



Subdivision Regulations

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Center for Land Use Education
April 8, 2021, 1-2pm



Center for Land Use Education
College of Natural Resources
University of Wisconsin - Stevens Point



Extension
UNIVERSITY OF WISCONSIN-MADISON

Learning Objectives

- Subdivision regulations
 - Purpose and relation to other tools
 - Plats and certified survey maps
 - State, county, and local roles
 - Where to go for more information



Three Major Land Use Tools



Comprehensive Plan describes the future vision of the community and how to achieve that vision.

Zoning Ordinance regulates land use, density, and dimensions of lots and structures.

Land / Subdivision Ordinance regulates the division of land, street and lot layout, and improvements.

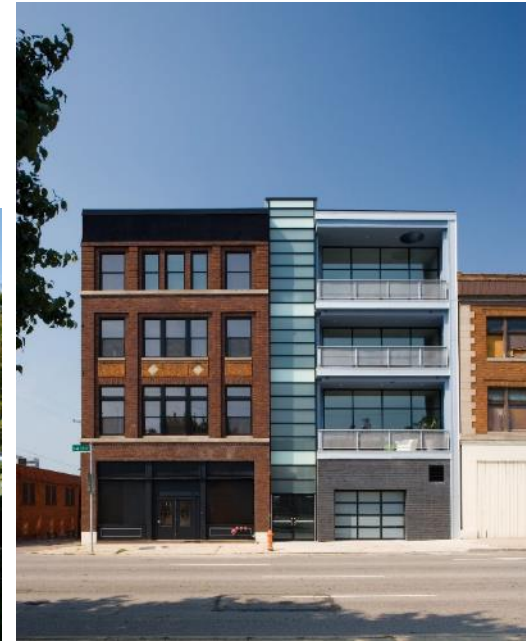
Lifespan of Land Uses

10 years



Lifespan of Buildings

60-120 years



Person = 78 years

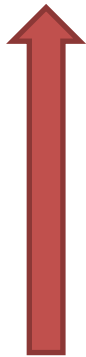
Lifespan of Lots, Blocks, Cities

200+ years



Land Use Toolkit

Basic health and safety standards



State Building Codes

- Plumbing, electrical, and construction standards

Zoning Ordinance

- Compatible uses
- Lot size, setbacks, height, etc.

State Subdivision

- Legal property description
- Conflicts with planned public improvements, highway safety, etc.

Buildings

Activities

Communities



Design Standards

- Building materials
- Architectural details
- Landscaping

Form-based Codes

- Building form and placement
- Streetscape standards
- Quality of materials

Local Land Division

- Design and layout
- Public improvements

Quality and character of development

Guiding document:



New or amended zoning, land division, and official mapping ordinances must be consistent with the adopted plan.

Consistent means “furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan”

Comprehensive Plan

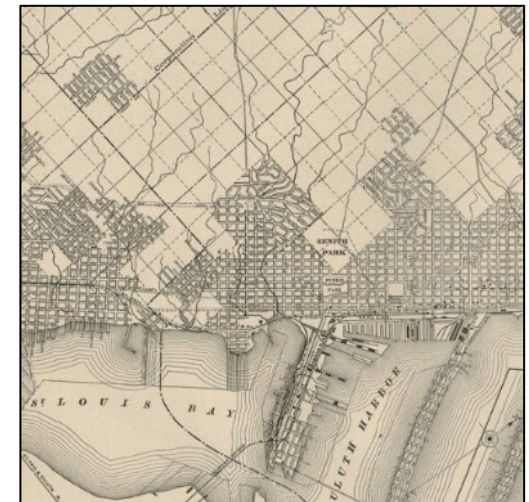
Tools that must be consistent with plan:



Zoning Ordinance



Subdivision Ordinance



Official Map

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Subdivision Regulations



- Legal process for dividing land and recording property
- Review for physical layout of new development, connections with existing development, public safety, and adequacy of improvements



Three Levels of Review

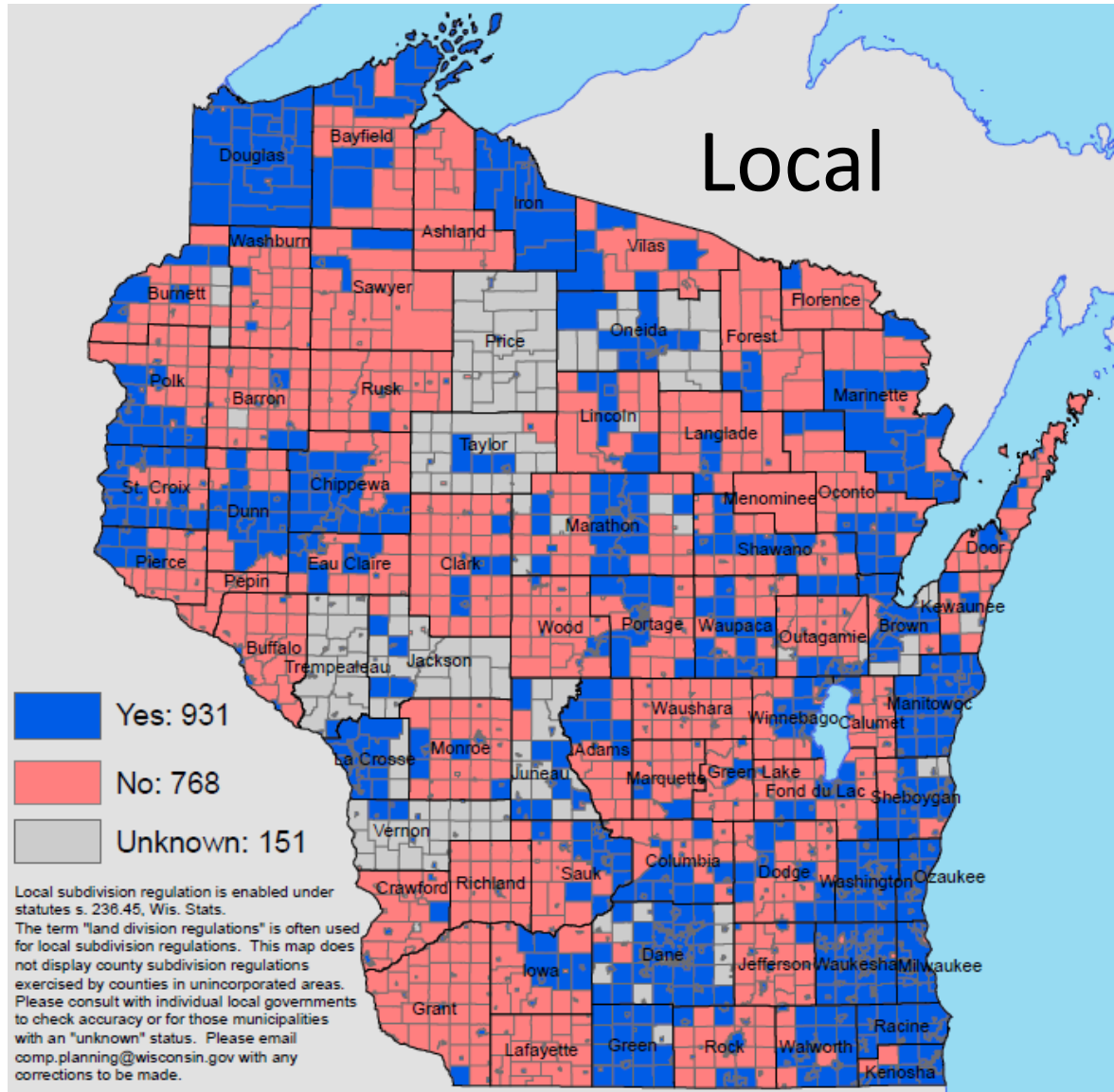
State



County



Local



Which of these divisions is considered a “subdivision” under state law?



Three 1-acre parcels
created in one year



Six 1-acre parcels
created within 5 years



Five 5-acre parcels
created in one year



Subdivision = creation of 5 or more parcels of 1.5 acres or less within a period of 5 years

No

Too few parcels

Three 1-acre parcels
created in one year



Yes!

Six 1-acre parcels
created within 5 years



No

Parcels too large

Five 5-acre parcels
created in one year



State Subdivision Law



State provides minimum standards for subdivisions (Wis. Stat. ch. 236)

- Subdivision = creation of 5 or more parcels of 1½ acre or less within a 5-year period
- State reviews for surveying, layout, mapping, and plat submittal requirements

Objecting Authorities

- The following agencies have authority to certify or “object” to state-defined subdivision plats:
 - [Department of Administration](#) – all state-defined subdivisions are reviewed for compliance with surveying, layout, mapping and plat submittal requirements. (Wis. Stat. 236)
 - [Department of Transportation](#) – subdivisions that abut a state trunk or connecting highway are reviewed for public safety issues and preservation of public interests/investments. (Trans 233)
 - [County Planning Agency](#) – 18 counties review plats located in cities/villages for conflicts with parks, highways, airports, schools, and other planned public developments. (Wis. Stat. 236.12(2)(b))

Approving Authorities

- The following units of government have authority to “approve” of state-defined subdivision plats:
 - County Planning Agency – if the subdivision is located in an unincorporated area of the county
 - Town Board – if the subdivision is located in the town or an area whose annexation is being contested by the town
 - City Council/Village Board – if the subdivision is located in a city/village or its extraterritorial plat review jurisdiction

Local Subdivision Regulations



Counties, towns, cities, villages may adopt local ordinances

- May define subdivision differently (typically in terms of number or size of parcels created)
- May impose additional requirements (design standards, improvements)
- May not alter time limits, deadlines, notice requirements or other protections for subdivider

When review authority overlaps, most restrictive provision applies

Local Subdivision Regulations

- Basic requirements and design standards related to:
 - Roads
 - Sewer and water lines
 - Fire hydrants
 - Drainage systems
 - Sidewalks
 - Street signs, lights
 - And more...



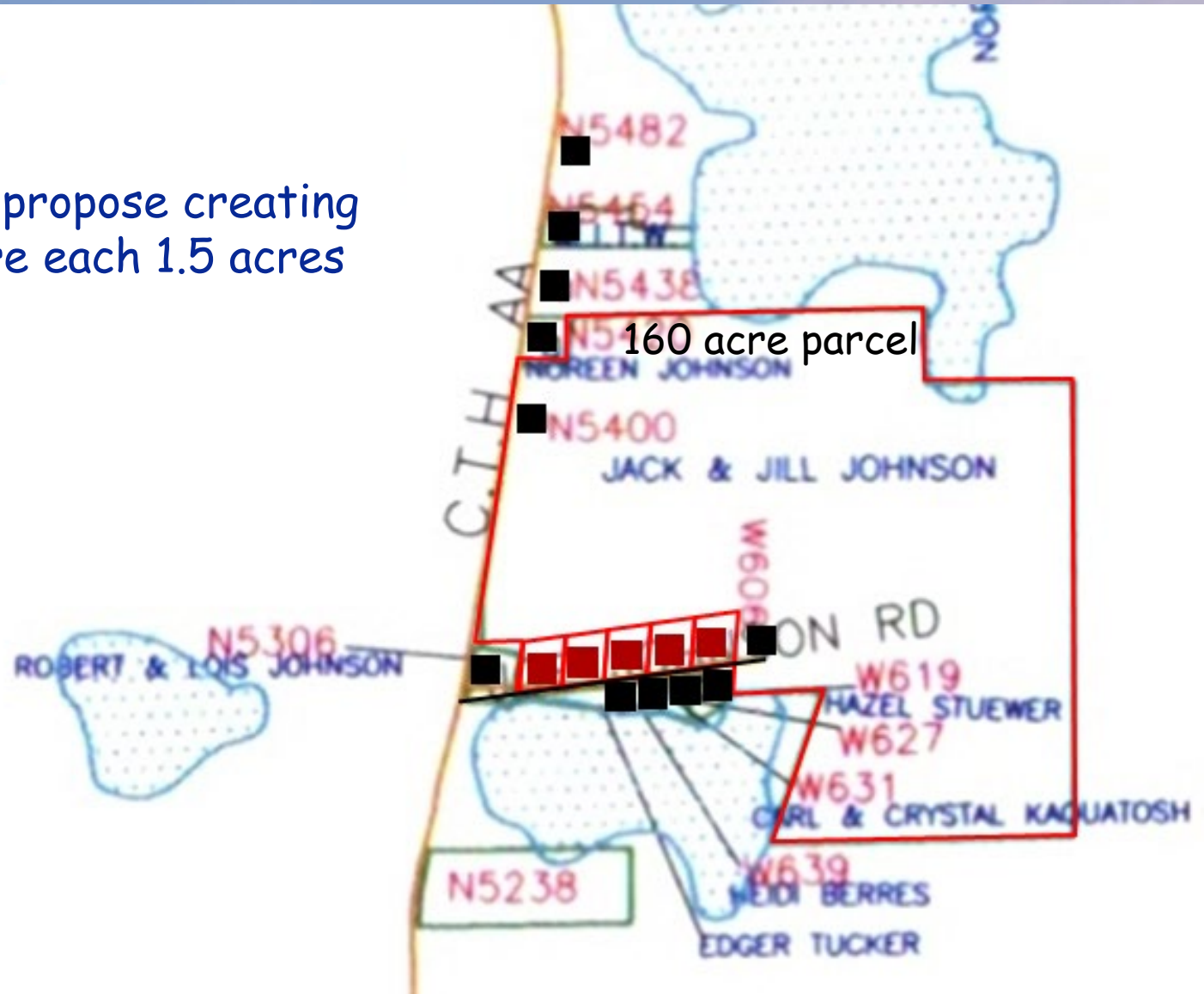


Plats and Certified Survey Maps

Is a subdivision plat required?

Scenario 1

Jack and Jill propose creating 5 lots that are each 1.5 acres in size.



YES!

Who has plat review authority?

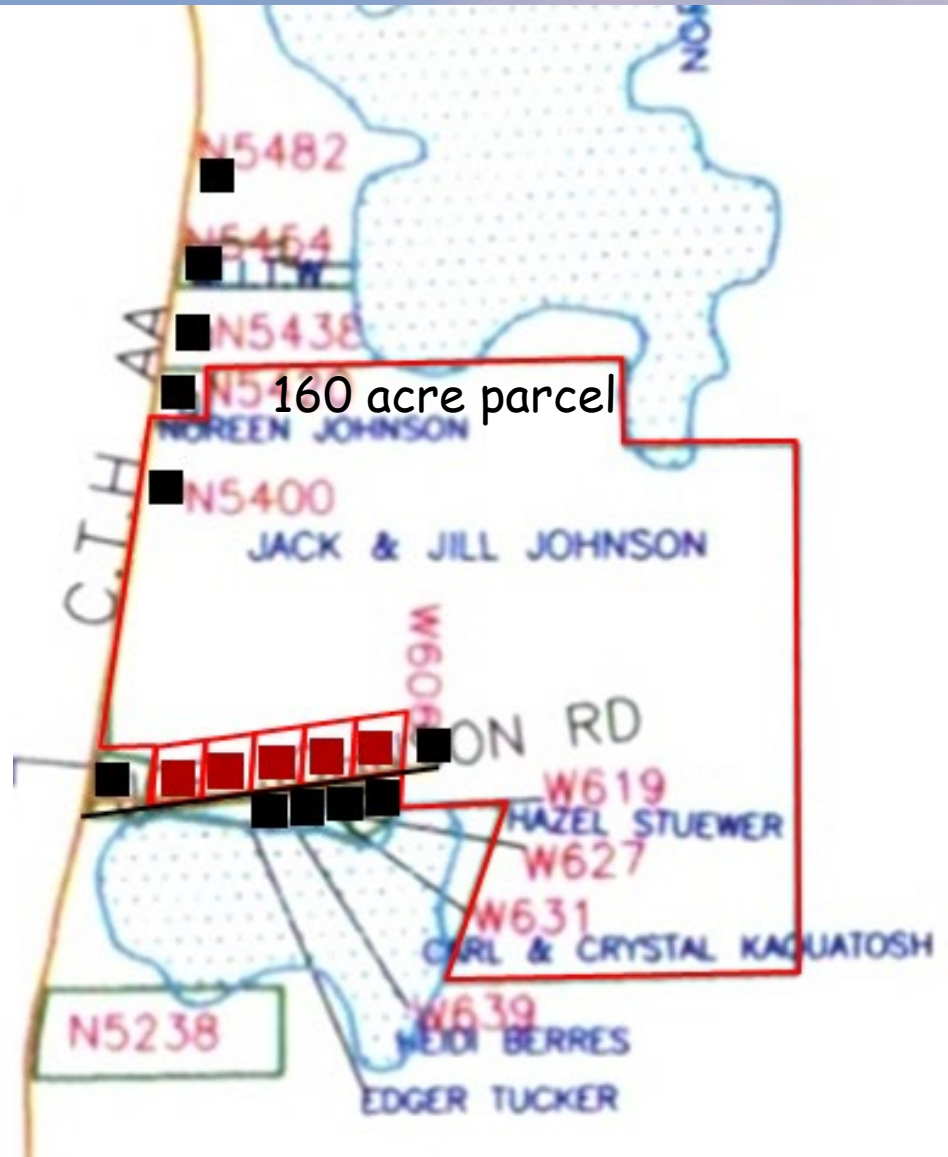
Scenario 1 - revisited

The subdivision is located in a town approximately 1 mile from the nearest village.

The county has a subdivision ordinance.

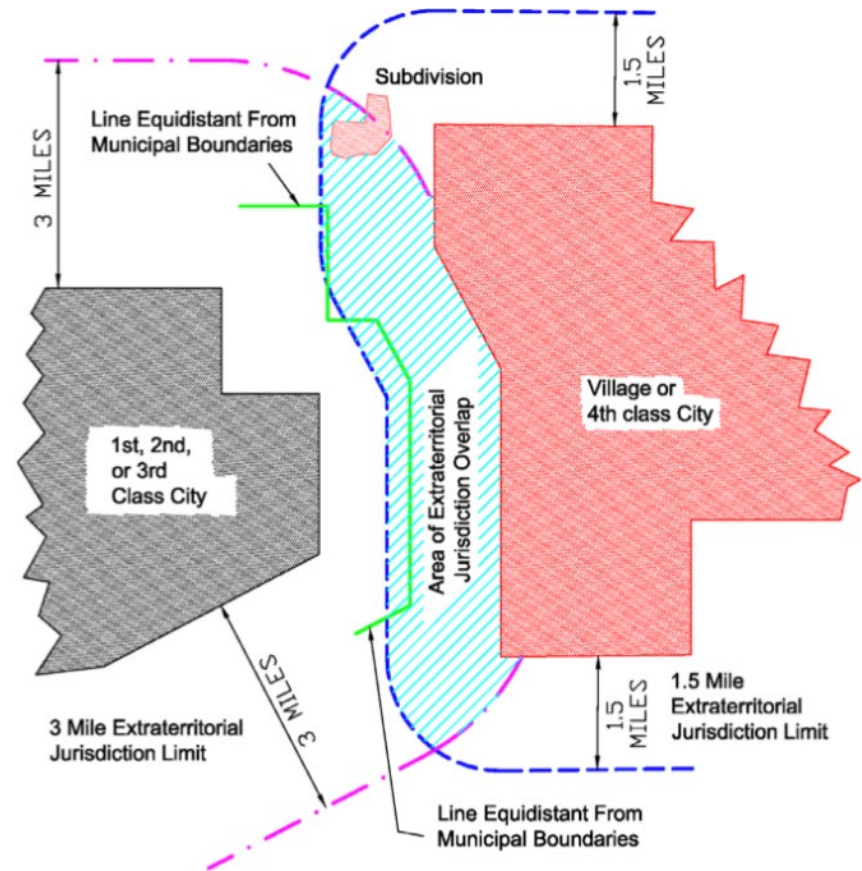
The town and village do not.

Answer:
state, county and town



Extraterritorial plat approval

- Extends 3 miles from a first, second, or third class city
- 1.5 miles from a fourth class city or village
- Overlapping jurisdiction divided at equidistant point

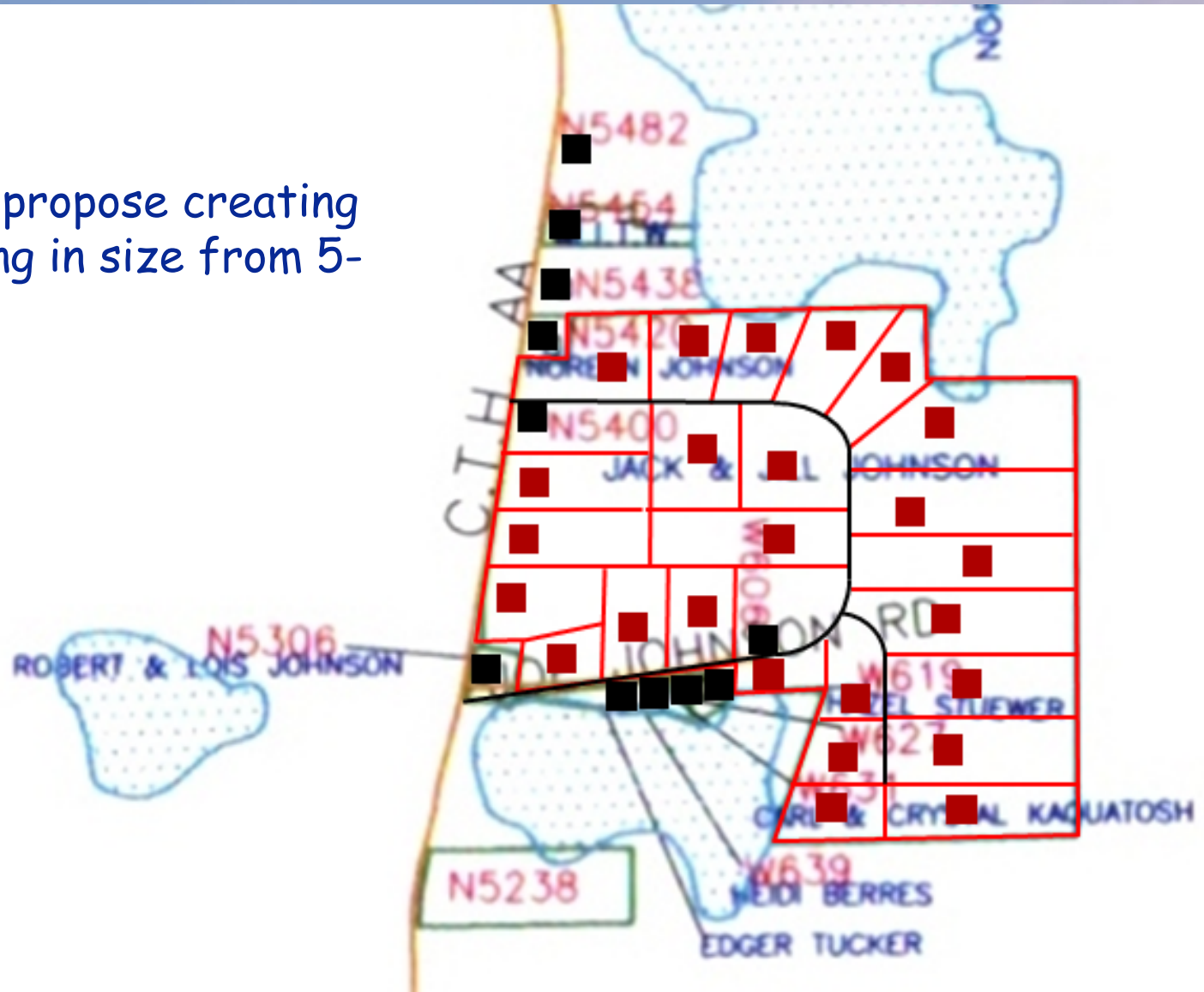


- A city or village must have an adopted subdivision ordinance or official map to exercise this authority
- It may not require public improvements or deny approval on the basis of *use* (extraterritorial zoning)

Is a subdivision plat required?

Scenario 2

Jack and Jill propose creating 25 lots ranging in size from 5-10 acres.



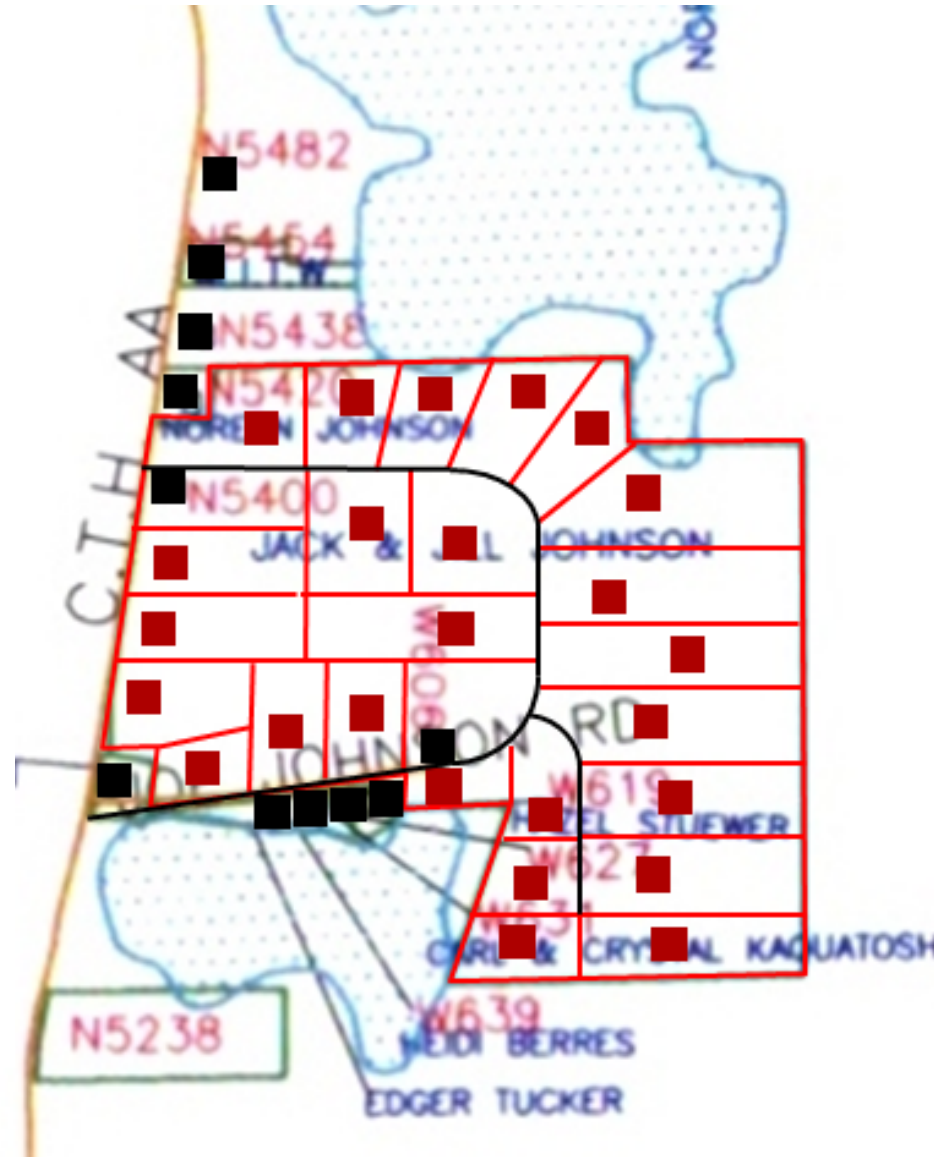
Is a subdivision plat required?

It depends on local regulations...

	No. parcels	Parcel size	Time	
State	5 or more	1.5 acres or less	5 years	No
Calumet Co.	5 or more	1.5 acres or less	5 years	No
Winnebago Co.	5 or more	5 acres or less	5 years	Maybe
Brown Co.	5 or more	10 acres or less	5 years	Yes
Outagamie Co.	5 or more	Any size	5 years	Yes

What can you review for?

- **Layout, access and safety**
(sight lines, turning radius, emergency vehicle access, etc.)
- **Public improvements** (provision of street lights, curb, gutter, etc.)
- **Efficient use of public facilities/services** (road length, proximity to existing utilities, etc.)
- **Preservation of natural features**
(steep slopes, shorelands, wetlands, forests, etc.)
- **Compatibility with adjacent uses** (use, intensity, scale, etc.)



What can you review for?

- Plat approval may only be conditioned on:
 - Compliance with local ordinances in place at time of submittal
 - Consistency with comprehensive plan or official map
 - Provision of public improvements or financial guarantees (contained in a town/village/city subdivision ordinance)
 - Satisfaction of objections raised by state agencies
 - Other requirements of Wis. Stat. Ch. 236

Short answer... items contained in an adopted comprehensive plan, ordinance or official map.

Certified Survey Map

Expedited process for land divisions that do not meet state or local definition of subdivision (based on number or size):

- Survey, monument, and map by professional land surveyor
- CSM dedicating streets or other land must be submitted to governing body – 90 days to act
- CSM filed with county register of deeds



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Typical Process

1

Pre-Application Conference

Informal review intended to spot problems upfront

If requested or required by local ordinance

2

Preliminary Plat Approval

If required by local ordinance OR submitted by applicant

Act within 90 days

3

Final Plat Approval

Submission of detailed engineering and design drawings that comply with Wis. Stat. Ch. 236

Act within 60 days

Final plat is entitled to approval if it complies with local plans/ordinance, meets objections of state agencies, and substantially conforms with an approved preliminary plat.



Department of Community Development

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www.newberlin.org/dcd

PRE-APPLICATION CHECK LIST

- Dumpster Enclosures
- Cross sections of all RTU, wall mounted meters or air handling units.
- Lighting Plan – Parking Lot and Street Lighting if required

§226 & §275-55 Stormwater & Drainage Plan

- Stormwater Management Plan meeting the requirements of Chapter 226
- Master Grading Plan drawn to a scale no greater than 1"=100' on no smaller than 24" x 36" sheets
- Erosion Control Plan drawn to a scale no greater than 1"=100' on no smaller than 24" x 36" sheets

§275-24C(3) Utility Plans

- The Utility Plan may be incorporated into the site plan as long as it remains readable.
- Utility Plans draw to a scale no greater than 1" = 100' on no smaller than 24" x 36" sheets (four copies required).
- Sewage Disposal with location of pipe, septic field, holding tank or sampling manhole
- Water Supply source with location of pipe or well
- Location of electric, gas and telecommunication equipment
- Location of existing and proposed utility easements
- RTU, wall mounted meters or air handling units.

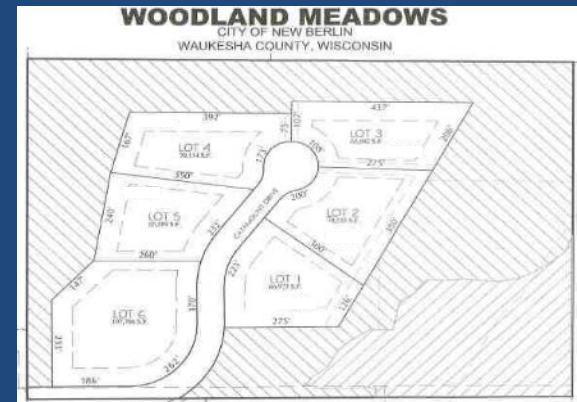
§275-56 Landscaping Plan

- Landscaping Plan to a scale no greater than 1" = 100' on no smaller than 24" x 36" sheets (four copies required)
- Landscaping Plan drawn and colored suited for public presentation to fit on a single 11" x 17" sheet (eighteen color copies required)
- Signature of Landscape Architect that prepared plan
- Fiscal security – installation and maintenance bond or letter of credit
- Limits of Disturbance boundary, §275-54A
- Size, location, type and height of new and existing landscaping
- Screening materials
- Location of electric, gas and telecommunication equipment screening
- RTU, wall mounted meters or air handling units screening.
- Buffer yard landscaping
- Existing wooded areas
- Watercourses
- Scenic or significant vistas
- Pedestrian Access / Sidepaths / Trails

§275-54 Natural Resource Preservation

- Limits of Disturbance (LOD) boundary shown on Site Plan and Landscaping Plan
- No development, grading or vegetation removal or alteration (other than approved landscaping) shall occur outside the LOD
- Residential uses: No more than 60% of the total gross area to be within the LOD
- Non-Residential uses: No more than 75% of the total gross area to be within the LOD
- Woodland, tree and vegetation protection shown on Landscaping Plan
- Location and size of all significant trees (deciduous trees with a DBH of 5 inches or larger or conifers trees 10 foot and taller)
- Significant trees to be removed shall be identified
- Location and size of all replacement trees, see §275-54B(6)
- Wildlife conservation plan (only if required by staff) in accordance with §275-54C

§275-37B(4)(b) Wetland Field Verification



Who does what?

- Subdivision plats must be referred to the plan commission for review and recommendation.
- The governing body may delegate preliminary or final plat approval authority to the plan commission.
- Final plats dedicating streets, highways or other lands must be approved by the governing body.

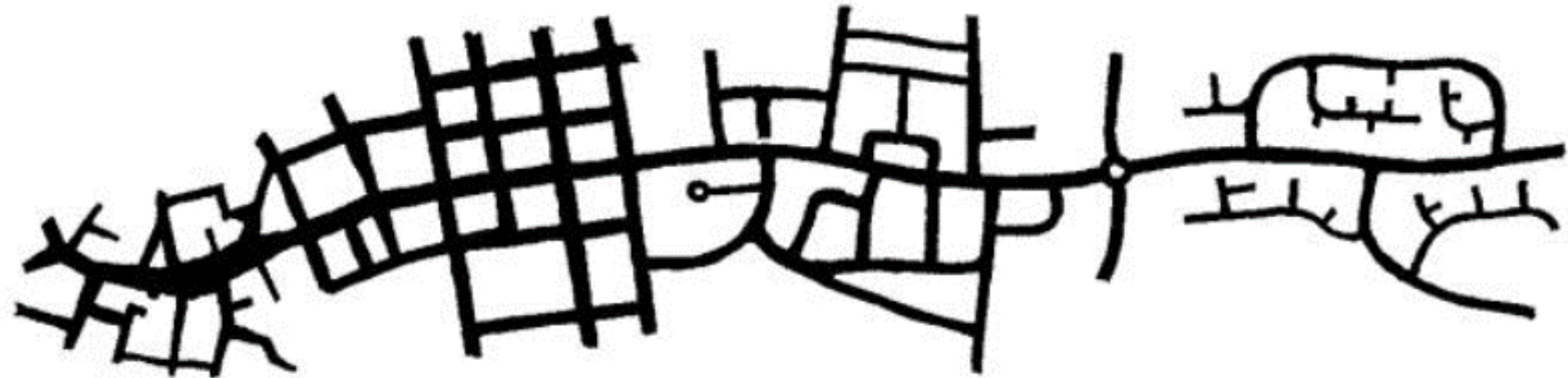
(Wis. Stat. 62.23(5) and 236.10(3))



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Design Considerations

Patterns of Development



A-Altstadt

- Era of pedestrian and horseback
- Historic core
- Irregular streets and buildings
- Buildings front street

B-Bilateral

- Era of horse and carriage
- Urban core or extensions of city
- Gridiron streets
- Buildings front street






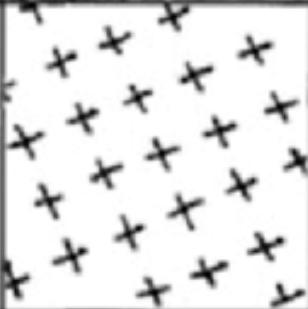




C-Conjoint

- Era of public transport and cars
- Citywide or suburban extension
- Buildings set back or fronting street

D-Distributary

- Era of the car
- Citywide or suburban extension
- Access only to minor roads
- Building set back

Patterns of Development

	Gridiron (c. 1900)	Fragmented Parallel (c. 1950)	Warped Parallel (c. 1960)	Loops and Lollipops (c. 1970)	Lollipops on a Stick (c. 1980)
Street Patterns					
Intersections					
Lineal Feet of Streets	20,800	19,000	16,500	15,300	15,600
# of Blocks	28	19	14	12	8
# of Intersections	26	22	14	12	8
# of Access Points	19	10	7	6	4
# of Loops & Cul-de- Sacs	0	1	2	8	24

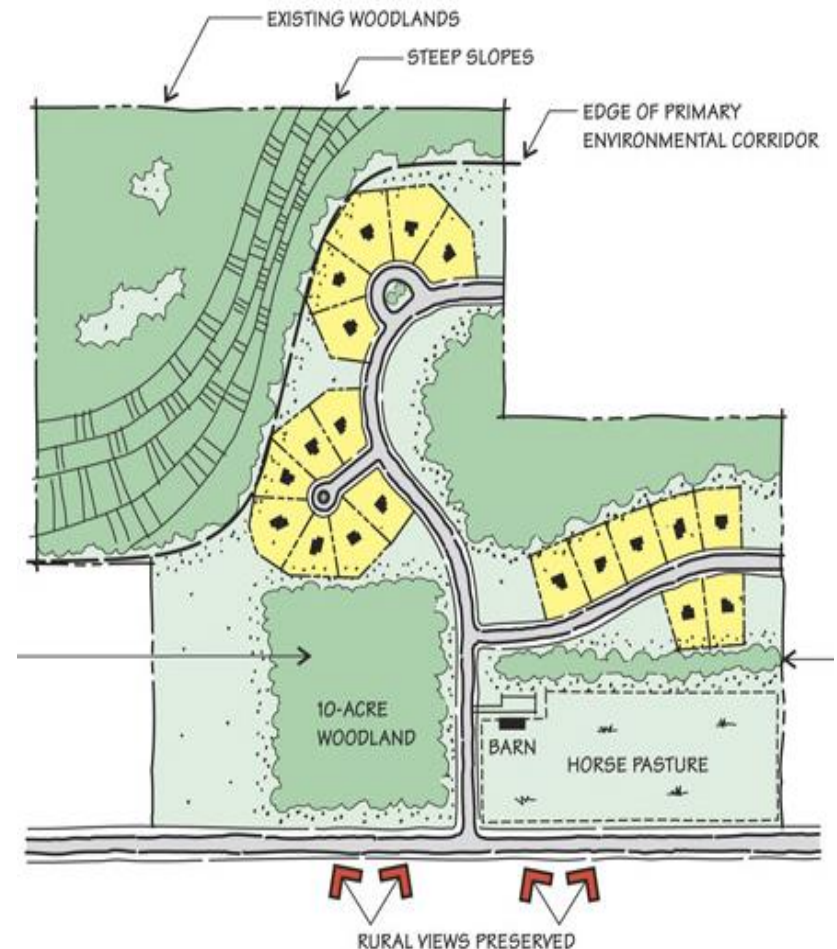
Traditional Neighborhood Design



- Range of housing types
- Network of connected streets
- Public spaces and amenities within walking distance

Cluster / Conservation Development

- Buildings grouped on small lots to preserve open space
- May be accompanied by density bonus
- Open space typically protected with conservation easement



Solar Subdivisions

- Orientation of streets and buildings to capture solar energy



Homework

Visit sites in your community after development and review against approved plans



How would you amend your process or standards to provide better outcomes?



Recommended Resources

For More Information

Plat Review

<http://doa.wi.gov/platreview>

[Platting News](#)

[Plat Review Documents](#)

[Platting Manual](#)

[Platting Statutes & Rules](#)

[Intergovernmental Relations](#)

Contact Us

Email

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Phone

[\(608\)266-3200](tel:(608)266-3200)

Wisconsin Platting Manual

[Full Manual](#) Jan. 2019

Manual Sections

[A-E](#) 7

[Annexation](#) August 2016

[Assessor's Plats](#) Jan. 2019

[Cemetery Plats](#)

[Certificates](#) Nov. 2016

[Condo Plats](#) 2009

[Correction Instruments](#)

[Certified Survey Maps \(CSM\)](#) Jan. 2019

[Discontinuances](#) Jan. 2019

[Easements](#)

[Example Plats](#) Jan. 2019

[Local Plats](#) Dec. 2014

[Lots & Outlots](#) Dec. 2014

[Mapping Requirements](#) Jan. 2019

[Monuments](#) Dec. 2014

[Recording](#) Dec. 2014

[Review Process](#) Apr. 2019

[Restriction Release](#)

[Submittals](#) Jan. 2019

[Time Limits](#) Dec. 2014

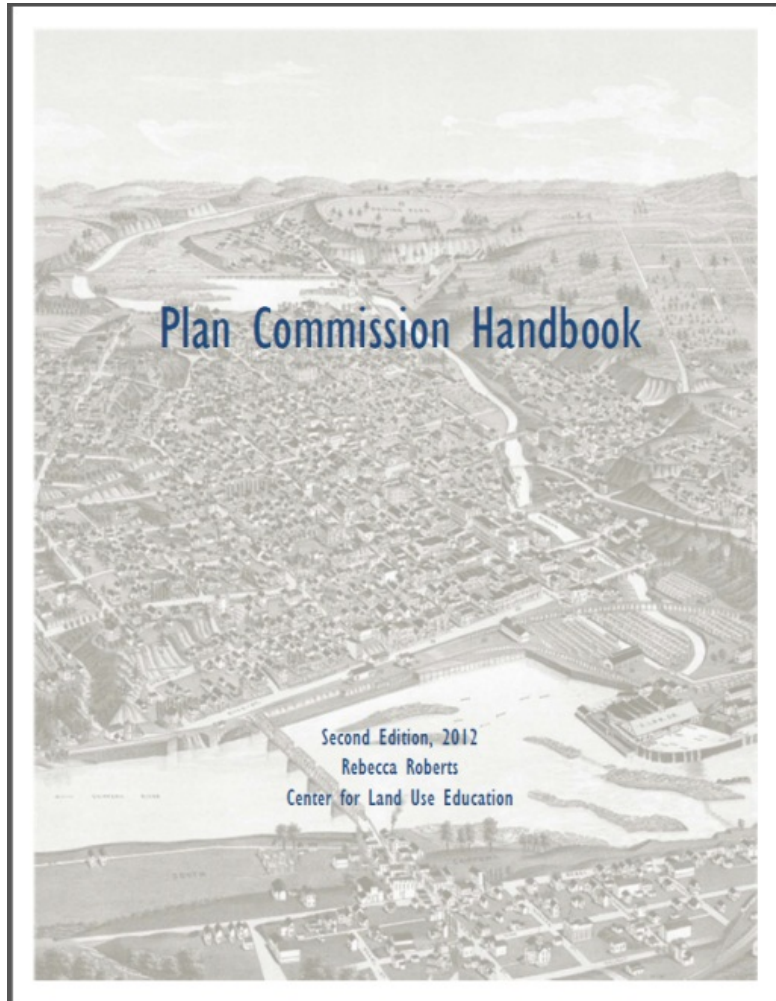
[Streets](#) Dec. 2014

[Subdivisions & Water](#) Dec. 2014

[Vacations](#) Jan. 2016

<https://doa.wi.gov/Pages/LocalGovtsGrants/WisconsinPlattingManual.aspx>

For More Information



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Land Use Training & Resources



Land Use Training & Resources
Division of Extension

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Preparing for a Digital Future

Information and community examples to assist in improving digital communication through your municipal website. Drive citizens to important information, hold remote meetings and conduct online training.



Plan Commission Training

Plan Commission Training is designed to orient new members and interested citizens to the roles and responsibilities of the plan commission and to serve as a refresher for veteran members of the commission.



Zoning Board Training

Zoning Board Training is designed to provide an introduction for new zoning board members and staff to zoning board roles, procedures and standards

<https://fyi.extension.wisc.edu/landusetraining/>

Recorded Webinars

Role of the Plan Commission



This webinar introduces three primary tools for land use decision-making: the comprehensive plan, zoning ordinance, and subdivision ordinance. We take a closer look at zoning decisions and review rules that apply when elected and appointed officials adopt and apply ordinances.

Role of the Zoning Board



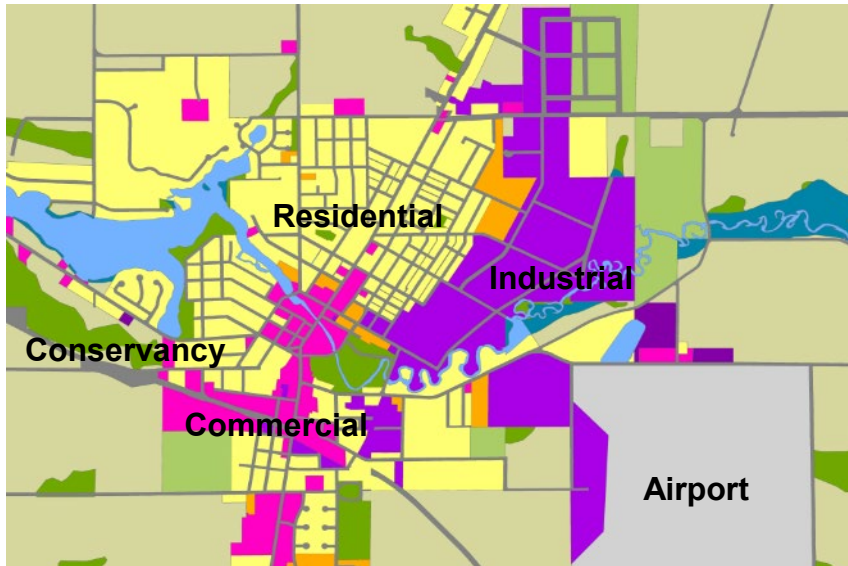
This webinar covers decisions typically assigned to the zoning board of adjustment or appeals, including variances, administrative appeals, and conditional uses. We take a closer look at the quasi-judicial role of the zoning board and how their decisions impact communities.

<https://www.uwsp.edu/cnr-ap/clue/Pages/Webinars/Zoning%20Webinars.aspx>

Upcoming Webinars

Zoning Fundamentals

April 29, 10-11 am



Discuss what zoning is and why most Wisconsin communities have adopted it. Explore the role of local government bodies in adopting, amending and administering zoning.

Meeting & Hearing Conduct

May 18, 1-2 pm



Learn how to conduct more effective meetings and hearings. Understand legislative and quasi-judicial decision-makers and the importance of creating an effective record of decisions.

<https://www.eventbrite.com/e/planning-and-zoning-webinars-registration-139559924491>

Upcoming Webinars

Annual Case Law and Legislative Update

May 4, 10:30-noon



Review recent court decisions and legislation from the past year affecting planning and land use decision-making in Wisconsin.

Public Participation in Land Use Decision-Making

June 15, 10-11:30 am



Learn how to modify existing procedures and plan for more effective public involvement. Designed for local land use decision-makers.

<https://charge.wisc.edu/LocalGovernment/Workshops.aspx>

Thank You!

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