

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 Elk Mound, 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 Elk Mound.
 - (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 Elk Mound 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 Elk Mound Master Plan ("Smart Growth 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 Elk Mound, if such plans are adopted by the Village.
- (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;

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- (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 Elk Mound;
 - (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 of Elk Mound, 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 Elk Mound 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 (if adopted by the Village), the subdivider shall plat said public way in the locations and dimensions indicated on said Master Plan or Official Map (if adopted by the Village). 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 (if adopted by the Village), 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 G 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 Elk Mound 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 amended.

Sec. 14-1-6 Title.

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

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