► Chapter 1

Subdivision Regulations

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Article A: Adoption; Introduction

Sec. 14-1-1 Introduction and Purpose.

- (a) **Introduction.** In accordance with the authority granted by Sections 236.13(1)(b) and 236.45 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes, the Village Board of the Village of Elmwood, Wisconsin, does hereby ordain as follows:
- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village of Elmwood.
 - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) **Purpose.** This Chapter is intended to regulate and control the division and subdivision of land within the corporate limits and the extraterritorial plat approval jurisdiction of the Village of Elmwood in order to promote the public health, safety and general welfare, to encourage the most appropriate use of land, to provide the best possible living environment for people and to conserve the value of building placed upon the land by:
- (1) Furthering the orderly layout and use of land;
 - (2) Insuring proper legal description and proper monumenting of land;
 - (3) Preventing overcrowding of land and avoiding undue concentration of population;
 - (4) Lessening congestion in the streets and highways;
 - (5) Securing safety from fire, flooding, water pollution and other hazards;
 - (6) Providing adequate light and air;
 - (7) Facilitating adequate provisions for transportation, water, sewerage, schools, parks, playgrounds, open space, storm water drainage, the conservation of land, natural resources, scenic and historic sites, energy and other public requirements;
 - (8) Facilitating further resubdivision of larger parcels into smaller parcels of land;
 - (9) Insuring enforcement of the development concepts, policies and standards delineated in the Village of Elmwood Master Plan and related components, and, but not limited to, the Official Map, the Parks and Open Space Plan, the Transportation Plan, the Zoning Code, Erosion Control and Storm Water Runoff Code, and the Building Code of the Village of Elmwood.
- (c) **Intent.** It is the general intent of this Chapter to regulate the division of land so as to:
- (1) **Obtain the Wise Use**, conservation, protection and proper development of the Village's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;
 - (2) **Lessen Congestion** in the streets and highways;
 - (3) **Further the Orderly** layout and appropriate use of land;

- (4) **Secure Safety** from fire, panic, and other dangers;
 - (5) **Provide Adequate Light** and air;
 - (6) **Facilitate Adequate Provision** for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, and other public facilities and services;
 - (7) **Secure Safety** from flooding, water pollution, disease, and other hazards;
 - (8) **Prevent Flood Damage** to persons and properties and minimize expenditures for flood relief and flood control projects;
 - (9) **Prevent and Control Erosion**, sedimentation, and other pollution of surface and subsurface waters;
 - (10) **Preserve Natural Vegetation and Cover** and promote the natural beauty of the Village of Elmwood;
 - (11) **Restrict Building Sites** in areas covered by poor soils or in other areas poorly suited for development;
 - (12) **Facilitate the Further Division** of larger tracts into smaller parcels of land;
 - (13) **Ensure Adequate** legal description and proper survey monumentation of subdivided land;
 - (14) **Provide for the Administration** and enforcement of this Chapter;
 - (15) **Provide Penalties** for its violation; and
 - (16) **Implement** those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Village, and in general to facilitate enforcement of Village development standards as set forth in the adopted regional, county, and local comprehensive plans, adopted plan components, Village Zoning Code, Village Building Code and other planning documents of the Village of Elmwood described in Subsection (b)(9) above.
- (d) **Dedication and Reservation of Land.**
- (1) Whenever a tract of land to be divided within the jurisdiction of this Chapter encompasses all or any part of a street, highway, bikeway, pedestrianway, greenway, environmental corridor, waterway, or a drainage or utility easement designated in the Master Plan or Official Map, the subdivider shall plat said public way in the locations and dimensions indicated on said Master Plan or Official Map. The Village Board, upon the recommendation of the Plan Commission, shall determine whether said public way should be dedicated to the public or reserved by the subdivider.
 - (2) Whenever a tract of land to be divided within the jurisdiction of this Chapter encompasses all or part of a park site, open space or other recreation area or school site designated in the Master Plan, Park and Open Space Plan, or Official Map, said public sites shall be platted and dedicated or reserved by the subdivider at the discretion of the Village Board, upon the recommendation of the Plan Commission, in the locations and dimensions indicated on said plans or map in accordance with the requirements of Article H of this Chapter.
 - (3) Once a preliminary plat or certified survey is approved, any lands proposed for public use above shall not be altered without the written approval of the Village Board, upon the recommendation of the Plan Commission.

State Law Reference: Chapter 236, Wis. Stats.

Sec. 14-1-2 Abrogation and Greater Restrictions.

It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

Sec. 14-1-3 Interpretation.

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

Sec. 14-1-4 Severability.

If any provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provision or application.

Sec. 14-1-5 Repeal.

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

Sec. 14-1-6 Title.

This Chapter shall be known as, referred to, or cited as the "Village of Elmwood Subdivision Chapter" or "Village of Elmwood Land Division and Subdivision Chapter."

Sec. 14-1-7 through Sec. 14-1-9 Reserved for Future Use.

ORDINANCE NO. 14-1-7

An Ordinance annexing territory to the Village of Elmwood.

WHEREAS, the Village Board of the Village of Elmwood has been presented a petitioner for annexation of the following described premises:

The Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ /SE $\frac{1}{4}$) of Section Thirty Five (35), Township Twenty Seven (27) North, Range Fifteen (15) West, except all that part thereof lying Northwesterly of State Highway 72 and except Highway right of way; and

WHEREAS, due notice of the hearing at which this Annexation Petition was considered by the board was given to the Town of Spring Lake and to the Elmwood School District as required by law; and

WHEREAS, this Petition is a Petition for Direct Annexation complying with Section 66.0217(2), Stats.:

NOW THEREFORE, the Village Board of the Village of Elmwood **DO ORDAIN** as follows:

Section 1. "The following described premises are hereby annexed to the Village of Elmwood pursuant to direct Annexation Petition:

The Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ /SE $\frac{1}{4}$) of Section Thirty Five (35), Township Twenty Seven (27) North, Range Fifteen (15) West, except all that part thereof lying Northwesterly of State Highway 72 and except Highway right of way."

Section 2. Following the adoption of this Annexation Petition the corporate boundaries of the Village of Elmwood shall and do appear as set forth in the map annexed hereto and incorporated herein by reference. Further, the legal description of the corporate boundaries, following said annexation, is as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ /SE $\frac{1}{4}$) of Section 25, Township 27 North, Range 15 West; thence South on the section line common to Section 25 and 24 and Section 36 and 31 to the Southeast corner of Section 36; thence West on the South section line of said Section 36 to the Southwest corner of said section; thence continuing West on the South section line of Section 35 to the Southwest corner of the East Half of the Southeast Quarter (E $\frac{1}{2}$ /SE $\frac{1}{4}$) of said Section 35; thence Northerly along the East one eighth line of Section 35 to the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ /SE $\frac{1}{4}$) of Section 35; thence Westerly along the South line of the Northwest Quarter of the Southeast

Quarter (NW $\frac{1}{4}$ /SE $\frac{1}{4}$) of Section 35 to the Southwest corner thereof; Thence Northerly along the West line of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ /SE $\frac{1}{4}$) of Section 35 to the Centerline of STH 72; thence Northerly and Easterly along the centerline of STH 72 to a point on the South line of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ /NE $\frac{1}{4}$) of Section 35, 590 feet West of the intersection of the one eighth line of Section 35 and the centerline of STH 72; thence North a distance of 490 feet more or less to the South line of the abandoned railway right of way; thence in a Southeasterly direction along said railway right of way to a point on the East one eighth line of Section 35 which is 150 feet more or less North of the Southwest corner of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ /NE $\frac{1}{4}$) of said Section 35; thence North on the one eighth line to the North line of said Section 35; thence East on the North line of said Section 35 to the Northeast corner of said Section 35; thence North on the Section line common to Section 26 and 25 to the Northwest Corner of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ /SW $\frac{1}{4}$) of said Section 25; thence East on the North line of the South half of the South half (S $\frac{1}{2}$ /S $\frac{1}{2}$) of Section 25 to the point of beginning.

Section 3. This Ordinance shall take effect upon passage and publication.

Passed and adopted this 10th day of September, 2007.

VILLAGE OF ELMWOOD

By: _____
William Stewart, Village President

Attest: _____
Jodi Pulk, Village Clerk