

**CHAPTER 18**

**SUBDIVISION AND PLATTING**

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**18.01 PURPOSE.** The purpose of this chapter 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; further the orderly layout and use of land; secure safety from fire, panic and other dangers; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; and 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 to conserving the value of the buildings placed upon land, providing the best possible environment for human habitation and encouraging the most appropriate use of land throughout the City.

**18.02 GENERAL PROVISIONS.** (1) The provisions contained in Chapter 236, Wis. Stats., governing the subdivision and platting of land, and such other State laws as may apply and any revisions or amendments thereof enacted by the State Legislature; the rules of the Department of Commerce relating to lot size and lot evaluation if the subdivision is not served by a public sewer and provision for such service has not been made; and the rules of the Department of Transportation relating to safety of access and preservation of the public interest and investment in the streets if the subdivision abuts on a State trunk highway or connecting street, are all made a part hereof with the same force and effect as if herein set out in full, except that where the provisions of this chapter are more restrictive the provisions of this chapter shall apply.

(2) 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 may be, surveyed and a plat thereof made, approved and recorded as required by this chapter and by Chapter 236, Wis. Stats.

(3) Any division of land other than a subdivision within the City or its extraterritorial plat approval jurisdiction, of which a plat has not been approved and recorded, shall be surveyed and a certified survey map of such division approved and recorded with the Register of Deeds as required by Section 18.04 (2) and Chapter 236, Wis. Stats.

**18.03 DEFINITIONS.** (1) **MUNICIPALITY OR CITY.** The City of Kiel.

(2) **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 developments, where:

(a) The act of division creates 5 or more parcels or building sites of 1 1/2 acres each or less in area.

(b) Five or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions within a period of 5 years.

(c) The act of division involves the creation of a new street.

(3) STREET. A public thoroughfare affording access to abutting property.

(a) Major Street. A public thoroughfare capable of accommodating heavy traffic.

(b) Collector Street. A street which will carry traffic from minor streets to a major street system and includes principal entrance streets of developed areas and the primary circulating streets within a developed area.

(c) Minor Street. A street used primarily for access to the abutting properties.

(d) Cul-de-sac. A minor street having one opened end and being terminated at the other by a turnaround.

(4) ALLEY. A public way affording secondary means of access to abutting property.

(5) LOT. A portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of ownership or for building development.

(6) OUTLOT. A portion of a subdivision or other land division not of standard "lot" size, but provided as a remnant of the subdivision, the intention of which is to either redivide it in the future into "lots" or combine it with one or more other adjacent "outlots" or "lots" in other subdivisions or land divisions to create buildable "lots".

**18.04 SUBDIVISION PROCEDURE.** (1) PRELIMINARY CONSULTATION. The subdivider may, before submitting a plat for official filing, consult or meet with the Plan Commission for advice and assistance. This step does not require formal application, fee or filing of a plat with the Plan Commission or City Council but may include a preliminary sketch.

(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 Council for preliminary approval.

(b) Official Filing. The submission of the prints of a preliminary plat shall constitute an official filing and the Administrator shall note on each print the date filed and shall forthwith forward copies to the following:

1. Three copies for the Office File to the City.
2. Two copies to the Plan Commission.
3. Two copies to the City Engineer.
4. Two copies to the State Department of Administration as set forth in Chapter 236, Wis. Stats.
5. Four copies to the County Planning Agency, if required.
6. If the subdivision abuts or adjoins a State trunk highway or connecting street, 2 copies to the Department of Transportation.
7. If the subdivision is not served by a public sewer and provision for such service has not been made, 2 copies to the State Department of Commerce.

(c) Official Approval. 1. The City Council shall, within 40 days of submission of the preliminary plat, review the plat and negotiate with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, and approve, approve conditionally or reject the plat. The subdivider and his surveyor shall be notified in writing of any conditions of approval or the reasons for rejection.

2. 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 the preliminary plat and all conditions of approval have been met.

(d) Engineering Data Requirements. 1. The preliminary plat shall be prepared by a registered land surveyor on tracing cloth or paper of good quality at a scale of not more than 100' to 1" and shall show correctly on its face:

- a. Date, scale and north point.
- b. The title, in accordance with the City standard for titling subdivisions, under which the proposed subdivision is to be recorded.
- c. The name and address of the owner, the subdivider and surveyor preparing the plat.
- d. Location of the proposed subdivision by government lot, quarter section, township, range and county.
- e. Exact length and bearings of the exterior boundaries of the proposed subdivision and the approximate acreage therein.

- f. Location and names of adjacent subdivisions.
- g. Zoning on and adjacent to the proposed subdivision.
- h. Location, widths and names of any adjacent existing highways, streets, alleys or other public ways, easements, railroad and utility rights-of-way, parks and cemeteries.
- i. 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.
- j. The approximate location, size and elevations within the proposed subdivision and in the adjoining streets or property of any existing sewers, water mains, culverts, drain pipes, including farm drain tile, electric conduits proposed to be used on the property to be subdivided; or direction and distance to nearest water and sewer mains if not adjacent or within the tract to be divided.
- k. The location of existing property lines, streets, drives, buildings, water courses, utilities, railroads and other similar features within the tract being subdivided.
- l. The water elevations of adjoining lakes or streams at the date of survey and approximate high- and low-water elevations, all referred to U.S.G.A. data.
- m. Locations, widths and names of all proposed streets and rights-of-way such as alleys and easements and all parks and other open spaces. Street names shall be as provided by the City.
- n. Approximate dimensions of all lots together with proposed lot and block numbers or consecutive lot numbers.
- o. Approximate dimensions of all parcels of land proposed to be dedicated to public use and the conditions of such dedication, if any.
- p. Proposed building setback lines.
- q. Approximate radii of all curves and length of tangents.
- r. Source of domestic water supply and type of sewage disposal, locations of sites for community domestic water facilities and community sewage treatment or handling facilities, all subject to the rules and regulations of the State Department of Health and Family Services, Division of Health.
- s. Contours at vertical intervals of not more than 5' where the

slope is greater than 10% and not more than 2' where the slope is less than 10%. Elevations shall be marked on such contours based on U.S.C. & G.S. data.

2. In addition the City Council may require any one or all of the following:

a. Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision. Elevations shall be based on U.S.C. & G.S. data.

b. A draft of protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

(e) FINAL PLAT. 1. The final plat and such copies thereof as shall be required shall be submitted to the Administrator not later than 6 months after the approval of the preliminary plat. The City Council may refuse to approve such final plat if not submitted within such specified time.

2. Within 2 days after the filing of any final plat with the Administrator, legible copies thereof furnished by the subdivider at his expense shall be forwarded by the Administrator to the following agencies:

a. Three copies to the Office File of the City.

b. Two copies to the Plan Commission.

c. Two copies to the City Engineer.

d. Two copies for each of the State agencies required to review the plat to the Department of Administration as set forth in Section 236.12, Wis. Stats.

e. Four copies to the County Planning Agency, if required.

3. The City Council shall approve or reject the final plat within 60 days of its submission unless the time is extended with the subdivider and the time of such extension is entered upon the minutes of the Council. 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 and his surveyor.

4. The Administrator shall certify on the face of the plat that the copies referred to above were forwarded as required and the date thereof, and that no objections to the plat have been filed within the 60-day limit set by Section 236.11 (2), Wis. Stats., or if filed, have been met.

5. The City Attorney may require the subdivider to furnish an abstract of title or, at the option of the subdivider, title insurance or certificate of title certified to the date of submission of the plat for approval to ascertain the fact that all parties having an interest in the lands have signed the owners' certificate on the plat.

**18.05 LAND DIVISIONS OTHER THAN SUBDIVISIONS.** (1) PROCEDURE. The subdivider shall first consult with the City Council regarding the requirements of this section before submission of his plat or map. Following consultation, the final plat and such copies thereof as shall be required shall be submitted to the City Council which shall approve, approve conditionally or reject the plat within 60 days. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection.

(2) REQUIREMENTS. (a) To the extent reasonably practicable, the plat shall comply with the provisions of this section relating to general requirements and design standards and required improvements.

(b) The survey shall be performed and the map prepared by a registered surveyor.

(c) All corners shall be monumental in accordance with Section 236.15, Wis. Stats.

(d) The final plat shall be prepared in accordance with Section 236.20, Wis. Stats. All lines shall be made with nonfading black image to a scale of not more than 100' to 1".

(e) If any lots in the plat are not to be served by municipal sanitary sewer, the rules of the State Department of Commerce applicable to subdivisions shall be complied with.

(3) CERTIFICATES. (a) The map shall include the certificate of ownership and the certificate of the surveyor who surveyed and mapped the parcel, typed, lettered, or reproduced legibly with nonfading black image, 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 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, lettered or reproduced legibly with nonfading black image on the face of the map.

(4) RECORDING. Following approval of the certified survey map, it shall be filed for record with the Register of Deeds and a duplicate tracing shall be filed with the Administrator.

**18.06 GENERAL REQUIREMENTS AND DESIGN STANDARDS.** (1) GENERAL. The proposed subdivision shall conform to:

(a) The provisions of Chapter 236, Wis. Stats., which are hereby adopted by reference.

(b) All applicable ordinances of the City.

(c) Design and construction standards as established by the City.

(d) The Master Plan of the City.

(e) The Official Map of the City.

(f) All rules and regulations of State or federal agencies with authority to regulate land use within the corporate limits of the City.

(2) STREETS. (a) General Considerations. Streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features, such as stream and existing tree growth, to public convenience and safety and in appropriate relation to the proposed use of the land to be served by such streets.

(b) Width. All streets shall be not less than 60' in width.

(c) Grades. The grade of streets shall not exceed 8%, unless necessitated by topography and approved by the Council.

(d) Alignment and Visibility. There shall be a minimum sight distance with clear visibility along the centerline of all major streets of not less than 500'.

(e) Dead End Streets. Cul-de-sacs or streets designed to have one end permanently closed shall terminate with a turnaround of not less than 120' in diameter.

(3) INTERSECTIONS. (a) Where streets intersect and cross major streets, their alignment shall be continuous and street jogs or off-center intersections shall be avoided.

(b) Streets shall intersect as nearly as possible at right angles.

(c) Not more than 2 streets shall intersect at one point unless approved



by the Council.

(4) **ALLEYS.** Alleys shall not be less than 24' wide and shall be continuous through blocks. Alleys shall not be used in residential areas unless approved by the Council.

(5) **EASEMENTS.** Easements across lots or centered on rear or side lot lines shall be provided for the installation of utilities where necessary and shall be at least 10' wide and such easements shall be continuous from block to block. When an easement is centered on a rear or side lot line the width of the easement in each lot can be added together to meet the width requirement, as long as the minimum width of the easements added together is at least 20'.

(6) **BLOCKS.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated. Pedestrian crosswalks of not less than 10' wide may be required by the Council through the center of blocks more than 900' in length where deemed essential to provide circulation and access to community facilities.

(7) **LOTS.** (a) In General. The size, shape and facing of lots and the minimum building setback lines shall be appropriate for the topography of the subdivision and for the type of development and use contemplated and shall conform to all applicable zoning ordinances.

(b) Lot Dimensions. Width and areas of lots shall conform with lot width and area requirements set forth in the Zoning Code.

(c) Corner Lots. Corner lots for residential use shall have a width sufficient to provide a building setback of at least 25' from each street.

(d) Access to Public Street. Every lot shall abut on a public street.

(e) Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.

(f) Large Lots. A tract subdivided into parcels containing one or more acres shall be arranged to allow the resubdivision of any such parcels into normal lots in accordance with the provisions of these subdivision standards.

(g) Municipal Boundaries. Lots shall follow, rather than cross, municipal boundary lines whenever practicable.

**18.07 REQUIRED LAND IMPROVEMENTS.** (1) **SUBDIVIDER PROVIDED FACILITIES AND IMPROVEMENTS.** No final plat shall be approved by the Plan Commission or City Council unless the subdivider shall provide and dedicate the following facilities and improvements, all of which shall be provided within the time required by the City Council.

(a) Street Site Grading. 1. The subdivider shall prepare, in accordance with the requirements and standards of the official map of the City and this chapter, plan and profile drawings together with typical street cross sections and specifications which indicate the proposed established grades of all streets shown on the plat.

2. The subdivider shall also have prepared a Master Site Grading Plan for the entire subdivision. This plan shall be prepared in accordance with this chapter and the official map of the City and shall show existing and proposed elevations of all lot corners, control points and building locations. The plan shall also indicate positive control of all storm drainage in and adjacent to the plat. The cost of the preparation of such plans shall be paid by the subdivider.

3. After approval of these plans by the City Engineer, the Plan Commission and City Council, the subdivider shall grade the full width of the right-of-way of the proposed streets in accordance with the approved drawings. Roadways shall be graded to subgrade with 9" of gravel subbase in accordance with engineering specifications established by the City.

4. Upon completion of all street and subdivision grading, the subdivider shall supply the City with a document prepared by his engineer or surveyor certifying that the completed grading work is in compliance with the Master Site Grading Plan. The cost of all required grading work supervision, certification, inspection and engineering fees shall be paid for by the subdivider.

(b) Storm Water Drainage Facilities. All subdivisions shall be provided with adequate storm water facilities. The subdivider shall have plan and profile drawings and specifications prepared in accordance with the City Master Storm Sewer Plan and the requirements and specifications of the City for the installation of storm water facilities within the streets and sewer easements in and adjacent to the proposed subdivision. These facilities shall include storm sewers and storm sewer laterals to serve every lot in the subdivision extended to the lot line. The City and the subdivider shall cause to be installed, in accordance with the "Standard Specifications for Sewer and Water Construction in Wisconsin," all the facilities indicated on the plans. The cost of the installation of the sewer main, inlet basin leads, construction of manholes and inlet basins, etc., shall be paid for by the subdivider. The cost of installation of suitable laterals having a size of no less than 4" for all residential lots and being of an adequate size and in accordance with the "Standard Specifications for Sewer and Water Construction in Wisconsin," for all nonresidential lots shall be paid by the subdivider. The cost of inspection, supervision and engineering fees attributable to stormwater facilities shall be borne by the subdivider.

(c) Sanitary Sewer and Water Facilities. 1. The subdivider shall have plan

and profile drawings and specifications prepared in accordance with the City Sanitary Sewer and Water Facilities Plan and this chapter for the installation of sanitary sewerage and water facilities including lateral house connections for each lot in the subdivision extended to the lot line. Upon approval of the plans by the City Engineer, Wastewater Treatment Plant Supervisor, Director of Public Works, Plan Commission and City Council, the subdivider shall install in accordance with the "Standard Specifications for Sewer and Water Construction in Wisconsin," all facilities required and the cost of such installation, including inspection, supervision and engineering fees shall be paid for by the subdivider.

2. Where sewer mains larger than 10" and water mains larger than 8" are necessary to adequately serve the subdivision, the additional cost of adequately sized mains shall be borne by the City in those subdivisions devoted entirely to residential use. Where a subdivision will require mains larger than 10" and 8" respectively, and such requirement is a direct result of an industrial, commercial or other contemplated use to be made within the subdivision, the subdivider shall pay the entire cost of the installation regardless of the sizing of the mains.

(d) Public Utilities. 1. All utility lines for telephone, electric and cable television service shall be placed in rear lot line easements where practicable and side lot line easements where necessary.

2. All telephone, electric, gas and cable television service lines shall be placed underground entirely throughout a subdivision area unless otherwise approved by the City Council. Conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other municipal underground services. Proposed utility layouts shall be shown on copies of the preliminary plat supplied by the subdivider to the appropriate utilities. These layouts shall be reviewed and approved by the directors of the appropriate City utilities prior to the completion of the final plat.

(e) Sanitary Sewer Lift Stations and Force Mains. Where sanitary sewer lift stations and force mains are required to lift sewerage to a higher elevation and to the gravity sewer system, the subdivider shall have the plan and profile drawings and specifications prepared for the installation of such sewerage lift facilities. Such installation and the inspection, supervision and engineering fees shall be paid for by the subdivider unless otherwise determined by the City Council.

(f) Curb and Gutter Design Standards. The subdivider shall install concrete curb and gutter along both sides of all streets and boulevards shown on the plat. The cost of the curb and gutter shall be paid for by the subdivider and all required inspection, supervision and engineering fees shall be paid for by the City.

(2) **LETTER OF CREDIT OR BOND.** If the above facilities and improvements have not been fully installed at the time the plat is submitted for final approval, the subdivider shall file with the City Treasurer, or his deputy, either an irrevocable letter of credit from a responsible bank, savings and loan association or other financial institution, duly licensed and authorized to do business in this State, or a surety bond, which bond or irrevocable letter of credit shall be in an amount equal to the cost of making the necessary public improvements.

(3) **COUNCIL DISCRETION.** In all instances where it shall appear to the satisfaction of the City Council and the Plan Commission that all of a platted subdivision cannot immediately be improved with respect to the installation of storm and sanitary sewers and related facilities, street improvements or any other required improvement, the City Council may, in its discretion, authorize the subdivider to proceed with the installation of improvements required under this chapter on one or a portion of the lots covered by the plat.

**18.08 RESERVATIONS.** In the design of a plat, due consideration shall be given by the subdivider and the Council to the reservation of suitable sites of adequate area for future schools, parks, playgrounds and other public purposes.

**18.09 VARIANCES.** When, in the judgment of the Council, it would be inappropriate to apply literally a provision of this chapter because the subdivision is located outside the corporate limits, or because extraordinary hardship would result, it may waive or vary such provision 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 be waived.

**18.10 FAIR AND OPEN HOUSING.** [#380 2/9/93] (1) Section 106.50, Wis. Stats., is adopted and by reference made a part of this chapter as if fully set forth herein. Any future amendments, revisions or modifications of said statute are intended to be made part of this chapter in order to secure uniform statewide enforcement of fair and open housing laws.

(2) The officials and employees of the City of Kiel shall assist in the orderly prevention and removal of all discrimination in housing within the City of Kiel by implementing the authority and enforcement procedures set forth in Section 106.50, Wis. Stats.

(3) The Administrator shall maintain forms for complaints to be filed under Section 106.50, Wis. Stats., and shall assist any person alleging a violation thereof in the City of Kiel to file a complaint thereunder with the Wisconsin Department of Workforce Development for enforcement of Section 106.50, Wis. Stats.

**18.15 PENALTY.** Any person who shall violate any provision of this chapter, or any order, rule or regulation made hereunder, shall be subject to a penalty as provided in 25.04 of this Municipal Code. In addition, the remedies provided by Chapter 236, Wis. Stats., shall be available to the City.