

## CHAPTER 9 SUBDIVISION REGULATIONS

### **Part 2: General Provisions/Definitions**

#### **Sec. 13-9-10 General Provisions.**

- (a) **Compliance.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division or a replat as defined herein; no such subdivision, land division, minor land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following:
- (1) The provisions of Chapter 236 and Sec. 80.08, Wis. Stats.
  - (2) The rules of the Division of Health, Wisconsin Department of Industry, Labor and Human Relations, contained in Wis. Adm. Code Chapter H85 for subdivisions not served by public sewer.
  - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter HY 33 for subdivisions, which abut a state trunk highway or connecting street.
  - (4) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for Floodplain and Storm-water Management.
  - (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Common Council.
  - (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping Ordinances.
  - (7) The City of Onalaska Master Plan, or components thereof, and applicable Ordinances of any City or village whose extraterritorial jurisdiction extends into the City.
  - (8) All applicable rules contained in the Wis. Adm. Code not listed in this Subsection.
- (b) **Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the City of Onalaska. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
- (1) Transfers of interests in land by will or pursuant to court order;
  - (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
  - (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Chapter or other applicable laws or ordinances.
- (c) **Certified Survey.** Any division of land other than a subdivision as defined in Section 236.02(8), Wis. Stats., shall be surveyed and a Certified Survey Map prepared as provided in Sec. 236.34, Wis. Stats.
- (d) **Building Permits.** The City of Onalaska shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, land division, replat or certified survey originally submitted to the City of Onalaska on or after the effective date of this Chapter until the applicant has complied with all of the provisions and requirements of this Chapter.

## Subdivision Regulations – General Provisions/Definitions

### 13-9-10

- (e) **Plats Within the Extraterritorial Plat Approval Jurisdiction.** Plats and Certified Survey Maps within the extraterritorial plat approval jurisdiction of the City are subject to this Chapter pursuant to Sec. 236.45(3), Wis. Stats.

### Sec. 13-9-11 Land Suitability.

*Existing hardwood trees over 24" caliper shall be marked on a preliminary drawing of the proposed area to be platted and submitted to the City. The developer shall include a strategy for preservation of these trees for the development period and after lots have been sold.*

- (a) **Suitability.** No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Plan Commission for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography 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 Plan Commission, 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 residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.
- (b) **Existing Flora.** The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainage ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.

Sec. 13-9-12 through Sec. 13-9-13

Reserved for Future Use.

Sec. 13-9-14

Definitions-See UDC Glossary Section 13-1-14

Sec. 13-9-15 through Sec. 13-9-16

Reserved for Future Use.