

CHAPTER 14
LAND SUBDIVISION REGULATIONS

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14.01 INTRODUCTION AND PURPOSE. In order to promote the public health, safety and general welfare, to further the orderly layout and use of land within the City of South Milwaukee, Wisconsin, and to accomplish the purposes stated in Section 236.45(1), Wisconsin Statutes, it shall be the purpose of this ordinance to regulate and control the subdivision of land within the corporate limits of the City of South Milwaukee. The provisions contained in Chapter 236 of the Wisconsin Statutes governing the subdivision and platting of lands and such other state laws as may apply and any revisions or amendments thereof enacted by the State Legislature are all made a part hereof with the same force and effect as if herein set forth in full, except that where the provisions of this ordinance are more restrictive, the provisions of this ordinance shall apply.

14.02 APPLICATION OF THIS CHAPTER.

(A) As used in this chapter, the term "subdivision" shall mean 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:

- (1) The act of division creates three or more parcels or building sites of three acres each or less in area; or
- (2) Three or more parcels or building sites of three acres each or less in area created by successive divisions within a period of five years.

(B) Any division of land which shall result in a subdivision, as herein defined, must first be surveyed and plats thereof submitted, approved and recorded in the manner and subject to the conditions provided in this chapter.

(C) Any division of land other than a subdivision for which a plat has not been approved and recorded shall be surveyed and a certified survey map of such division approved and recorded in the manner provided in this chapter. No building permit shall be granted for any such parcel of land until this requirement has been met.

(D) No building permit shall be granted for any unplatted parcel of land in the city. A certified survey map shall be required for any parcel of land that has not been previously subdivided, and a certified survey map shall also be required for the redivision of lands even though previously subdivided. Cr. 11/16/71, 928

14.03 PRELIMINARY PLAT - SUBDIVISIONS.

(A) Any owner or his agent proposing to create a subdivision as hereinbefore defined shall first submit eight prints of a preliminary plat along with a written application for approval to the Common Council of the City of South Milwaukee.

(B) A preliminary plat shall be drawn on transparent paper or cloth or other material from which blueprint copies can be made.

(C) The scale of the preliminary plat is optional but shall not be smaller than 100 feet to one inch.

(D) The preliminary plat shall show:

(1) The location of then existing property lines, streets, buildings, water courses, railroads, utilities and other similar features within the tract being subdivided.

(2) The names, locations, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, lot lines, building lines and utilities within the tract being subdivided.

(3) The approximate location in the adjoining streets or property of any existing sewers and water mains, culverts and drain pipes, electric conduits or lines proposed to be used on the property to be subdivided.

(4) The title under which the proposed subdivision is to be recorded with the names and addresses of the owner and the technical author of the plan.

(5) The names of subdivisions immediately adjacent; also the location and names of adjacent streets and other public spaces on immediately adjoining properties.

(6) All parcels of land proposed to be dedicated to public use and the conditions of such dedication if any.

(7) Contours at vertical intervals of not more than five feet where the slope is greater than 10% and not more than two feet where the slope is less than 10%. Elevations shall be marked on such contours based on the City of South Milwaukee datum. In addition to the existing contours, proposed grading contours shall be shown for approval along with proposed lot corner and building grades.

(8) Date, north point, and scale.

(9) Profiles showing existing ground surface and proposed street grades including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross-sections of the proposed grading, roadway and sidewalk. All elevations shall be based on the City of South Milwaukee datum.

(E) After approval of the preliminary plat by the City Plan Commission, it shall be submitted to the Common Council along with a statement of the conditions upon which the approval was based. At this time, the City Plan Commission shall also make recommendations to the Council as to what site improvements if any should be made prior to the approval of the final plat. The preliminary plat, along with the recommendations, shall be considered by the Council at its next regular meeting. If approved, the Council shall by resolution indicate its approval of the preliminary plat with any conditions upon which the approval is based and shall specify what improvements will be required before acceptance of the final plat. A certified copy of this resolution along with a copy of the preliminary plat shall be sent to the person or persons submitting the plat.

14.04 FINAL PLAT - SUBDIVISIONS.

(A) SUBMISSION. Within six months after the final approval of the preliminary plat, there shall be submitted for approval to the Common Council eight copies of the final plat drawn in conformity with the regulations contained in Chapter 236, Wisconsin Statutes, governing the platting of lands, recording and vacating plats.

(B) FILING. After having had necessary approvals, two copies as recorded in the Office of the Register of Deeds shall be filed in the Office of the City Engineer. The scale and size of these file copies shall be the same as the original plat drawing.

14.05 CERTIFIED SURVEY MAPS.

(A) The provisions of Section 236.34, Wisconsin Statutes, relative to the use of certified survey maps are hereby adopted and made a part hereof by reference as though the same were fully set forth herein. Such provisions shall be subject to the additional requirement that the procedure therein provided may be used for divisions of land in the City of South Milwaukee only with approval of the Common Council and submission of the City Plan Commission.

(B) The resolution of the Common Council approving such map shall appear on the face thereof.

(C) Four copies of the certified survey map shall be submitted together with a request for approval of the Common Council. Following such approval and after having been recorded in the Office of the Register of Deeds, two copies shall be filed with the City Engineer.

(D) The map shall comply with all provisions of this chapter except that the Common Council may in its discretion determine that any such provisions are impracticable and not in the public interest in a particular case.

14.06 DESIGN REQUIREMENTS.

(A) REFERRAL TO THE MASTER SUBDIVISION PLAN. The City Plan Commission shall refer to the Official Map or Master Subdivision Plan as established by Chapter 13 of the South Milwaukee Code when considering preliminary plats submitted for approval. The City Plan Commission will compare the proposed layout of blocks and orientation, length and widths of streets and such other features as may be incorporated in the plan with those shown on the Master Subdivision Plan. Wherever necessary and advisable, the City Plan Commission may authorize duly held public hearings to permit a variance from the exact design as shown on the Official Map or Master Subdivision Plan.

(B) VARIANCE FROM WRITTEN REQUIREMENTS.

(1) Master Subdivision Plan to Govern. Wherever the street, block or other design features shown on the Master Subdivision Plan are at variance with the written requirements of this chapter, the Master Subdivision Plan shall govern.

(2) Variance. Wherever a strict compliance with the requirements contained in this chapter would work an unnecessary hardship on an owner of lands to be subdivided, the City plan Commission may authorize duly held public hearings to permit a variance from the exact design as shown on the Official Map, provided the granting of same does not detrimentally affect the public interests, or the spirit and intent of this chapter or of Chapter 13.

(C) ACCESS TO STREETS. There shall be no reserve stripe controlling access to streets except where the control of such stripe is definitely placed in the city under conditions approved by the City Plan Commission. The subdividing of the land shall be such as to provide each lot, by means of a public street or way, with satisfactory access to an existing public highway or to a thoroughfare as shown on the Master Subdivision Plan.

(D) STREET AND BLOCK LAYOUTS.

(1) Street and block layouts shall conform to those shown on the Master Subdivision Plan, and as far as practicable, all proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

(2) Proposed streets shall be extended to the boundary lines of the tract to be subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the City Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision, or for the most advantageous development of adjacent tracts.

(3) Streets shall be adjusted to the topography wherever practicable.

(4) Streets shall intersect each other as nearly at right angles as topography and other limiting factors of good design permit.

(5) Number of streets converging at one intersection shall be reduced to the minimum possible.

(6) Alleys shall be provided in all business sections and parallel to major streets in blocks platted along major streets but will not be approved in residential areas unless in the rear of lots fronting on major thoroughfares or unless required by topography or other exceptional circumstances.

(7) Community layouts are to be comprehensively designed to provide adequately for through and local traffic requirements; for the adequate circulation of pedestrians; and for a system of service drives which serve only as a means of access to the lots abutting thereon. Such community layouts shall be subject in all details to the approval of the City Plan Commission.

(8) Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision shall be made on each side of such right-of-way for streets approximately parallel to and at a distance suitable for appropriate use of the land between such streets and the railroads but not less than 150 feet. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate gradients.

(9) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths.

(10) A crosswalk or pedestrian way not less than 10 feet wide shall be provided near the center and entirely across any block 900 feet or more in length.

(11) The number of intersecting streets along major streets should be held to a minimum. Whenever practicable, blocks along major streets should not be less than 1000 feet in length.

(E) MINIMUM RIGHT-OF-WAY WIDTHS OF STREETS, ALLEYS AND EASEMENTS FOR UTILITIES. On all new plats minimum right-of-way widths of streets, alleys and easements shall be as follows:

(1) Main thoroughfares shall be of the width specified on the Official Map and in any case not less than 80 feet.

(2) Boulevards and parkways not less than 100 feet.

(3) Secondary thoroughfares - 66 feet.

(4) Minor streets not over 600 feet in length - 50 feet.

(5) Local service streets and dead-end streets - 50 feet. All dead-end streets shall terminate in a circular turnaround having a minimum right-of-way diameter of 100 feet.

(6) Alleys - 20 feet.

(7) Where alleys of less than 20 feet are provided, the commission may require easements not exceeding 10 feet on each side of all rear lot lines and on the side lot lines where necessary, or in the opinion of the commission, advisable for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains, or other utility lines. Easements of the same or greater width may be required along the lines of or across lots where necessary for the extension of the existing or planned utilities. If, in the opinion of the commission, the most suitable and reasonable locations for any of the utilities such as sewers, storm drains, water and gas pipes and electric pole lines and conduits, which are likely to be required within a subdivision, either for the service thereof or for service of areas in the surrounding territory, do not lie wholly within the streets, including alleys if any, shown upon the plat, the commission may require insofar as reasonable, provision to be made for the location of such utilities on routes elsewhere than within said streets on the plat or by the filing of supplementary instruments which will adequately protect the public interest in the proper location of said utilities.

(8) In the case of parkways influenced by topographical features such as streams or lakes, ravines or hills or other such natural features, the width and location shall be determined by such feature, and dedication for such parkway shall be made on the plat.

(F) MINIMUM ROADWAY WIDTHS.

- (1) Main thoroughfares - 40 feet.
- (2) Secondary residential thoroughfares - 36 feet.
- (3) Boulevards - Two roadways with a minimum width of 28 feet each.
- (4) Minor streets - One 26-foot roadway.
- (5) Dead-end streets and local service streets - 26 feet. The pavement of a turning circle at the end of a dead-end street shall have a minimum outside diameter of 70 feet.
- (6) Alleys where required - 20 feet.

(G) STREETS, GRADES, CURVES AND SIGHT DISTANCES.

(1) The grade of no street shall exceed 10% unless necessitated by exceptional topography. In all other cases, maximum grades shall not exceed the following:

- (a) Main thoroughfares, boulevards, parkways and secondary thoroughfares - 6%.
- (b) Minor streets, local streets and alleys - 8%.
- (c) Pedestrian ways or crosswalks - 20% unless steps of an acceptable design are to be constructed.

All changes in the street grades shall be connected with vertical curbs of a minimum length equivalent in feet to 30 times the algebraic difference in the rate of grade for main thoroughfares, boulevards, parkways and secondary thoroughfares, and 1/2 of this minimum for all other streets.

(2) The radii of curvature on the center line shall not be less than the following:

- (a) Main thoroughfares, boulevards and parkways - 300 feet.
- (b) Secondary thoroughfares - 200 feet.
- (c) Minor and local service streets - 100 feet.

A tangent at least 100 feet in length shall be provided between reversed curves.

(3) The following minimum sight distances or clear visibility measured along the center line shall be provided:

- (a) Main thoroughfares, boulevards and parkways - 300 feet.
- (b) All other streets - 200 feet.

(H) LOTS.

(1) The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated.

(2) Every lot shall front or abut on a public street.

(3) Lots for residence purposes shall have an area of not less than 7200 square feet and shall be at least 60 feet wide on the building line.

(4) Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face.

- (5) Corner lots shall be platted at a width sufficient to maintain setbacks on both streets.
- (6) In case a tract is subdivided into parcels containing one or more acres, such parcels shall be so arranged as to allow the re-subdivision of any such parcels into normal lots in accordance with the provisions of these subdivision rules.
- (7) Lots shall follow municipal boundary lines wherever practicable rather than cross them.
- (8) All lots shall be of such shape and area as to be especially suitable for the purposes for which they are intended to be used.

14.07 IMPROVEMENTS.

(A) **IMPROVEMENTS REQUIRED.** Before final approval of the plat or of the certified survey map, the subdivider or person(s) submitting the certified survey map shall make provision for the installation of street and utility improvements for the platted areas, or the areas contained in the certified survey map, and for any public right-of-way areas abutting the platted areas or abutting the areas of the certified survey map. Such improvements shall be as follows: Am. 03/20/73, 958

- (1) Water Mains. As directed by the City Engineer to conform with master layout plans.
- (2) Sanitary Sewers. As directed by the City Engineer to conform with master layout plans.
- (3) Storm Sewers. The subdivider shall be required to deposit with the city, for the purpose of storm sewer construction, an amount established by resolution of the Common Council. Rep. & Recr. 04/05/00, 1764
- (4) House Laterals. All lots having sewer and water access shall have laterals installed to the property line immediately following the main installations or at least one year prior to any street paving. A record showing the actual location of the terminus of said laterals as referenced to a lot corner shall be furnished on a copy of the plat of the subdivision and filed with the City Engineer.
- (5) Street Grading. Before any improvements are begun in the subdivision, the subdivider shall cause all streets to be rough graded to grades approved by the City Engineer. After all street underground utilities are installed, the streets shall have final grading performed to prepare said street for surface improvements. Any sub-base and base preparation deemed necessary by the City Engineer to provide a suitable roadbed shall be performed before final surfacing will be authorized.
- (6) Street Paving. Street paving, which shall also include curb and gutter in all streets of the subdivision, shall be completed after the elapse of one winter - spring and shall consist by one of the following as directed by the Common Council and shall conform to specifications on file in the Office of the City Engineer: Rep. & Recr. 10/21/86, 1338
 - (a) Concrete pavement
 - (b) Stone base and bituminous concrete pavement

(7) Alley Paving. Paving with concrete in conformance with standard specifications shall be completed as soon as authorized by the City Engineer.

(8) Lot Grading. Before approval of the final plat or following a written agreement entered into between the subdivider and the City of South Milwaukee, which provides that before any permit for building construction shall be issued, the lots within the subdivision shall be improved and graded in accordance with an approved grading plan. The approved grading plan shall establish finished yard grades at the building, finished grades along all property boundaries, finished grades along all swales and drainage courses not located on property boundaries, the type and estimated bearing capacity of the parent soil, and a determination of the suitability of the soil to support construction of buildings which are permitted on the site. Lots within the subdivision shall be graded in accordance with the approved grading plan including the removal of unstable soils and replacement of suitable material in a manner to provide for sufficient bearing capacity to support structures to be placed on the site except as may otherwise be provided for in this section.

Excavated material from basements or other foundations may be used for fill to achieve final grade on the lot. Where fill which is excavated from basements or other foundations is used, rough grading of lots must be accomplished before construction begins. Final grading must be completed when basement fill becomes available. No occupancy permit shall be granted until final grading is completed. If the subdivider proposes alternate methods for foundation construction so as not to be required to remove and replace unstable low bearing capacity soils, he shall submit detailed foundation construction plans which have been prepared by a Registered Professional Engineer or Architect in the State of Wisconsin. Such alternate method shall be subject to approval by the City Engineer and Building Inspector. Am. 07/15/75, 1014; Am. 12/15/98, 1721

(9) Sidewalks. Sidewalks shall be installed on all frontages abutting public streets and in pedestrian walks.

(10) Street Trees. Trees of a type, size and spacing as directed by the Plan Commission shall be planted on both sides of all streets within the subdivision. Good tree planting practices shall be employed in setting and caring for all trees.

(11) Surveying. After completion of final lot grading, all lot and block corners shall be monumented permanently in the manner shown on the final plat.

(12) Electric Power, Street Lighting and Telephone Service Installations. All electric power, street lighting and telephone lines shall be installed underground in easements provided therefore where deemed feasible by the City Plan Commission. Am. 04/25/68, 847

(13) Underground Wiring - Street Lighting. The subdivider shall be required to deposit with the city a sum of money to be determined by the City Engineer for the purpose of paying the charges of the Wisconsin Electric Power Co. for the installation of underground wiring for street lighting. The City Engineer shall have the authority to waive this charge if the subdivision is not in an area where installation of underground wiring is contemplated. Cr. 05/16/72, 941

(B) WORK TO BE DONE BY THE CITY. The following work in new subdivisions is to be done only by city contract. Plans, specifications and contracts will be prepared by the city in addition to surveying and inspection of the work. The subdivider shall provide the necessary preliminary information such as street profiles, elevations of existing sewers and manholes and other such information necessary to prepare plans.

- (1) Water Mains
- (2) Sanitary Sewer
- (3) Storm Sewer
- (4) Street Paving and Curb and Gutter
- (5) Alley Paving
- (6) Sidewalks

(C) WORK TO BE DONE BY SUBDIVIDER. All other required work listed in 14.07(A) above shall be done by the subdivider subject to inspection and approval by the City Engineer prior to release of the security required in Section 14.08.

14.08 SECURITY AND CHARGES.

(A) Prior to final approval of a subdivision plat or certified survey map by the Common Council, a suitable surety bond, certified check, cash deposit or other satisfactory security guaranteeing the performance of the work required to be done by the subdivider under the provisions of Section 14.07(C), together with sufficient cash or an irrevocable letter of credit which shall be guaranteed by a bank and which shall be approved by the City Attorney to cover the estimated cost of all improvements required by Section 14.07(B) must be filed by the City Clerk. The amount to be so required shall be determined by the City Engineer. Am. 04/07/71, 916

(B) The actual cost of all improvements required by Section 14.07(B) shall be paid by the subdivider including an additional charge for sewers as provided in Section 14.07(A)(3) shall be the only charge for such improvement. The engineering and administrative fees shall be as follows: Am. 10/07/69, 881

- (1) Water Main - 10% of final contract price
- (2) Sanitary Sewer - 10% of final contract price
- (3) Street Paving - 10% of final contract price
- (4) Alley Paving - 10% of final contract price

The subdivider will be advised monthly of the cost of completed work and such amount will then be withdrawn from his cash deposit and transferred to the proper city fund for payment to the contractor. If the cost of the work exceeds the amount of the deposit, the subdivider will be required to deposit such excess amount within 10 days after notification thereof and his failure to do so will constitute a violation of this ordinance. Any excess deposit remaining after final payment for all improvements will be refunded to the subdivider on approval of the Common Council.

(C) When the platting of lands involves only a portion of the full width of a street right-of-way, a short length of street, or some other condition in which the full improvement of such street is not practical at the time of platting, the Council may elect by resolution to either: (a) hold the necessary security in a special deposit as full payment for the work at some future date; or (b) waive security deposit for such work in favor of future assessments against the benefitted property.

(D) When street improvements other than storm sewers are to be installed and will serve abutting property which is not within the subdivision, the subdivider may petition for the installation of such improvements by the city in the next succeeding Public Works Program. If the Common Council approves of such procedure, the cost of installation of such improvements will be assessed by the city against all the property benefitting thereby. As a condition of such approval, the subdivider must pay the assessments against his property out of his security deposit at the time the assessment is levied and may not elect to pay the same in installments.

14.09 PENALTIES.

(A) Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be assessed a forfeiture of not less than \$25.00 nor more than \$200.00 and the costs of prosecution for each offense, and in case of default in the payment of such forfeiture and costs, shall be confined in the House of Correction for a period not to exceed 60 days.

(B) Each day that any such violation exists shall be considered a separate and distinct offense.

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