

**SUBDIVISION AND PLATTING**

**CHAPTER 19**

**SUBDIVISION AND PLATTING**

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**19.01 PURPOSE.** The purpose of this chapter is to regulate the division of land into lots and parcels for development to promote public health, safety and general welfare; to further the orderly layout and use of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage and other public requirements; to provide for proper ingress and egress; and to promote proper monumenting of land divided and conveyancing by simple and accurate legal description and to promote the dedication of land needed for streets, parks, public building sites, utilities and open space.

**19.02 DEFINITIONS.** For the purpose of this chapter the following terms are defined:

- (1) **BLOCK** - A parcel of land bounded on at least one side by a street but which may be bounded on other sides by natural or artificial barrier or unplatted land.
- (2) **BUILDING LINE** - A line shown on a map indicating the minimum distance from the boundaries of a lot from which buildings shall be erected.
- (3) **COMMISSION** - The Plan Commission of the City.
- (4) **CROSSWALK** - A public right-of-way traversing a block for the purpose of providing pedestrian access.
- (5) **MASTER PLAN** - The master plan of the City as adopted by the City Plan Commission and including any part of the plan separately adopted and any amendments to the plan or parts thereof.
- (6) **OFFICIAL MAP** - The official map of the City as adopted and any amendments thereto.
- (7) **PLAT** - The map of a subdivision.
- (8) **PRELIMINARY PLAT** - The map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.
- (9) **STREET** - A way for vehicular traffic.
- (10) **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 5 or more parcels or building sites of 1-1/2 acres each or less in area; or
  - (b) 5 or more parcels of building sites of 1-1/2 acres each or less in area are created by

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successive divisions within a period of 5 years.

19.03 SURVEY AND PLAT: WHEN REQUIRED. Any division of land within the City or within the extra-territorial plat approved jurisdiction of the City which shall result in a subdivision as defined in Sec. 19.02 (10) except cemetery plats and assessor's plats, shall be surveyed and a plat approved as required by this chapter and as required by Chapter 236, Wis. Stats. Any provision of this chapter more stringent or restrictive in character than the Wisconsin Statutes or any other ordinance of the City shall be effective.

### 19.04 PROCEDURE.

- (1) PRELIMINARY CONSULTATION. Before filing a preliminary plat for approval, the sub-divider shall consult the Plan Commission and City Officials for advice and assistance and submit plans and data as specified in sec. 19.05 (1).
- (2) PRELIMINARY PLAT.
  - (a) After preliminary consultation and before submitting a plat for final approval, the sub-divider shall submit to the City Clerk sufficient true copies of a preliminary plat, together with a list of the approvals required, to enable the City Clerk, when necessary, to forward copies for approval or objection to the agencies specified by Chapter 236, Wis. Stats.
  - (b) The sub-divider shall submit the preliminary plat to the City Plan Commission for examination and recommendations as to approval or disapproval.
  - (c) Approval or disapproval of the preliminary plat shall be made by the City Plan Commission in sufficient time to permit transmittal thereof to the Common Council at its next regular meeting unless such time is extended by agreement with sub-divider. Such approval shall not constitute acceptance of the subdivision.
  - (d) At the next succeeding regular meeting of the Common Council action shall be taken approving or disapproving the preliminary plat.
  - (e) Approval of the preliminary plat, and a certification that the copies were forwarded as required and the date thereof, and that no objections to the plat have been filed by other authorities, or if filed, have been met, shall be indicated in writing on the face of each of 2 copies by the City Clerk, whereupon one copy shall be returned to the owner and the other copy retained for filing.
  - (f) In the event that the preliminary plat is disapproved, the reasons for such disapproval shall be stated in writing and attached to the 2 copies of the preliminary plat, one of which shall be returned to the owner, and the other shall be left on file.
  - (g) At the time of approval of the preliminary plat, or as soon thereafter as practicable, the City Clerk shall inform the owner as to what improvements, or bond governing their installations, if any, will be required before approval of the final plat.

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(h) Approval of the preliminary plat shall entitle the sub-divider to final approval of the layout shown by such plat if the final plat is submitted within 6 months of the date of approval of the preliminary plat and conforms substantially to such layout and conditions of the preliminary plat.

### (3) FINAL PLAT.

(a) The final plat as specified in sec. 19.05 (3) and sufficient copies shall be submitted within 6 months of the approval of the preliminary plat and subjected to the procedures prescribed for the preliminary plat.

(b) When the City Plan Commission has approved the final plat, such plat shall be transmitted to the Common Council bearing an official stamp and reading: "Approved this \_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Signed: \_\_\_\_\_, Chairman of the City Plan Commission:

(c) The City Clerk shall certify the approval by the Common Council on the face of the final plat.

### **19.05 INFORMATION TO ACCOMPANY SUBMISSIONS.**

(1) PRELIMINARY CONSULTATION. The Plan Commission shall have the option to require the following information to be provided at the time of the preliminary consultation:

(a) Existing Site Conditions. Description of the existing conditions of the site including data on existing covenants, land characteristics and available community facilities and utilities.

(b) Subdivision Proposal. Description of the subdivision proposal including the number of residential lots, typical lot width and depth, commercial and industrial areas, playgrounds, parks and other public area, proposed protective covenants, and proposed street and utilities improvements.

(c) Location Map. Map showing scale, north point, relationship of the proposed subdivision to existing developments, public transportation, elementary and high schools, and parks and playgrounds.

(d) A Sketch Plan. Plan on topographic survey print showing in simple freehand form the proposed layout of streets, lots and other features.

(2) PRELIMINARY PLAT. The preliminary plat shall be drawn at a scale of 100 feet to the inch or larger scale, and shall show:

(a) Scale, north point, date and development name.

(b) The title under which the proposed plat is to be recorded, which title shall not duplicate or

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- be deceptively similar to the name of any plat previously recorded in Kewaunee County.
- (c) The names and addresses of the owner, sub-divider and engineer or surveyor.
  - (d) The exact location by distance and bearings of the exterior boundaries of the land to be platted with reference to a corner or corners established in the U.S. Public Land Survey.
  - (e) Small scale drawing of the section or government subdivision of the section in which the subdivision lies, with the location of the subdivision indicated.
  - (f) All municipal boundary lines within or adjacent to the proposed subdivision.
  - (g) The names of all adjoining plats.
  - (h) The locations, name and width of all existing streets, alleys, easements, right-of-way, parks, cemeteries, water courses, drainage ditches, bridges, and buildings and the location of all property lines within the proposed plat or within 200 feet thereof.
  - (i) The size and location of all existing sewers and water mains, if within the proposed plat or within 200 feet thereof.
  - (j) Ground elevations and contours: (This section to be required when deemed necessary by the Plan Commission.)
    - 1. For lands that slope less than approximately 2%, show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions.
    - 2. For lands that slope more than approximately 2% show contours with an interval of not more than 5 feet where ground slope is regular and such information as sufficient for planning purposes, or show contours with an interval of not more than 2 feet where necessary because of irregular land or need for more detailed data.
  - (k) Approximate boundaries of areas subject to flood or storm water overflow, areas covered by water and approximate boundaries of wooded areas.
  - (l) Water elevations of adjoining lakes or streams at the date of survey and approximate high and low water elevations of such lake or stream.
  - (m) A meander line established not less than 20 feet back from the ordinary high water mark, if the subdivision borders on a lake or stream.
  - (n) The location, arrangement, and width of proposed streets, alleys, crosswalks and easements and the location of proposed building lines.
  - (o) All proposed lots with dimensions. (Approximate)
  - (p) Location and area of property proposed to be dedicated to public use and for other

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purposes, and to which governmental unit the property will be dedicated.

- (q) Approximate grades of streets and alleys where the proposed grade will exceed 4%, and the plans and profiles of all proposed street work.
  - (r) A brief description of proposed restrictive covenants or building restrictions.
  - (s) A supplementary written statement describing improvements to park and recreation areas which the owner proposes to make and when he proposes to make them.
- (2) FINAL PLAT. The final plat of the subdivision shall comply with the requirements of Chapter 236, Wis. Stats. which is hereby adopted by reference and incorporated as part of this chapter.

### **19.06 STANDARDS FOR SUBDIVISION DESIGN.**

#### **(1) CHARACTER OF LAND.**

- (a) The land shown on any, preliminary or final plat shall be capable of being developed for the use or uses proposed. Areas proposed for building purposes shall be free from hazard to life or property due to flooding, lack of access to required utilities, lack of adequate access by emergency vehicles or services, or other comparable hazard.
- (b) Due regard shall be paid to the preservation of natural features that will enhance the value of the subdivision, such as trees, watercourses or scenic views.

#### **(2) CONFORMANCE TO MASTER PLAN AND OFFICIAL MAP.**

- (a) The subdivision shall conform to the master plan.
- (b) The streets, parks and drainage system of the subdivision shall conform to the Official Map.

#### **(3) STREETS.**

- (a) Streets shall be laid out to achieve a convenient system and to discourage through traffic on local streets. Provision shall be made for appropriate connections to existing streets and the future extension of streets into areas not subdivided. Reserve strips preventing access to adjoining properties shall be prohibited except where specifically placed in control of the City.
- (b) Block lengths shall not exceed 1,500 feet nor be less than 500 feet.
- (c) Intersections shall be designed to provide maximum visibility and safety. The angle of intersection of streets shall be 90 degrees or as close thereto as possible. Offset

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intersections of less than 150 feet shall be avoided.

- (d) Dead-end streets shall not exceed 500 feet in length, and shall be provided with a turnaround at the closed end. Turnarounds of circular design shall have a pavement diameter of at least 80 feet and a property line diameter of at least 120 feet.
- (e) A temporary turnaround shall be shown at the end of all streets extending to the subdivision boundary and not connected to an existing street at the time of subdivision. The excess street area needed for such turnaround shall be shown as reverting to adjoining lots when the street is extended.
- (f) Where a subdivision abuts or contains an existing or proposed limited access highway or arterial street, the Commission may require marginal access streets, reverse frontage lots with screen planting along the rear of the property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection or residential properties and to afford separation of through and local traffic.
- (g) Street right-of-ways shall be not less than the width specified below:

STREET DESIGNATION IN MASTER PLAN	MINIMUM WIDTH IN FEET
Limited-access highway	210
Arterial	120
Collector	80
Local	66

- (h) Clear visibility, measured along the centerline shall be not less than specified below:

STREET DESIGNATION IN MASTER PLAN	MINIMUM SIGHT DISTANCE IN FEET
Arterial	500
Collector	350
Local	200

- (i) The minimum radii or curvature on the centerline shall be as specified below:

STREET DESIGNATION IN MASTER PLAN	MINIMUM RADIUS IN FEET
Arterial	300
Collector	200
Local	100

- (j) Street Names.
  1. Any street, which is the reasonable continuation of an existing street, shall bear the same name.
  2. The Commission may disapprove the name of any street shown on the plat which has already been used elsewhere in the area, or because of similarity may cause confusion, or which is unsuitable because of connotation, or which is difficult to spell or

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pronounce.

- (4) **ALLEYS.** Alleys of not less than 20 feet in width and having access to streets at each end shall be provided in commercial and industrial districts, except that the Commission may waive this requirement; where other provisions are made for service access.
- (5) **CROSSWALKS.** Crosswalks not less than 20 feet wide shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- (6) **EASEMENTS AND RESTRICTIONS.**
  - (a) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 10 feet wide on each side of the lot line.
  - (b) Where a subdivision is traversed by a watercourse, drainage way, channel or stream there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and including necessary additional width for maintenance or construction.
- (7) **LOT DIMENSIONS.** Residential lots shall be not less than 60 feet wide minimum average width at the building line and not less than 7,200 square feet in area, provided that residential lots where not served by public sewers shall comply with the rules and regulations of the State Board of Health, Chapter H65 and that lots may be provided for town houses at an average density of not more than 25 dwelling units per acre, as designated in the zoning chapter.

### **19.07 REQUIRED IMPROVEMENTS.**

- (1) **GENERAL APPLICATION.** Improvements shall be installed by the sub-divider as required in these regulations except where the sub-divider shall furnish adequate bond guaranteeing the installation of the required improvements within a specified time or where the Council specifically waives the requirements having regard to the nature and location of the proposed subdivision. This waiver by Council shall only be permitted in cases of extraordinary hardship and both evidence of hardship and Plan Commission's recommendation shall be recorded as part of the subdivision plat approval. The design of improvements shall be subject to the approval of the City Engineer where this chapter does not provide a definite guide.
- (2) **MONUMENTS.** The subdivision shall be monumented as required in sec. 236.15, Wis. Stats.
- (3) **UTILITY AND STREET IMPROVEMENTS.**
  - (a) The streets and other open ways shall be brought to a grade as shown on the plans and profiles submitted with the preliminary plat, and constructed with hard, dust free, surface as approved by the City Engineer.
  - (b) Adequate facilities shall be provided for storm water drainage, including culverts; graded, constructed, and landscaped open water courses; or other drainage structures and work;

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to standards approved by the City Engineer.

- (c) The Commission may require such sidewalks, as it considers necessary to provide for the safety of pedestrians.
- (d) The sub-divider shall connect each house and lot with public water supply.
- (e) The developer shall provide sanitary sewers and lateral connections for each lot. Connections to public sanitary sewer lines shall be subject to the approval of and according to the specifications of the City. Combined sewers shall not be permitted.
- (f) When street trees are to be planted by the developer, they shall be a species and in a location approved by the Commission. Planting strips in street rights-of-way shall be loaned and seeded by the sub-divider.

### **(4) PUBLIC SITES AND OPEN SPACES.**

- (a) Where a subdivision contains land unsuitable for development because of poor drainage, flood condition, soil conditions or for any other reasons, such land shall be dedicated to the City or if the land is to be developed the sub-divider shall at his expense prepare and submit for the Commission's approval, engineering plans which will insure the public health, safety, and general welfare, and carry out the plans or provide a performance bond to insure that the plans will be completed within a specified time.
- (b) Where a subdivision contains land indicated in whole or in part as a site for a public park, school, recreation or other public use, on the Official Map, but is otherwise suitable for development, this land shall be dedicated to the City provided that the area dedicated need not exceed 15% of the total area of the subdivision.

### **(4) UNDERGROUND FACILITIES (Cr. Aug. 4, 1969) Facilities for distribution of electric, telephone, and gas utility service located within a subdivision, or a division of land less than a subdivision, shall be installed underground, except where the Council upon recommendations of the Plan Commission, finds that such installation prohibitively expensive or impractical. Transformers, junction boxes, meter points, or similar equipment may be installed upon the ground surface, if the location and utility approved landscape screening plan therefor have been approved by the Plan Commission.**

### **19.08 DIVISION OF LAND LESS THAN A SUBDIVISION.**

- (1) **PROCEDURE.** The divider of land into parcels less than a sub-division shall file a Certified Survey Map of the land division with the Commission. The Commission shall within 30 days approve, conditionally, or reject the Map. The divider shall be notified in writing of any conditions of approval or the reasons for rejection. No Certified Survey shall contain more than 4 parcels.

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### (2) REQUIREMENTS.

- (a) To the extent reasonably practicable the division of land shall comply with the provisions of this Chapter relating to general requirements and design standards and required improvements.
- (b) All corners shall be monumented in accordance with Sec. 236.15 (1) (c) and (d), Wis. Stats.
- (c) The map shall be prepared in accordance with sec. 236.20 (2) (a), (b), (c), (e), (f), (g), (h), (i), (j), (k) and (1), and 236.20 (3) (a), (b), (e), Wis. Stats., on durable white paper, 8-1/2" wide by 14", long. All lines shall be made with nonfading black ink at a scale of not more than 500' to an inch.
- (d) Utility Easements. All divisions of land under this section shall provide for public access easements on the subject property and any other adjacent property necessary to serve the subject property, prior to acceptance of the Certified Survey Map by the Planning Commission.

### (3) CERTIFICATION.

- (a) The map shall include the certificate of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with nonfading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. Public Land Survey or some corner providing reference to a corner marked and established in the U.S. Public Land Survey. Such certificate shall include the certificate of the surveyor to the effect that he has fully complied with the requirements of this section.
- (b) The certificate of approval of the Commission shall be typed, lettered or reproduced legible with nonfading black ink on the face of the map.

- (5) RECORDING. The map shall be filed by the divider for record with the Register of Deeds of Kewaunee County.

**19.09 VARIANCES.** The Commission may approve variances from these requirements in extraordinary hardship cases, which do not contravene the master plan or the intent of this chapter. All such variances shall be communicated to the Council in writing, showing evidence of extraordinary hardship justifying such variance before final approval of the plat by the Council. Such communication and evidence shall be made a part of the record.

**19.10 OFFICIAL MAP.** An Official Map of the City showing the location and width of existing streets, proposed streets, highways and parkways as laid out, shall be established

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**19.11 PLAT APPROVAL.** No land subdivision plat shall be approved unless such plan conforms to the Official Map.

**19.12 PERMITS.** For the purpose of conserving the integrity of the Official Map, no building shall be erected or located within the bed of any street, highway, or parkway shown on the Official Map unless a permit therefor shall first have been applied for and issued in accordance with sec. 62.23 (6) (d), (e), (f), and (g), Wis. Stats. The applicant for such permit shall submit to the Building Inspector, with his application, an accurate plat plan, certified by a qualified surveyor, showing the location of the proposed building with reference to any street, highway, or parkway shown on the Official Map.

**19.13 CHANGES AND AMENDMENTS.** The City Council may and after a public hearing as provided in sec. 62.23 (6) (b), change or add to the Official Map of the City so as to establish the exterior lines of planned new streets, highways and parkways or to widen, narrow, or close existing streets, highways, or parkways.

**19.14 REGISTRATION.** The City Clerk shall file with the Register of Deeds of Kewaunee County a certification showing that the City has established an Official Map and shall do likewise as to any changes or additions.

**19.20 PENALTY.** Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 20.04 of this Municipal Code. In addition to such penalty, the City Attorney may bring an action to enjoin any violation; and the Building Inspector is authorized to refuse to issue a building permit for construction on any premises contrary to this chapter. The Council may further order an Assessor's Plat to be making under sec. 70.27, Wis. Stats. at the expense of the sub-divider or his agent when a subdivision is created in violation of this chapter.