

CHAPTER 16

SUBDIVISION REGULATIONS

16.01 **GENERAL PROVISIONS.**

(1) **SHORT TITLE.** This Chapter shall be known as the Subdivision Regulations of New Holstein, WI.

(2) **PURPOSE AND INTERPRETATION.** Each new subdivision becomes a permanent unit in the basic physical structure of the future community, a unit to which the future community will of necessity be forced to adhere. Piecemeal planning of such subdivision, without correlation to the overall needs of the City will bring a disastrous disconnected patchwork of plats and poor circulation of traffic. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate municipal services and safe streets, all subdivisions hereafter platted within the jurisdiction limits of the City shall in all respects fully comply with the regulations hereinafter set forth in this Chapter. In their interpretation and application, the provisions of this Chapter shall be the minimum requirements adopted for the protection of the public health, safety and general welfare.

(3) **SCOPE.** Except in the case of a resubdivision or a replatting, this Chapter shall not apply to any lots or lot forming a part of subdivision plats recorded in the Office of the County Register of Deeds prior to the effective date of this Chapter (Ordinance 118), nor is it intended by this Chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with, this Chapter or with private restrictions placed upon property by deed, covenants or other private agreement, or with restrictive covenants running with the land to which the City is a party.

16.015 **DEFINITIONS.** For the purpose of this Chapter, the following terms, phrases, words and their derivatives shall have the meaning given in this section. When not inconsistent with the context, words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) **Alley** is a minor way which is used primarily for vehicular service access to the back or the side of properties abutting on a street.

(2) **Attorney and Engineer** are the attorney and engineer employed by the City unless otherwise stated in the text.

(3) **Block** is an area of land within a subdivision that is entirely bounded by streets or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

- (4) **Boulevard** is the portion of the street right-of-way between the curb line and the property line.
- (5) **Building setback line** is a line within a lot which establishes the minimum distance between the front property line and the nearest portion of an enclosed structure.
- (6) **Certified Survey Map** is a subdivision which creates one (1) but not more than four (4) parcels or building sites of three (3) acres each or less in an area within a period of five (5) years.
- (7) **City Council** is the City Council of New Holstein, WI.
- (8) **Collector street** is a street which carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of residential developments and streets for circulation within such a development.
- (9) **Comprehensive Development Plan** is the Comprehensive Development Plan adopted by the City of New Holstein indicating the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the City of New Holstein and includes any unit or part of such plan separately adopted and amendments to such Plan or parts thereof.
- (10) **Cul-de-sac** is a minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movements.
- (11) **Easement** is a grant by an owner of land for the specific use of said land by the public generally, or to a person or persons.
- (12) **Final plat** is the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the City Council for approval and which, if approved, will be submitted to the County Register of Deeds.
- (13) **Lot** is a parcel or portion of land in a subdivision or plat of land separated from other parcels or portions by description as on a subdivision or record of survey map or by metes and bounds for the purpose of sale or lease or separate use thereof.
- (14) **Lot, butt** is a lot at the end of a block and located between 2 corner lots.
- (15) **Lot, corner** is a lot at the intersection of 2 or more streets with 2 or more adjacent sides of the lot abutting a street.
- (16) **Lot, through** is a lot with 2 opposite sides abutting 2 or more streets.

- (17) **Minimum subdivision design standards** are the guides, principles and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plat.
- (18) **Minor street** is a street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.
- (19) **Owner** is an individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Chapter.
- (20) **Parks and playgrounds** are public lands and open spaces dedicated for and usable for recreation purposes.
- (21) **Pedestrian way** is the right-of-way generally, but not necessarily, across or within a block for use by pedestrian traffic whether designated as a pedestrian way, crosswalk or however otherwise designated.
- (22) **Person** is any individual, firm, association, syndicate or partnership, corporation, trust or any other legal entity.
- (23) **Planning Commission** is the Planning Commission of the City of New Holstein, WI.
- (24) **Preliminary plat** is the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and the City Council for their consideration.
- (25) **Protective covenants** are contracts entered into between private parties and constitute a restriction of the use of all private property within a subdivision generally intended for the benefit of the property owners and for providing mutual protections against undesirable aspects of development which would tend to impair stability of values.
- (26) **Service road** is a minor street, sometimes referred to as a marginal access street, which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
- (27) **Street width** is the shortest distance between the lines delineating the right-of-way for a street.

(28) **Street** is a way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, thorough way, road, avenue, land, place or however otherwise designated.

(29) **Subdivider** is any person commencing proceedings under this Chapter to effect a subdivision of land hereunder for himself or for another.

(30) **Subdivision** is the division of a parcel of land into 5 or more lots or successive divisions creating 5 or more lots or parcels within a 5 year period, any of which resultant parcels is less than 3 acres in area, for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

(31) **Thoroughfare** is a fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunications among large areas.

16.02 **STATE LAW.** The recording and vacating plats contained in Chapter 236, WI Stats., and such other laws as may apply are all made a part hereof with the same force and effect as if here set out in full verbatim. The following rules or procedure shall apply in the City and the territory over which it has been granted jurisdiction by the WI Legislature.

16.03 **PROCEDURES.**

(1) SKETCH PLAN.

(a) The subdividers are invited to prepare for review with the Planning Commission, City Engineer and others a proposed subdivision sketch plan which, in order to be most helpful, should contain the following information:

1. Site location map showing streets, schools, commercial centers and other significant developments near or adjacent to the proposed subdivision.
2. Tract boundaries.
3. North arrow and scale.
4. Streets within and adjacent to tract.
5. Generalized topography and physical features.
6. Proposed general street pattern.
7. Proposed lot size and orientation.

(b) The sketch plan will be considered as the basis for discussion between the subdivider and the Planning Commission. Submission of such sketch plan shall not constitute formal filing of a preliminary plat. The intent of this submission shall be to point out any deficiencies in the plan and to recommend any modifications necessary to bring the plan into conformance with these regulations.

(2) PRELIMINARY PLAT PROCEDURES.

(a) Before subdividing any tract of land into 5 or more lots, the owner or subdivider shall, unless a variance is authorized under the terms of this Chapter, make application to the City Clerk for preliminary plat approval by the Planning Commission not less than 10 days prior to the next regularly scheduled meeting of the Planning Commission. The application shall be accompanied by 8 copies of the preliminary plat.

(b) Upon receipt of the Subdivision Application, the City Clerk shall place on the agenda for the next regular Planning Commission meeting and shall forward copies of the plat to the City Engineer, School District, Utility Companies and others as appropriate.

(c) The Planning Commission shall have the preliminary plat on the agenda for the next regular meeting and shall act on the preliminary plat within 20 days from the date on which it was filed with formal request for approval. The Planning Commission shall review for conformance to this Chapter and shall order the City Clerk to arrange a public hearing notification in the official City newspaper. The hearing notice shall be published once. The publication shall be at least 10 days prior to the hearing which will be held by the Planning Commission meeting unless otherwise ordered for another or special meeting date for said hearing by the Planning Commission.

(d) Following the public hearing, the Planning Commission shall either approve or disapprove the preliminary plat. If not approved by the Planning Commission, the reasons for such action shall be recorded in the proceedings of the Planning Commission and transmitted to the applicant and the City Council. If approved by the Planning Commission, the preliminary plat shall be referred to the City Council for approval

(e) The City Council shall act on the preliminary plat within 20 days of the date on which it was received from the Planning Commission.

(f) If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the Council and transmitted to the applicant. If the preliminary plat is approved, such approval shall constitute acceptance of the layout but not final acceptance.

(g) Should the subdivider desire to amend the preliminary plat as approved, he may resubmit the amended plat which shall follow the same procedure except for the hearing and fee unless the amendment is, in the opinion of the Planning Commission, of such scope as to constitute a new plat, then it shall be refiled.

(3) FINAL PLAT PROCEDURE.

(a) The owner or subdivider shall file with the City Clerk 8 copies of the final plat not later than 6 months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the City Council.

(b) The City Clerk shall refer 2 copies of the final plat to the Planning Commission, one copy to the City Engineer, and one copy each to the telephone, power and other utility companies. The abstract of title together with a copy of the final plat shall be given to the City Council within 15 days. The Planning Commission shall submit a report on the final plat to the City Council

(c) The City Council shall act on the final plat within 60 days of the date of which it was filed with the City Clerk.

(d) If the final plat is approved by the City Council, payment of all fees due the City pursuant to this Chapter and related to the plat will be certified as approved. Such fees shall include park land acquisition monies in lieu of dedicated park land (see sec. 16.12) and any other fees the City may require.

1. If the final plat is approved by the City Council, the subdivider shall record it with the County Register of Deeds within 30 days after the date of approval; otherwise, the approval of the final plat will be considered void.

2. The subdivider shall, immediately upon recording, furnish the City Clerk a print and the recording information of the final plat.

(4) LAND DIVISION. In any case where the division of a parcel of land into 5 or more lots or parcels for the purpose of transfer of ownership or building development does not come within the definition of subdivision as defined by this Chapter, a certified survey map of such land division shall be filed with the Planning Commission who shall submit copies of such division to the City Council and City engineer. No building permits shall be issued until such description has been received by the Secretary of the Planning Commission.

16.04 **NECESSARY DATA FOR PRELIMINARY PLAT.** The preliminary plat shall be clearly and legibly drawn to scale. All subdivision maps shall be drawn to a scale of not more than 100 feet to the inch. The preliminary plat shall contain the following information:

(1) IDENTIFICATION AND DESCRIPTION.

- (a) Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the City.
- (b) Location by section, town, range or by other legal description.
- (c) Names and addresses of the owner, subdivider, surveyor, engineer and designer of the plat.
- (d) Graphic scale.
- (e) North point.
- (f) Date of preparation.

(2) EXISTING CONDITIONS.

- (a) Boundary lines of proposed subdivision, clearly indicated.
- (b) Existing zoning classification.
- (c) Total approximate acreage.
- (d) Location, widths and names of all existing or previously platted streets or other public ways, showing type, width and condition of improvements, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to distance of 100 feet beyond the tract.
- (e) Location and size of existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of 100 feet beyond the tract. Such data as grades, invert elevations, and locations of catch basins, manholes and hydrants shall also be shown.
- (f) Boundary lines of adjoining subdivided or unsubdivided land, within 100 feet, identified by name and ownership.
- (g) Topographical map showing 2 foot contour intervals. Elevations to be based on U.S.G.C. data.
- (h) Swamp land, low wetland or natural water channels.
- (i) Water table and absorption or percolation tests when requested by the City.

(j) A copy of all proposed private restrictions shall be submitted.

(3) SUBDIVISION DESIGN FEATURES.

(a) Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street heretofore used in the City shall not be used, unless the proposed street is an extension of any already named street, in which event the name must be used. Existing street names are available from the City Engineer.

(b) Location and widths of proposed alleys and pedestrian ways.

(c) Locations and size of proposed sewer lines and water mains.

(d) Approximate centerline gradients of proposed streets and alleys, if any.

(e) Layout, numbers and typical dimensions of lots.

(f) Minimum front and side street building setback lines, indicating dimensions.

(g) Areas, other than streets, alleys, pedestrian ways, the utility easements, intended to be dedicated or reserved for public use, including the size of such area in acres.

(4) OTHER INFORMATION.

(a) Proposed protective covenants.

(b) Provision for water supply.

(c) Provisions for sewage disposal.

(d) If any zoning changes are contemplated, the proposed zoning plan for the area, including dimensions shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant for uses other than residential.

(e) Provisions for storm water drainage.

(5) REQUIRED BONDS OR IRREVOCABLE LINE OF CREDIT. The owner or subdivider of platted land shall submit a performance bond or irrevocable line of credit to be approved by the Common Council in an amount equal to the City engineer's estimate of the cost of the improvements required of the subdivider under this chapter. The requirement of either a performance bond or irrevocable line of credit shall be chosen by the City. In the event a performance bond is required, the performance bond shall be written by an insurer with an acceptable A.M. Best Company insurance rating. The

irrevocable line of credit, if required, shall be written by a financial institution having FDIC insurance provided to it. The performance bond or irrevocable line of credit shall guarantee the making and installing of improvements required of the subdivider and payment of assessments made to the subdivider for improvements installed by the City under all terms of this chapter within a time period established by the City for repayment following approval of the final plat by the Common Council. Upon completion of all improvements and payment for all improvements, the performance bond, if required, shall be released by the City, or in the alternative, the irrevocable line of credit shall be released at said time by the City. (CR #478)

16.05 QUALIFICATIONS GOVERNING FINAL APPROVAL OF PRELIMINARY PLAT.

- (1) The Planning Commission may require such changes or revisions as it deems necessary for the health, safety, general welfare and convenience of the City.
- (2) The approval of a preliminary plat by the Planning Commission is tentative only and involves the mere general acceptability of the layout as submitted.
- (3) Before final approval by the City Council, a preliminary plat shall have a prior report by the City Engineer and other public officials having jurisdiction over engineering proposals pertaining to water supply, storm drainage, sewage and sewage disposal, utilities, grading, roadway gradients and width and the surfacing of streets. Specific requirements include:
 - (a) A comprehensive designation of the proposed storm water and flood control run-off showing drainage into and from the proposed plat. Adjacent areas to a distance of 100 feet around the plat are to be included. Such designation may be a separate or overlay map to the proposed plat drawn to the same scale as the plat base map.
 - (b) A designation of grades, cross sections and improvements on all proposed streets, alleys and pedestrian ways. Such designations are to include by separate profile drawings, drawn to scale, all of the following:
 1. Typical cross sections of streets, alleys and pedestrian ways showing proposed dimensions, slopes, grades, water drainage and improvements.
 2. Approximate centerline gradients of all proposed streets, alleys and pedestrian ways showing dimensions, slopes and grades including tie-ins to existing and adjoining streets, alleys and pedestrian ways, if any.
- (4) No plat shall be approved for a subdivision which covers an area subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets and lots improbable or impossible unless the subdivider

agrees to make improvements which will, in the opinion of the City Council, make the area completely safe for occupancy and provide adequate street and lot drainage.

16.06 **FINAL PLAT.** The final plat shall be prepared by a land surveyor who is registered in the State of Wisconsin and shall conform to all State and County requirements and the requirements of this Chapter.

(1) REQUIRED DATA FOR FINAL PLAT.

- (a) Graphic scale and north point.
- (b) Names of all streets.
- (c) Name and location of subdivision.
- (d) Accurate angular lineal dimensions for all lines, angles and curvatures used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features. Dimensions of lot lines shall be shown in feet and hundredths.
- (e) When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the width at the building setback line shall be shown.
- (f) An identification system for all lots and blocks.
- (g) True angles and distances to the nearest established street lines or official monuments which shall be accurately described in the plat.
- (h) Municipal, township, county or section lines accurately tied to the lines of subdivision by distances and angles.
- (i) Complete curve data, including radius, internal angles, points and curvatures, tangent bearings and lengths of all arcs.
- (j) Accurate location of all monuments.
- (k) Accurate outlines and legal description of any areas to be dedicated or reserved for public use or for the exclusive use of property owners within the subdivision with the purpose indicated therein.

(1) Form for approval of the Council as follows:

Approved by the City Council of New Holstein, this ____ day of _____, 20__.

Mayor

Attest: _____
Clerk

One form for approval by County authorities as required.

(2) **REQUIRED SUPPLEMENTARY DATA.** In addition to the data required by the preliminary plat, the following data shall be supplied with the final plat:

(a) Certifications showing that all taxes due on the property to be subdivided have been paid in full.

(b) An attorney's opinion of title showing title of the property to be subdivided by the applicant.

(3) **PLAT LAYOUT.** The final plat shall conform in all respects with sec. 236.20, WI Stats.. Where necessary, a final plat may be on several sheets accompanied by a key map showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the City Council.

16.07 MINIMUM SUBDIVISION DESIGN STANDARDS.

(1) The proposed subdivision shall conform to the Comprehensive Development Plan.

(2) **STREET PLAN.** The arrangement, character, extent, width, grade and location of all streets shall conform to the City pattern and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation, to the proposed uses of the land to be served by such streets.

(a) The arrangement of streets in a new subdivision shall make provision for the appropriate continuation of the existing street in adjoining areas.

(b) Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets.

(c) When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided.

(3) **STREETS.**

(a) Street right-of-way widths shall conform to the following minimum dimensions:

<u>Classification</u>	<u>R/O/W Width</u>
Thoroughfare	120 feet
Collector Streets	80 feet
Minor Streets	70 feet
Marginal Access Streets	60 feet

(b) **Street Deflections.** When connecting street lines deflect from each other at any one point by more than 10 degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than 150 feet for minor and collector streets, and of such greater radii as the City Council shall determine for special cases.

(c) **Reverse Curves.** Tangents of at least 100 feet in length shall be introduced between reverse curves on collector streets.

(d) **Street Grades.** All centerline gradients shall be at least 0.5% and shall not exceed the following:

<u>Street Type</u>	<u>Per Cent Grade</u>
Thoroughfare	6%
Collector Street	7%
Minor Street	10%
Marginal Access Street	10%

(e) **Vertical Curves.** Different connecting street gradients shall be connected with vertical parabolic curves. Minimum sight distance of 150 feet must be provided.

(f) **Minor Streets.** Minor streets shall be so aligned that their use by through traffic will be discouraged.

(g) **Street Jogs.** Street jogs with centerline offsets of less than 125 feet shall be avoided.

(h) **Alleys.** Alleys are not permitted in residential area unless a variance is granted under sec. 16.18(4) of this Chapter.

(i) **Cul-de-sac.** Maximum length cul-de-sac streets shall be 600 feet measured along the centerline from the intersection of origin to end of right-of-way. Each cul-de-sac shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 60 feet and a street property line diameter of at least 80 feet.

(j) **Marginal Access Streets.** Where a subdivision abuts on or contains an existing or planned thoroughfare, the City Council may require marginal access streets or such

other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(k) **Half Streets.** Half streets shall be prohibited unless specific waiver be granted by the City Council.

(l) **Reserve Strips.** Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the City Council.

(m) **Parallel Streets.** Where a subdivision borders on or contains a railroad right-of-way, a limited access highway right-of-way or a designated thoroughfare, the City Council 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 the intervening land. Such parallel streets will have only City Council approved minimum access onto or over the designated thoroughfare or a railroad right-of-way.

(n) **Private Streets.** Private streets in platted lands shall not be approved nor shall public improvements for any private street in existence.

(o) **Street Intersections.** Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees to insure maximum visibility and safety. Intersections of more than 4 corners shall be prohibited.

(p) **Corner Radii.** Repealed - Ordinance No. 175, 3-13-79.

(q) **Sight Easements.** Sight easements with tangent distances of 30 feet shall be provided at street intersections.

(r) **Hardship to Owners of Adjoining Property Avoided.** The street arrangements shall not be such as to cause undue hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(4) SIDEWALKS.

(a) **Location.** Installation of sidewalks shall be controlled by sec. 6.02 of the Municipal Code.

(b) **Grades.** Sidewalk grades shall be controlled by the City Engineer as provided under sec. 6.01 of the Municipal Code.

(c) **Widths.** All sidewalk widths shall, when installed, conform to the following minimum standards:

<u>Classification</u>	<u>Width</u>
Single-family zone	5 feet
Multiple-family zone and Public Building sites	5 feet
Commercial zone	5 feet
Industrial zone	5 feet

(5) UTILITIES.

(a) **Water Supply.** Extensions of the public water supply system shall, when available, be designed to provide public water service to each lot. The design of said extensions shall be in accordance with the standard of the City.

(b) **Sewage Disposal.** Extensions of the public sanitary sewer system shall, when available, be designed so as to provide sewer service to each lot. The design of said extensions shall be in accordance with the standards of the City.

(c) **Drainage.** A complete and adequate drainage system design may be required for the subdivision and shall include a storm sewer or a system of open ditches, culverts, pipes and catch basins or both systems. Such system or systems shall be designed in conformity with all applicable standards of the City.

(d) **Storm Sewer Service Laterals.** There shall be installed a storm sewer lateral for sump pump discharges to service each lot in a new subdivision or new certified survey. Such service lateral shall be connected to the City storm sewer system where such system is made available by the City. Installation of the storm sewer lateral from the City storm sewer system shall be completed concurrent with the installation of sanitary sewer and water laterals. Installation shall be in conformance with The Plumbing Code, Sec. 11.04

1. The costs of constructing the required laterals from the City sewer main line to the lot line shall be the responsibility of the subdivider and shall be included in the performance bond required under Sec. 16.14.

2. The costs of constructing the required laterals from the lot line to the building shall be the responsibility of the building owner.

(e) **Electrical Distribution.** Electrical Distribution extensions shall be designed so as to provide service to each lot. The design of said extension shall be in accordance with New Holstein Public Utility.

16.08 **EASEMENTS.**

(1) PROVISIONS FOR UTILITIES. Easements of at least 10 feet in width, centered on rear and other lot lines, shall be provided for utilities where necessary and shall be dedicated to the public by appropriate language in the owner's certificate. They shall have continuity of alignment from block to block and at deflection points easements for pole-line anchors shall be provided along property lines from utility easements on rear lot lines to rights-of-way.

(2) PROVISIONS FOR DRAINAGE. Easements shall be provided along each side of the center line of any watercourse or drainage channel whether or not shown in the Comprehensive Development Plan to a width sufficient in the judgment of the City Council to provide proper maintenance and protection and to provide for storm water run-off and installation and maintenance of storm sewers, and they shall be dedicated to the City by appropriate language in the owner's certificate.

16.09 **BLOCKS.**

(1) FACTORS GOVERNING DIMENSIONS. Block length and width or acreage within bounding roads shall be such as to accommodate the size of residential lots required in the area by Chapter 12, Municipal Code, and to provide for convenient access, circulation, control and safety of street traffic.

(2) NON-RESIDENTIAL BLOCKS. Blocks intended for commercial, institutional and industrial use must be designated as such.

(3) LENGTHS. Blocks shall not exceed 1,320 feet.

(4) ARRANGEMENTS. A block shall be so designated as to provide 2 tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have but a single tier of lots.

(5) PEDESTRIAN WAYS. In blocks over 900 feet long, paved and fenced pedestrian crosswalks through the blocks and at least 12 feet wide may be required in locations deemed necessary for public health, convenience and necessity.

16.10 **LOTS.**

(1) LOCATION. All lots shall abut by their full frontage on publicly dedicated street or streets which have received the legal status as such.

(2) SIZE. The dimensions in subdivisions designed shall not be less than the minimum dimensions required to secure the minimum lot area specified in Chapter 12, Municipal Code, except as herein provided. Area and width requirements of subdivision lots in

the extraterritorial planning area shall conform to town and county zoning ordinances and Administrative Code H 65 of the State Department of Health.

(3) **SIDE LOT LINES.** Side lines of lots shall be substantially at right angles or radial to the street line.

(4) **BUTT LOTS.** Butt lots shall be platted at least 5 feet wider than the average width of interior lots in the block; their use shall be avoided when possible.

(5) **CORNER LOTS.** Corner lots shall have extra width to permit appropriate building setbacks from and orientation to both streets.

(6) **WATERCOURSE.** Lots abutting upon a watercourse drainage way, channel or stream shall have an additional depth or width, as required, to assure house sites that are not subject to flooding.

(7) **FEATURES.** In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

(8) **LOT REMNANTS.** All remnants of lots below minimum size left over after subdividing a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

(9) **LOT EXTENSIONS.** No lots shall extend over a political boundary or school district line.

(10) **ACCESS.** In the platting of small tracts of land fronting on limited access highways or thoroughfares where there is no other alternative, a temporary entrance may be granted. As neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permits shall become void.

(11) **DOUBLE FRONTAGE.** Double frontage or lots with frontage on 2 parallel streets shall not be permitted except where lots back on arterial streets or highways or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least 10 feet in order to allow space for screen planting along the back lot line.

16.11 **BUILDING LOCATION.**

(1) No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat and shall be in accordance with zoning regulations. For single-family subdivisions, each lot shall contain not less than 8,000 square feet and no such lot shall be less than 80 feet wide. The required front yard setback shall be not less than 30 feet.

(2) For the purpose of this Chapter, eaves and steps shall not be considered as part of a building, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

16.12 **PARKS, PLAYGROUNDS AND OTHER PUBLIC SITES.** When a proposed park, playground, school site or other public site as shown on the Comprehensive Development Plan is embraced in part or in whole by the boundary of a proposed subdivision and such public sites are not dedicated to the City or Board of Education, such public ground shall be reserved and no action taken towards approval of preliminary or final plat for a period not to exceed 90 days to allow the City Council or Board of Education the opportunity to consider and take action toward acquisition of such public ground or park by purchase or other causes.

16.13 **REQUIRED IMPROVEMENTS.**

(1) It is hereby declared to be the policy of the City to proceed as soon as practicable after approval of a subdivision plat with installation of all the following improvements within the subdivision. Such improvements shall be financed as in accordance with sec. 16.13(3):

(a) **Street and Alley Grading.** The full width of the right-of-way of each street and alley dedicated in the plat shall be graded.

(b) **Water Supply.** Water mains shall be provided to serve the subdivision by extension of the existing City system. Service connection stubbed in the property; line and all necessary hydrants shall also be provided.

(c) **Sewage Disposal.** Sanitary sewer mains and service connections stubbed in to the property line shall be provided to serve all the lots in the subdivision and shall be connected to the existing City sewer system except that where connection to the City sewer system is not available in a street adjacent to or within the subdivision, the sewer system within the subdivision shall be installed and capped for future use. A variance to this requirement shall be granted if the grades for such sewer connections to the existing sewer system cannot be provided.

(d) **Street and Alley Paving.** All streets and alleys shall have an adequate sub-base and shall be improved with an all -weather, permanent surface.

(e) **Curb and Gutter.** Permanent curb and gutter shall be installed.

(f) **Drainage.** A system that will adequately take care of the water run-off within the subdivision shall be provided.

(g) **Issuance of Building Permits.** No building permit shall be issued where a lot is not served by public water and sanitary sewage disposal systems.

(2) City Council may authorize preparation of plans and specifications by the City Engineer, or by an engineer employed by the subdivider at his sole expense, under the direction and subject to the approval of the City Engineer.

(3) **SUBDIVIDER'S RESPONSIBILITY.** (a) It shall be the responsibility of the subdivider to pay the following assessed costs for the provision of the following improvements: (Cr. #481)

<u>Type of Improvement</u>	<u>Subdivider's Cost</u>	<u>City Cost</u>
Sanitary Sewer Mains (1)	100%	-0-
Water Mains (1)	100%	-0-
Gravel and Paving	-0-	100%
Grading to Subgrade	100%	-0-
Storm Sewer System	100%	-0-
Electrical Distribution	100%	-0-

1. One-third credit shall be given to the subdivider for the long side of corner lots, for sanitary sewer main and water main assessments, such credit not to exceed 50 feet. Subdivider shall only be required to pay equivalent of eight (8) inch water main, if a water main larger than eight (8) inch is installed.

2. In addition, hydrants will be provided by the City.

3. Subdivider must also pay a connection charge fixed by the New Holstein Public Utility. No fees owing to City.

4. Standard Street Lights, as determined by the New Holstein Electric Utility, will be installed per the utility's layout design and specifications. Installations will be scheduled by the Utility. The cost of Standard Street Lights (materials & installation costs) will be paid by the utility. The subdivider may elect to have Decorative Street Lights installed per the following guidelines:

(a) The Pole and Fixture style will be determined by the City in order to maintain uniformity, quality and utility.

(b) The additional cost of the decorative pole and fixture, over the cost of a standard street light, shall be paid by the subdivision developer, or property owner(s) (Cr. #489) requesting said decorative lighting.

(c) Decorative lighting spacing and light lumens will be determined by

New Holstein Utility.

- (d) Decorative lighting will be installed on at least, both sides, of one block, with block defined as an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a creek.
- (e) Decorative lighting installations will be scheduled by New Holstein Utility with said schedule based upon their workload.
- (f) Required easements shall be obtained by the parties requesting the decorative street light. Cr. #468)

(4) **PROPERTY OWNER'S RESPONSIBILITY.** It shall be the responsibility of the property owners to pay the following assessed costs for the provision of the following improvements.

<u>Type of Improvement</u>	<u>Property Owner's Cost</u>
Curbs and Gutters	100% of Contract Cost
Sidewalks	100% of Contract Cost

16.14 **REQUIRED BONDS.** The owner or subdivider of platted land shall submit a performance bond to be approved by the Common Council in an amount equal to the City Engineer's estimate of the cost of the improvements required of the subdivider under this Chapter. The bond shall be submitted prior to the time the City has contracted for said improvements. The performance bond shall be conditioned upon the making and installing of improvements required of the subdivider and assessments made to the subdivider for improvements installed by the City under all terms of this Chapter within a four (4) year period following approval of the final plat by the Common Council.

16.15 **CERTIFIED SURVEYS.**

(1) **CERTIFIED SURVEY.** All certified survey maps in the City, *or within the extraterritorial plat approval jurisdiction of the City*, shall be presented to the Plan commission in the form of a preliminary plat in accordance with the standards set forth in the Chapter for preliminary plats insofar as practicable. The Plan Commission shall first approve the arrangement, sizes, and relationship of proposed tracts and the tracts to be used as easements of roads should be so designated. Unless such Plan Commission approval and the Common Council approval have been obtained, building permits will be withheld for buildings or tracts which have been so subdivided by registered land surveys, and the City may refuse to take over tracts as streets of roads or to improve, repair, or maintain any such tracts unless so approved. (Rep. & Recr. #386)

(2) **CONVEYANCE BY METES AND BOUNDS.** No division of land described by metes and bounds will be permitted in the City.

16.16 **INSPECTION.** All required land improvements to be installed under the provisions of this Chapter shall be inspected during the course of construction. Such inspection shall be by the City Engineer or other inspector appointed by the City Council.

16.17 **BUILDING PERMIT.** No building permit shall be issued by a Building Inspector for the construction of any building, structure or improvement on any land required to be subdivided by this Chapter until all requirements of this Chapter have been fully complied with unless a variance is granted under sec. 16.18(4) of this Chapter.

16.18 **MODIFICATIONS, EXCEPTIONS AND VARIANCES.**

(1) **COMPLETE NEIGHBORHOOD.** The City Council, upon receiving a report from the Planning Commission, may grant a variance from these regulations in case of a subdivision large enough to constitute a more or less self-contained neighborhood provided New Holstein receives adequate safeguards to assure developments according to a plan. Such plan shall not be in conflict with the Comprehensive Development Plan and shall in the opinion of the City Council provide adequate public open space and be a desirable community development.

(2) **PLANNED DEVELOPMENTS.** Variances from the strict application of this Chapter may also be granted in the case of Planned Developments provided the City Council, upon review and recommendations from the Planning Commission, shall find that the proposed development is fully consistent with the purpose and intent of this Chapter. A "planned development" shall be considered any development which consists of 2 or more principal structures or uses on a single lot or parcel of land for which a complete, detailed plan has been submitted showing all proposed structures, uses, traffic ways, sidewalks, landscaping, off-street parking and other features and facilities. This provision of the Chapter is intended to provide flexibility needed for new land planning and land development trends and techniques.

(3) **MINOR SUBDIVISION.** In the case of a subdivision of small size and of minor importance, situated in a locality where conditions are well defined, the City Council may exempt the subdivider from complying with some of the requirements of this Chapter. In the case of a request to divide a lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create 2 lots and the newly created property line will not cause the other remaining portion of the lot to be in violation of this Chapter or Chapter 12, Municipal Code, the division may be approved by the City Council after submission of a survey by a registered land surveyor showing the original lot and the proposed division.

(4) **VARIANCES.** The City Council may grant a variance upon receiving a report from the Planning Commission in any particular case where the subdivider can show

that by reason of exceptional topography or other physical conditions the strict compliance with these regulations could cause an exceptional and undue hardship on the enjoyment of a substantial property right provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations.

(5) **APPLICATION REQUIRED.** Application for any such variances shall be made in writing by the subdivider at the time when the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the Planning Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. Any variance or modification thus granted shall be recorded in resolution form and entered in the minutes of the City Council setting forth the reasons which justified the action.

(6) **CONDITIONS.** In granting variances and modifications, the City Council may require such conditions as will in its judgment secure substantially the objective of the standard or requirements so varied or modified.

16.19 ENGINEERING STANDARDS AND SPECIFICATIONS.

(1) **MONUMENTS.** All monuments shall be in accordance with sec. 236.15, WI Stats.

(2) **STREET GRADING.** Streets shall be graded full width with 5 inches of 3 inch crushed rock and 4 inches of 3/4 inch crushed rock, 33 feet wide, a type of roadway approved by the City Engineer, or other proper City officials, and in accordance with City specifications.

(3) **STREET SURFACING.** All streets in areas served or capable of service by water and sewer shall be surfaced with sub base as stated above. In areas not served by water and sewer a suitable compacted gravel surface may be allowed.

(4) **CURB AND GUTTER.** In areas served or capable of service by water and sewer, concrete curb and gutter approved by the City Engineer may be required.

(5) **SIDEWALKS AND PEDESTRIAN WAYS.** All required walks shall be concrete 4 inches thick placed on 2 inches of sand. Grade shall be as approved by the City Engineer. Sidewalks shall be placed in the public right-of-way at the property line.

(6) **WATER MAIN.** A minimum water main of 8 inch cast iron pipe or other approved pipe shall be required.

(7) **SANITARY SEWER.** Unless otherwise required, an 8 inch sanitary sewer pipe shall be installed as the minimum size placed at grades approved by the City Engineer. Service wyes shall be 4 inches; root repellent joint materials are required.

(8) **HOUSE SERVICES.** Each house service shall be run from the main to the property line where a cap or plug shall be placed until the service is extended to the structure. A one inch, Type K, copper water service, corporation cock and curb box and stop and 4 inch PVC sewer service shall be minimum requirements.

(9) **STREET SIGNS.** These shall be approved by the City Council.

(10) **UTILITIES LOCATION.** All utilities shall be placed underground; all underground work shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements.

16.20 DIVISION AND CONSOLIDATION OF INDIVIDUAL LOTS OF RECORD.

Plats Authorized: For purposes of conveying or securing building permits, sec. 16.02 to 16.15 shall not apply to the division of one or more lots platted into lots and blocks and designated in a subdivision plat on file and of record in the office of the Register of Deeds, Calumet County, into one or more Separately described tracts, such platted lots or parts thereof onto one or more tracts, upon compliance with the following conditions:

(1) The owner or owners of such platted lot or lots to be so divided shall file in the Office of the City Clerk a proposed survey plat by registered land surveyor of the lot or lots to be divided or consolidated. Such plat or survey shall show the dimensions of said lots as measured upon the recorded plat, and also the proposed division thereof. A written description of the separately described tract or tracts which will result from the proposed subdivision or consolidation will be filed with such plat or survey.

(2) The separately described tract of land to be conveyed or designated for building permit purposes by reason of such plat, shall not be less than the minimum dimensions required to secure the minimum lot area specified in Chapter 12, Municipal Code or sec. 16.10 of this Chapter

(3) As a result of such division or consolidation as herein authorized, no remaining part of an original subdivision lot shall become a separately described lot upon said proposed plat with a size less than the minimum lot area specified in Chapters 11 and 12, Municipal Code.

16.21 ENFORCEMENT AND PENALTY.

(1) Unless approved as a final plat as provided herein, no subdivision shall be entitled to record in the County Register of Deeds office; and the City Building Inspector shall not issue building permits for any structure on a t in any proposed subdivision. The City shall not permit any public improvements to be installed unless the preliminary

plat is approved and shall not permit any services until approval of the final plat and recording of the same.

(2) Any person who violates, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of these regulations, or who sells or offers for sale or lease any lot or block of land herewith regulated before all the requirements of these regulations have been complied with, shall be subject to a penalty as provided in sec. 20.04 of the Municipal Code. In addition, the remedies provided by sec. 236.30 and 236.31, WI Stats., shall be available to the City. The City Building Inspector shall have primary responsibility for enforcing this Chapter.

16.22 **REPEAL OF EXISTING ORDINANCES.** All other ordinances or parts of ordinances in conflict with this Chapter are hereby repealed.

16.23 **EFFECTIVE DATE.** This Chapter shall be come effective from and after the date of its adoption and publication according to law.(Rep. & Recr. #335)