

**TOWN OF OSCEOLA
SUBDIVISION CONTROL LAW**

DRAFT #2

APRIL 30, 1987

**DRAFT FOR
TOWN BOARD REVIEW**

Article A. Title

This law shall be known as the "Town of Osceola Subdivision Control Law."

Article B. Declaration of Policy

The Planning Board of the Town of Osceola is authorized and empowered pursuant to Articles 2 and 3 of the Municipal Home Rule Law to approve plats showing lots, blocks or sites, with or without roads, to approve the development of entirely or partially undeveloped plats already filed in the office of the County Clerk and to approve preliminary plats, within the Town of Osceola. It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town. Land to be subdivided shall be of such character that it can be used safely for drainage, water supply, sewerage and other needed improvements. Proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties. The proposed roads shall comprise a convenient system and shall be of such width, grade and location as to accommodate the prospective traffic and facilitate fire protection. Proper provision shall be made for open spaces and adequate recreation facilities.

Article C. Definitions

For the purpose of this law words and terms used herein are defined as follows:

- Final Plat** Means a drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by this law to be presented to the Planning Board for approval, and which if approved, may be duly filed or recorded by the applicant in the Office of the County Clerk.
- Planning Board** The Osceola Town Planning Board.
- Preliminary Plat:** Means a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, submitted to the Planning Board for approval prior to submission of the plat in final form, and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.
- Resubdivision** The combination or recombination of portions of previously platted lots or lots of record where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this law.
- Road, Collector** Means a road intended to serve heavy flows of traffic from minor roads or as a business road providing access to business properties.
- Road, Local** Means a road intended to serve primarily as an access to abutting residential properties.
- Sketch Plan** Means a sketch of a proposed subdivision to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of this law.

Subdivision Division of any parcel of land into two (2) or more lots, blocks, or sites for the purpose of conveyance, transfer of ownership, improvement, building development or sale. The term subdivision shall include re-subdivision. A tract of land shall be considered a subdivision when two or more lots are sold, rented, offered for sale or lease, or developed within a three-year period.

Subdivision, Major: A subdivision containing eleven (11) or more lots, or any subdivision requiring a new road or the extension of municipal facilities.

Subdivision, Minor: A subdivision containing five (5) to ten (10) lots.

Article D. Platting Procedures

Whenever any major or minor subdivision of land is proposed, before any contract or any offer to sell lots in such subdivision is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider shall apply to the Planning Board, in writing, for approval of such proposed subdivision.

1. Sketch Plan Conference

Any owner of land anticipating subdivision procedure is encouraged to attend meetings of the Planning Board before submitting an official application in order to discuss the intent and application of these regulations with the Planning Board. An Environmental Assessment Form (EAF) may be required at this time.

2. Official Submission of Plats

The time of submission of all plats shall be considered to be the date of the regular monthly meeting of the Planning Board, at which plat and application must be filed with the required fee and all data required by this law.

3. Preliminary Plat

- a. The subdivider shall file an application for consideration of a preliminary plat. This application shall be accompanied by a fee according to the fee schedule established by the Town Board.
- b. Five (5) copies of the preliminary plat shall be presented to the Secretary of the Planning Board at least ten (10) days prior to the Planning Board's regular meeting date.
- c. Subdivider shall attend this meeting.
- d. The Planning Board shall study the advisability of the preliminary plat considering all aspects, economic, social, and environmental, and judge the net effect of the proposal on the community.
- e. The official acceptance date of the preliminary plat shall be the date on which a complete application was accepted by the Planning Board, including a draft Environmental Impact Statement, where required.

4. Documents to be Submitted for Minor Subdivision

- a. Proposed subdivision name, name of Town and County in which it is located, date, north point, map scale and name and address of owner of record and subdivider.
- b. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
- c. An actual field survey of the boundary lines of the tract giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tracts shall be marked by monuments approved by the Planning Board and shall be shown on the plat. The plat shall also include the proposed lot lines with approximate dimensions and area of each lot.
- d. Statement from the developer certifying that the sanitation and water supply facilities on the site shall meet all State, County and Town requirements.
- e. The scale of the plat should be one inch to one hundred feet (1"=100') or a scale acceptable to the Planning Board, and show lot lines and dimensions.
- f. A draft Environmental Impact Statement, where required.

5. Documents to be Submitted for Major Subdivision

- a. A plat at the scale of one inch to one hundred feet (1"=100') or a scale acceptable to the Planning Board showing
 - (1) Proposed subdivision name, name of town and county in which it is located, date, true north point, map scale, name and address of owner of record, subdivider, engineer or surveyor including license number and seal.
 - (2) The name of the owners of record of all adjacent property.
 - (3) All parcels of land proposed to be dedicated to public use and the conditions of such use.
 - (4) Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, stands of trees and other significant features for the proposed subdivision.
 - (5) Contours with intervals of five (5) feet or an interval acceptable to the Planning Board including elevations of existing roads; approximate grading plan for the site.
 - (6) The width and location of any roads or public ways and the width, location, grades and road profiles of all road or public ways proposed by the developer.
 - (7) The approximate location and size of all proposed waterlines, hydrants and sewer lines, showing connection to existing lines.

- (8) Drainage plan, including profiles of lines or ditches.
 - (9) The proposed lot lines with approximate dimensions and area of each lot.
 - (10) An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as approved by the Planning Board, and as shown on the plat.
- b. Plans and cross-sections showing sidewalks, road lighting, road trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and sub-base, the location of any underground cables.
 - c. Preliminary designs for any bridges or culverts.
 - d. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
 - e. A draft Environmental Impact Statement, if necessary.
6. Preliminary Plat Approval

Within forty-five (45) days after the receiving date of a preliminary plat, the Planning Board shall hold a public hearing on the preliminary plat. The date of this hearing shall be advertised in a newspaper of general circulation at least five (5) days before the hearing. Within forty-five (45) days of this hearing the Planning Board shall approve with or without modifications or disapprove of the preliminary plat. The grounds of a modification, if any, or the grounds for disapproval shall be stated upon the Planning Board records. If approved the preliminary plat shall be so certified and a copy sent to the applicant. The time limits stated herein may be extended by mutual agreement between the applicant and the Planning Board. Approval of a preliminary plat shall not constitute approval of the subdivision. It shall serve as a guide in preparing the final plat.

7. Final Plat

The subdivider shall, within six (6) months after approval of the preliminary plat, file with the Planning Board an application for approval of the final subdivision plat. This application shall be accompanied by a fee according to the fee schedule established by the Town Board.

8. Documents to be submitted:

- a. The original plat, to be filed with the County Clerk, printed in ink on appropriate material, plus three (3) copies. The scale shall be 1"=100' unless otherwise agreed upon by both the Planning Board and subdivider. The plat shall show
 - (1) Proposed subdivision name and the name of the town and county in which the subdivision is located, the name and address of record owner and subdivider, name, address, license number and seal of the surveyor.

- (2) Road lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
 - (3) Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every road line, lot line, boundary line and to reproduce such lines on the ground.
 - (4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves, and tangent bearings shall be given for each road. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale, and true north point.
 - (5) Permanent reference monuments shall be shown and constructed in accordance with Planning Board specifications.
- b. State Health Department approval of water supply and sewage disposal systems proposed or installed.
 - c. An approved Environmental Impact Statement, if necessary.
 - d. Two (2) copies of construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of roads, sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewers or septic systems, storm drains or ditches, pavements, and sub-base and other facilities. One (1) copy of all offers of cession, contract, covenants and agreements, bearing the certificate of approval of the Town Attorney as to their legal sufficiency, shall be presented to the Secretary of the Planning Board at least ten (10) days prior to the regular monthly meeting of the Planning Board.

9. Action on Proposed Subdivision

The Planning Board shall conditionally approve, conditionally approve with or without modifications, disapprove, or grant final approval to the plat within forty-five (45) days of its submission to the Secretary of the Planning Board. If denied, the grounds must be stated and modifications recommended by the Board to the developer. The Planning Board may hold a public hearing on the final plat. If public hearing is held, the Planning Board must render decision within forty-five (45) days of said hearing.

10. Filing of Approved Subdivision Plat

Upon completion of the above sections and such notation on the plat itself, it shall have final approval and shall be signed by the Chairman of the Planning Board and shall be filed with the County Clerk. If not filed within sixty (60) days of final approval, the plat shall become ineffective and void. The plat shall be void if revised after approval.

11. Public Roads, Parks, and Recreation Areas

The approval of the Planning Board of a subdivision plat does not constitute acceptance by the Town of any road, easement or other space shown on the plat. When a park, or other recreation area shall have been shown on a plat,

the approval of the plat does not constitute acceptance of that area or the responsibility for its maintenance by the Town Board.

Article E. General Development Standards

1. In considering applications for subdivision of land, the Planning Board shall use the following standards.

2. **General**

Land to be subdivided shall be of such character that it can be used safely for development purposes without danger to health or peril from fire, flood, erosion, or other natural acts. All required improvements shall be constructed or installed to conform to Article F of this law.

3. **Design Standards**

a. **Road Layout**

- (1) Roads shall be of sufficient width, suitably located and adequately constructed to accommodate expected traffic loads and afford access for fire fighting. The arrangement of roads and lots shall be in harmony with surrounding areas and roads.
- (2) Local roads shall be laid out to discourage through traffic.
- (3) The arrangement of roads shall provide for the continuation of roads of any adjoining subdivision, and provision for future projection of road access to adjoining areas shall be made. Subdivisions containing 20 or more lots shall have at least two road connections with existing collector roads at least one quarter mile apart.
- (4) At least one fifty (50) foot right-of-way shall be reserved within the subdivision road frontage to allow access to land behind the frontage lots.
- (5) Dead end roads will be allowed whenever such development will not interfere with normal traffic circulation in the area. A pedestrian and utility easement may be required for continuation to the next road. The following standards shall apply to dead end roads:
 - (a) Drainage toward the entrance.
 - (b) Shall not service more than twelve (12) residences nor be greater than thirteen hundred twenty (1,320) feet in length.
 - (c) Shall have a turn around at the end of the road which shall have a right-of-way radius of seventy-five (75) feet and a pavement radius of fifty (50) feet.
 - (d) Shall bear a "NO OUTLET" or "DEAD END" sign at the entrance.

- (6) The road plan of proposed subdivision shall bear a logical relationship to the terrain.
 - (7) No intersection of more than two roads shall be allowed.
 - (8) Reserve strips used to control access from the proposed subdivision to any neighboring property or to any land within the subdivision itself are prohibited.
- b. Road design shall be in accordance with the Town of Osceola Road Standards.
- c. Lots
- (1) Lot sizes shall conform to the Town of Osceola Land Use Law. Lots shall be of sufficient size to accommodate buildings and sanitary systems.
 - (2) Lot lines shall generally not meet each other or any boundaries at less than 75° angle nor greater than 105° angle.
- d. Preservation of Natural Features
- (1) Top soil moved during the course of construction shall be replaced so as to cover all areas of the subdivision and shall be stabilized by seeding and plantings.
 - (2) Whenever possible, existing trees and shrubbery shall be conserved by the subdivider. Care should be exercised in construction so damage to existing trees and shrubs is avoided.
 - (3) Streams, lakes, ponds, and wetlands within a subdivision should be left unaltered unless an alteration to such bodies of water would serve to enhance the utility and quality of the subdivision.
 - (4) Unique physical, historical and cultural sites shall be incorporated into the subdivision in their present state or improved by the design.
 - (5) All surfaces must be graded or restored within six (6) months of the time of completion of the subdivision so that no unnatural mounds or depressions remain.
- e. Landscape and Ground Cover
- (1) All lot areas shall be seeded where possible.
 - (2) A comprehensive planting scheme shall be reviewed and shall be finally approved by the Planning Board. Shade trees, shrubs and ground cover are recommended for each lot.

Article F. Required Improvements

The developer shall either complete all improvements to the satisfaction of the Planning Board, post a performance bond, or provide a letter of credit or certified check sufficient to insure the satisfactory completion of the following required improvements, prior to the approval of the final subdivision plat.

1. The following improvements are required in all subdivisions

a. Roads

All roads intended for dedication to the Town shall conform to standards approved by the Town or County Highway Superintendent, who shall judge what requirements are appropriate for the level of use expected as a result of the proposed subdivision according to the standards set forth in the Town of Osceola Road Standards.

b. Sewage Disposal Systems

All sewage disposal systems shall meet the setbacks set forth in the Town of Osceola Land Use Law and all applicable State requirements. If soils and other factors make septic tank and leach field systems insufficient, alternative methods shall be required, either on an individual or community level.

c. Water Supply

All lots shall be capable of being served with an adequate freshwater supply, (150 gal./day/bedroom) which shall meet all applicable Town, State, and County requirements.

2. The following improvements shall be required in all major subdivisions, but specific provisions may be waived by the Planning Board in special cases.

a. Road Lighting

Road lighting may be required by the Planning Board if it is judged to be in the best interest of the community.

b. Sidewalks and Footpaths

Sidewalks may be required if the proposed subdivision generates enough pedestrian traffic to warrant their construction. If a subdivision is located near a public facility, a footpath may be required to provide safe and adequate access to that facility.

c. Road Signs and Guard Rails

(1) Road signs shall be provided according to Town Board standards and shall indicate road names shown on the final plat.

(2) Guard rails or posts shall be placed along the shoulder of any road where road construction has resulted in an embankment greater than six (6) feet.

d. Drainage

Adequate storm drainage systems shall be required in all subdivisions, along with all other necessary provisions to reduce runoff erosion damage as required in the Town of Osceola Road Standards.

e. Utilities and Utility Easements

The Planning Board shall require that all underground utilities be placed in the road right-of-way between the property line and the road traffic surface whenever possible. The subdivider shall install underground service connections in the road to the property line of each lot within the subdivisions. Fire hydrants, fire ponds, and water towers may be required where appropriate. Easements for utility lines shall be graded and seeded.

Article G. Waiver

1. The Planning Board may waive, subject to appropriate conditions, the provision of any or all of such improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which in its judgment are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.
2. The Planning Board may waive the subdivision review requirements at the sketch plan conference if the board determines that the subdivision constitutes a resubdivision of land as defined by this law and that the waiver of the requirements of this law does not contravene the purposes set forth in Article B of this law.

Article H. Fees

Application fees shall be set by Town Board resolution.

Article I. Penalty Provisions

1. Any person, firm or corporation who commits an offense against, disobeys, neglects or refuses to comply with or resist the enforcement of any of the provisions of the Subdivision Control Law of the Town of Osceola shall, upon conviction, be deemed guilty of a violation. A violation of this law is an offense punishable by a fine not to exceed three hundred fifty dollars (\$350.00). Each week an offense is continued shall be deemed a separate violation of this law.
2. In addition to the penalties provided by statute, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this law.

Article J. Certification and Filing with County

The Town Clerk is hereby directed to forthwith file a certified copy of this local law with the Clerk of Lewis County.

Article K. Severability

If any clause, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate any other clause, sentence, paragraph, section, or part of this local law.

Article L. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.