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#### 12.01 Purpose

The purpose of this ordinance is to promote the public health, safety and general welfare of the community and these regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to facilitate the further re-subdivision of larger tracts into smaller parcels of land. These regulations are made with reasonable consideration, among other things, of the character of the city with a view of conserving the value of the buildings placed upon land, providing the best possible environment habitation, and encouraging the most appropriate use of land throughout the city. (187)

#### 12.02 GENERAL REGULATIONS

- (1) Any division of land within the city or its extraterritorial plat approval jurisdiction which results in a subdivision as defined herein shall be, and any other division shall be, surveyed and a plat, thereof approved and recorded as required by this ordinance and Chapter 236, Wisconsin Statutes. (MC#1000)
- (2) Any division of land other than a subdivision within the city or its extraterritorial plat approval jurisdiction, or which a plat has not been approved and recorded, shall be surveyed and a certified survey map of such division approved and recorded as required by Section 12.09 of this Municipal Code and the Wood County Land Subdivision Ordinance and Chapter 236, Wisconsin Statutes. (MC#1000)
- (3) The provisions of this ordinance shall not apply to:
  - (a) Transfers of interests in land by will or pursuant to court order.
  - (b) Leases for a term not to exceed 10 years, mortgages or easements.
  - (c) Combining of two or more adjacent, previously surveyed parcels of land, under the same ownership, placed under one parcel number, for tax assessment purposes only. (MC#1000)

#### 12.03 DEFINITIONS

- (1) Subdivision is 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 five or more parcels of building sites of 1-1/2 acres each or less in area; or
  - (b) Five or more parcels or building sites of 1-1/2 acres each or less in area are created by successive division within a period of five years.
- (2) Extraterritorial Plat Approval Jurisdiction is the unincorporated area within three miles of the corporate limits of the city.
- (3) Street means a way for vehicular traffic, other than an alley.
- (4) Major Streets and Highways are those which are used primarily for fast or heavy traffic.
- (5) Collector Streets are those which carry traffic from minor streets to the system of major streets and highways, including the principal entrance of streets of a residential development and streets for circulation within such a development.
- (6) Minor Streets are those which are used primarily for access to the abutting properties.

- (7) Marginal Access Streets are minor streets which are parallel to and adjacent to major streets and highways; and which provide access to abutting properties and protection from through traffic.
- (8) Certified Survey Maps are maps of a parcel(s) of land prepared in accordance with Section 236.34, Wisconsin Statutes and the provisions of this ordinance. (MC#1000)

12.04 PROCEDURE

- (1) Preliminary Consultation. Previous to filing a preliminary plat the subdivider may consult the planning commission and its staff for advice and assistance.
- (2) Preliminary Plat.
  - (a) Before submitting a final plat for approval, the subdivider shall submit a preliminary plat and such copies thereof as shall be required to the city clerk who shall forthwith forward the plat to the planning commission and shall forward copies thereof to the appropriate state agencies as required by Chapter 236 of the Wisconsin Statutes. (MC#1000)
  - (b) After review of the preliminary plat and negotiations with the subdivider on charges deemed advisable and the kind and extent of public improvements which will be required, the planning commission shall, within 40 days of its submission, approve, approve conditionally, or reject the plat. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection.
  - (c) Approval of the preliminary plat shall entitle the subdivider to final approval of the layout shown by such plat if the final plat conforms substantially to such layout and conditions of approval have been met.
- (3) Final Plat.
  - (a) The final plat and five copies thereof shall be required to be submitted to the city clerk within six months of approval of the preliminary plat. However, if approval of the preliminary plat must be obtained from another approving authority subsequent to approval by the planning commission, the final plat shall be submitted within six months of such approval. The planning commission may waive failure to comply with this requirement.
  - (b) The city clerk shall forthwith forward the plat to the planning commission and shall forward copies of the plat to the appropriate state agencies as required by Chapter 236 of the Wisconsin Statutes. The planning commission shall refer the final plat with its recommendations to the common council within 60 days of its submission to the City Clerk, unless the time is extended by agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the council meeting and a copy thereof or a written statement of such reasons shall be supplied the subdivider. (MC#1000)
  - (c) If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Council will be inscribed on the original of the final plat, the surveyor or the subscriber shall certify the respects in which the original of the final plat differs from the true copy, and all modifications must be first approved.

12.05 GENERAL REQUIREMENTS AND DESIGN STANDARDS

- (1) General. The proposed subdivision shall conform to:
  - (a) The provisions of Chapter 236, Wisconsin Statutes;
  - (b) All applicable ordinances of the city;
  - (c) The rules of the State Board of Health relating to lot size and lot elevation if the subdivision is not served by a public sewer and provision for such service has not been made;
  - (d) The rules of the State Highway Commission relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts on a state trunk highway or connecting street.
- (2) Streets.
  - (a) General Considerations. The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets.
  - (b) Arrangement.
    - (1) Major streets shall be properly integrated with the existing and proposed system of major streets and highways.
    - (2) Collector Streets shall be properly related to special traffic generating from facilities such as schools, churches and shopping centers, to population densities, and to the major streets in which they feed.
    - (3) Minor streets shall be laid out to conform as much as possible to topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, to require the minimum amount of street necessary to provide convenient safe access to property.

- (4) Railroad Right-of-way or Limited Access Highway. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the plan commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of intervening land as for park purposes in residential districts or for commercial or industrial purposes in other districts.
- (5) Major Streets. Where a subdivision borders on or contains an existing or proposed major street, the plan commission may require that marginal access streets be provided, that the backs of lots abut the major streets and be provided with screen planting contained in a non-access reservation along the rear property line, that deep lots with rear service alleys be provided or that other provisions be made for the adequate protection of residential properties and the separation of through and local traffic.
- (c) Width. The right-of-way roadway of all streets shall normally be not less than the width specified below:
- |   | <u>Right-of-way</u> | <u>Roadway</u>            |         |
|---|---------------------|---------------------------|---------|
| (1) Major Streets   |                     | 80 feet primary arterial  | 48 feet |
|   |                     | 70 feet standard arterial | 44 feet |
| (2) Collector Streets   |                     | 66 feet                   | 40 feet |
| (3) Minor and marginal access streets shall have a right-of-way width of 60 feet and Roadway of 36 feet width, except that such streets of 50 feet right-of-way may, in particular conditions of hardship be approved by the common council, upon recommendation of the planning commission and public works committee. (MC#1000) |                     |                           |         |
- (d) Grades. The grade of major and collector streets shall not exceed six percent and the grade of all other streets shall not normally exceed 10 percent. The minimum grade of all streets shall be .3%.
- (e) Horizontal curves. A minimum sight distance with clear visibility, measured along the center line, shall be provided of at least 300 feet on major streets, 200 feet for collector streets and 100 feet on minor streets.
- (f) Vertical Curves. All changes in street grades shall be connected by vertical curves of a minimum length equivalent to 15 times the algebraic difference in the rate of grade for major streets and collector streets and 1/2 of the minimum length for all other streets.
- (g) Tangents. A tangent at least 100 feet long shall be introduced between reverse curves on major and collector streets.
- (h) Street Names. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the name of the existing streets.
- (i) Cul-de-sac or Dead End Streets. Streets designed to have one end permanently closed shall not exceed 500 feet in length and shall terminate with a turnaround of not less than 100 feet in diameter of right-of-way and a roadway turn-around of 80 feet in diameter.
- (j) Reserve Strips. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in city under conditions approved by the plan commission.
- (k) Half-streets. Where a half-street is adjacent to the subdivision, the other half of the street shall be dedicated by the subdivider.
- (3) Intersections.
- (a) Streets shall intersect as nearly as possible at right angles and no more than two streets shall intersect at one point unless approved by the plan commission.
- (b) Street jogs with center line offsets of less than 125 feet shall normally be avoided. Where streets intersect major streets, their alignment shall be continuous.
- (4) Alleys.
- (a) Alleys shall be provided in all commercial and industrial districts except that the plan commission may waive this requirement where other definite and assured provision is made for service access such as off-street loading and parking consistent with and adequate for the uses proposed.
- (b) Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.
- (c) The width of alleys shall not be less than 18 feet.
- (d) Dead end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Where dead end alleys are unavoidable they shall be provided with adequate turnaround facilities at the dead end.
- (5) Easements.
- (a) Easements across lots or centered on rear or side lot lines shall be provided for utilities where required by the plan commission and shall be at least 10 feet wide.
- (b) Where a subdivision is traversed by a water course, 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 such further width or construction, or both, as will be adequate for the

purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(6) Blocks.

- (a) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated but block lengths in residential area shall not normally exceed 1,254 feet nor be less than 264 feet between street lines.
- (b) Pedestrian crosswalks, not less than 10 feet wide, may be required by the plan commission through the center of blocks more than 900 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

(7) Lots.

- (a) In General. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (b) Access to Public Street. Every lot shall front or abut on a public street. Lots with an access only to private drives or streets shall be permitted only with plan commission approval.
- (c) Lots at Right Angles. Lots at right angles to each other should be avoided wherever possible, especially in residential areas.
- (d) Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.
- (e) Large Lots. In case a tract is subdivided into parcels containing one or more acres, such parcels shall be arranged to allow the re-subdivision of any parcels into normal lots in accordance with the provisions of this ordinance.
- (f) Municipal Boundaries. Lots shall follow municipal boundary lines whenever practicable, rather than cross them.
- (g) Double Frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

12.06 PUBLIC SITES AND OPEN SPACES

- (1) In the design of the plat, due consideration shall be given by subdivider and the planning commission to the reservation of suitable sites of adequate area for future schools, parks, playgrounds and other public purposes.
- (2) 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. (MC#15)
- (3) Where a subdivision is traversed by a water course, 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. (MC#15)
- (4) Where a subdivision contains land unsuitable for development because of poor drainage, flood conditions, soil conditions or for any other reasons, such land shall be dedicated to the City of Wisconsin Rapids or town in which it is situated, or if the land is to be developed the subdivider shall at its 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. (MC#15)

12.07 REQUIRED IMPROVEMENTS

- (1) The subdivisions shall be monumented as required by Wisconsin Statutes Section 236.15, which is hereby adopted by reference.
- (2) Streets and Utilities
  - (a) Before a final plat of a subdivision located within the corporate limits will be approved, the subdivider shall provide the following facilities, give them satisfactory proof that he has contracted to install such facilities, or file a performance bond insuring that such facilities will be installed within the time required by the common council.
  - (b) Streets graded to full width and the roadway graded to subgrade. The planning commission may require the delay of this work until after installation of water and sewer facilities providing a performance bond is filed insuring that the facility will be installed within the time required by the planning commission.
  - (c) Adequate facilities to provide surface water drainage.
- (3) The adequacy of such facilities shall be subject to approval of the city engineer. (MC#1000)

12.08 PLATS AND DATA

- (1) Preliminary Consultation Data. The following information shall be provided at the time of the preliminary consultation or upon filing the preliminary plat if no preliminary consultation is held:

- (a) Information including data on existing covenants, land characteristics and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park area, and other public areas, tree planting proposed protective covenants and proposed utilities and street improvements.
  - (b) A location map showing the relationship of the proposed subdivision to existing community facilities which serve or influence it. Include development name and location; main traffic arteries; public schools; parks and playgrounds; principal places of employment; other community features such as railroad stations, airports, hospitals and churches; title; scale; north arrow; and date.
  - (c) A sketch plan showing a simple sketch from the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a free hand pencil sketch but should be made directly on a print of topographic survey.
- (2) Preliminary Plat.
- (a) The preliminary plat shall be drawn with waterproof non-fading black ink or legibly drawn with pencil on tracing cloth, or tracing paper of good quality on a scale of not more than 100 feet to an inch and shall show directly on its face:
  - (b) Date, scale and north point.
  - (c) The proposed subdivision name, which shall not duplicate the name of any plat previously recorded in Wood County.
  - (d) The name and address of the owner, the subdivider and the engineer or surveyor preparing the plat.
  - (e) Location of the subdivision by government lot, quarter-quarter section, township, range and county.
  - (f) A small scale drawing of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon.
  - (g) The exact length and bearing of the exterior boundaries of the subdivision.
  - (h) Location and names of adjacent subdivisions and the owners of adjoining parcels of un-subdivided land.
  - (i) Zoning on and adjacent to the subdivision.
  - (j) Location, widths and names of all existing and platted streets, alleys or other public ways and easements, railroad and utility right-of-ways, parks, cemeteries, water courses, drainage ditches, permanent buildings, bridges, and other pertinent data as determined by the plan commission.
  - (k) The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to established datum plane of the city of Wisconsin Rapids.
  - (l) If the subdivision borders a lake or stream, the distances and bearings of a meander line established not less than 20 feet back from the ordinary high water mark of the lake or stream.
  - (m) Layout, width and approximate grades of all new streets and right-of-ways, such as alleys, highways, easements for sewers, water mains, and other public utilities.
  - (n) Direction and distance to nearest water and sewer mains.
  - (o) Approximate dimensions of and areas of lots.
  - (p) Proposed building lines.
  - (q) Approximate radii of all curves and length of tangents.
  - (r) Approximate location and area of property proposed to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.
  - (s) Contours at vertical intervals of not more than two feet or at more frequent intervals if required by the plan commission for land or unusual topography.
- (3) Final plat.
- (a) A final plat of subdivided land shall comply with the requirements of Section 236.20 which is hereby adopted by reference.
  - (b) The affidavits and certificates required by Chapter 236 shall be lettered or printed legibly with black, durable ink or typed legibly with dark ribbon on the final plat.
  - (c) When the street is on a circular curve, all deflection angles and chord lengths to lot corners must be shown on an adjoining table.

#### 12.09 LAND DIVISIONS OTHER THAN SUBDIVISIONS

- (1) Procedure. The divider shall file a certified survey map with the planning commission, which shall within 40 days approve, approve conditionally, or reject the map. The divider shall be notified in writing of any conditions of approval or the reasons for rejection.
- (2) Requirements. (MC#1000)

- (a) When it is proposed to divide land into two or more parcels, lots, outlots or building sites, or any combination thereof (not requiring a subdivision plat) any of which is five acres or less in size, or when it is proposed to divide a block, lot or outlot into more than two parcels or building sites within a recorded plat, or when it is proposed to combine previously surveyed and recorded parcels with other surveyed or unsurveyed parcels, the subdivider shall utilize a Certified Survey Map prepared in accordance with Section 236.34, Wisconsin Statutes, and this ordinance. In cases where lots are being created from a large tract of land, tracts over twenty acres in size need not be mapped. However, tracts of lands of five acres or less in size shall not be left as unplatted lands. Creation of land-locked parcels shall not be allowed.
  - (b) To the extent reasonably practicable the division shall comply with the provisions of this ordinance relating to general requirements and design standards and required improvements.
  - (c) The survey shall be performed and the map prepared by a qualified surveyor.
  - (d) All corners shall be monumented in accordance with Section 236.15(1)(c) and (d).
  - (e) The map shall be prepared in accordance with Section 236.20(2)(a), (b), (c), (e), (f), (g), (h), (l), (j), (k), and (l) and on durable white paper 8-1/2 inches wide by 14 inches long. All lines shall be made with non-fading black ink on a scale of not more than 500 feet to an inch.
  - (f) After a special assessment has been levied against a parcel of land, the parcel shall not be divided into two or more lots any of which have less than 270 feet of frontage on any street unless all outstanding special assessments have been paid on the lots having less than 270 feet frontage. (MC#52)
- (3) Certificates and Affidavits.
- (a) The map shall include the affidavit of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with non-fading 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 affidavit shall include the statement of the surveyor to the effect that he has fully complied with the requirements of this section.
  - (b) The certificate of approval of the plan commission shall be typed and lettered or reproduced legibly with non-fading ink on the face of the map. (MC#1000)
- (4) The map shall be filed by the divider for record with the register of deeds.

#### 12.10 SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS

##### (1) Successive Divisions

- (a) Where it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this ordinance, the common council may in lieu thereof order an assessor's plat to be made under Section 70.27 of the Wisconsin Statutes and may assess the cost thereof as provided in such section, or to the subdivider.
- (b) Regardless of the type of plat filed, any such subdivision shall comply with all provisions of this ordinance to the extent that they may reasonably be applied.

#### 12.11 VARIANCES

When in the judgment of the planning commission or the common council it would be inappropriate to apply literally a provision of this ordinance because the subdivision is located outside the corporate limits or because extraordinary hardship would result, it may waive or vary such provisions so that substantial justice may be done and the public interest secured, provided that in no event shall the requirement of filing and recording the plat or survey map be waived. (187)

#### 12.12 FINAL PLAT

- (1) Whenever any owner, subdivider, or his agent, has divided land into five or more lots of 1-1/2 acres each or less in area or shall in any calendar year divide any tract of land into five or more parts on 1-1/2 acres each or less in area, for the purpose of sale, such owner, subdivider, or his agent, shall cause to be recorded in the office of the register of deeds of Wood county, a final plat thereof in all respects in full compliance with this ordinance.
- (2) It shall be unlawful for any subdivider, or any other person to contract for sale, to sell, or offer to sell any such subdivision or part thereof, until a final plat thereof in compliance with the provisions of this ordinance has been duly recorded in the office of the register of deeds of Wood County.
- (3) It shall be unlawful for any person to sell, contract to sell, or offer for sale any such subdivision, or any part thereof, by reference to any map or plat, unless such map or plat has been recorded as provided in this ordinance. Nothing herein contained shall be deemed to bar any remedy to which any aggrieved municipality other political subdivision, or person may otherwise be entitled. Any sale, or contract to sell, contrary to the

provisions of this ordinance shall be voidable at the option of the buyer or person contracting to purchase, his heirs, personal representatives or trustee in insolvency or bankruptcy within one year after execution of the document of sale or contract but such document shall be binding upon the vendor, his assignee, heir or devisee. (103)