

Chapter 8

Subdivision Regulations

INTRODUCTION	2
STATE SUBDIVISION REGULATIONS	2
State Review (Objecting Authorities)	
Local Review (Approving Authorities)	
Basis for Approval	
LOCAL LAND DIVISION REGULATIONS	6
General Organization of a Subdivision Ordinance	
Variations on Conventional Subdivision Design	
Ordinance Adoption and Amendment	
Design Considerations for Local Land Divisions	
REVIEW OF LAND DIVISIONS AND SUBDIVISIONS	9
Plat Review	
Appealing Plat Decisions	
Certified Survey Maps	
ADDITIONAL RESOURCES	12
Recommended Resources	
Sample Pre-Application Checklist	
Sample Application Forms	
Sample Preliminary and Final Plat	
Sample Certified Survey Map	
Sample Staff Report	

INTRODUCTION

Much of the form and character of a community is determined by the design of subdivisions and the standards by which they are built. State statutes regulate the technical and procedural aspects of dividing land for development and provide minimum standards for subdivisions related to sanitation, street access and layout.

Local communities (counties, towns, cities and villages) may also adopt local land division or subdivision regulations. Local ordinances may be more restrictive than the state with regard to the number or size of lots regulated. Local ordinances tend to focus on the density, layout and design of new developments. They may also require developers to provide public improvements such as roads, storm sewers, water supply systems, landscaping or signage. If a local community does not exert control over local land divisions, the result may be excessive or premature division of land, poor quality or substandard development, or partial or inadequate infrastructure development.

Among its many purposes, land division regulations can help a community to:

- Address health and safety issues such as stormwater runoff and emergency access.
- Ensure new development is adequately served by public facilities such as roads and parks.
- Provide for the efficient placement and delivery of public services and facilities.
- Promote neighborhood designs that meet the needs of residents.
- Ensure accurate legal descriptions of properties.
- Avoid disputes regarding the sale, transfer or subdivision of land.
- Protect other community interests outlined in a comprehensive plan or local ordinance.

State Defined “Subdivision” – a division of a lot, parcel or tract of land by the same owner that creates 5 or more parcels or building sites of 1½ acre or less, *or* successive divisions of land by the same owner within a five year period that result in 5 or more parcels of 1½ acre or less.

Wis. Stat. § 236.02(12)

Local “Land Division” – local ordinances may be more restrictive than the state definition with regard to the number or size of lots regulated. This publication will generally use the term “land division” to refer to all such developments.

Wis. Stat. § 236.45

STATE SUBDIVISION REGULATIONS

The State of Wisconsin regulates divisions of land that result in five or more parcels of one and a half acre or less within a five year period. State subdivisions (and local land divisions, if required by ordinance) must undergo review by a number of state, county and local agencies. These agencies are often referred to as “objecting” and “approving” authorities, as described below.

► State Review (Objecting Authorities)

A proposed plat that meets the state definition of a subdivision must be submitted to the Department of Administration who is responsible for forwarding it to other appropriate state and local agencies for review. The following agencies are authorized to review and may “object” to a plat based on criteria outlined in state statutes and administrative rules:¹

¹ Wis. Stat. § 236.12 also lists the Department of Safety and Professional Services as an objecting authority. In July 2000, Wis. Admin. Code, Chs. Comm 83 and 85 (now SPS 383 and 385) were repealed and recreated eliminating the department’s review authority. Local approval of plats may still be conditioned on compliance with these rules.

- **Department of Administration** – all subdivisions are reviewed for compliance with surveying, layout, mapping and plat submittal requirements.
- **Department of Transportation** – subdivisions that abut a state trunk or connecting highway are reviewed for public safety issues and the preservation of public interest and investments.
- **County Planning Agency** – subdivisions that are not served by public sewers are reviewed for lot size and lot elevation necessary for proper sanitary conditions.² Subdivisions located in select municipalities are reviewed for conflicts with parks, highways, airports, schools and other planned public developments.³

State agencies may delegate review of any of these matters to a local official. If an objecting authority (or its authorized agent) objects to a plat, the subdivision cannot be approved until the objection has been satisfied.



Image: University of Minnesota, Metropolitan Design Center Image Bank

² This authority was delegated to counties by the Department of Safety and Professional Services.

³ Under Wis. Stat. § 236.12(2)(b), county planning agencies that employ a full-time employee and adopt a policy requiring submission of plats are considered objecting authorities. If no county planning agency exists and the plat abuts a county park, it may be reviewed by the county park commission or park manager. Counties currently acting as objecting authorities include: Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Juneau, Manitowoc, Milwaukee, Oconto, Racine, Rock, St. Croix, Sheboygan, Washington, Waukesha, and Winnebago.

Plat – a map of a subdivision. A plat may be submitted for approval in two phases:

A ‘**preliminary plat**’ shows the salient features of a subdivision necessary for preliminary approval. The map should be drawn to scale showing the location and exterior boundaries of the parcel to be divided and the approximate location of lots and other improvements.

A ‘**final plat**’ is a subdivision map prepared for recording. It should incorporate changes discussed during preliminary plat review, if applicable, and must meet detailed layout, surveying, mapping and submittal requirements described in state statutes.

Wis. Stat. § 236.10-21

► Local Review (Approving Authorities)

Prior to recording a plat, local approving authorities must demonstrate their acceptance of a subdivision by signing the plat. This authority exists even if the community has not adopted a local land division ordinance. The following bodies are authorized to review and “approve” subdivisions located within their jurisdiction:

- **City Council** – if the subdivision is located in the city or its extraterritorial plat approval jurisdiction.
- **Village Board** – if the subdivision is located in the village or its extraterritorial plat approval jurisdiction.
- **Town Board** – if the subdivision is located in the town or an area whose annexation is being contested by the town.
- **County Planning Agency** – if the subdivision is located in an unincorporated area of the county.⁴

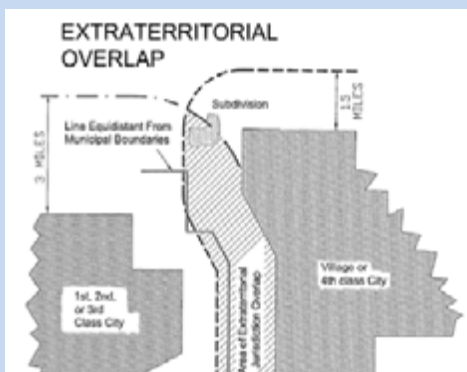
⁴ Wis. Stat. § 236.10. The county planning agency must employ a full-time employee to have jurisdiction in extraterritorial plat review areas.

If a proposed subdivision falls within the jurisdiction of multiple approving authorities it must obtain approval from each. For example, if a plat is located outside the corporate limits of a city or village but within the municipality's extraterritorial plat approval jurisdiction, it must obtain approval from the town, municipality and county.

A local government may authorize the plan commission to review and approve preliminary or final plats. A local government may also cooperate with another city, village, town, county or regional planning commission to review and/or approve plats. However, final plats dedicating streets, highways or other lands must be approved by the local governing body.

Extraterritorial Plat Review

The extraterritorial plat approval jurisdiction extends 3 miles from the boundaries of a first, second or third class city, and 1½ miles from the boundaries of a fourth class city or village. If the extraterritorial jurisdiction of a city or village overlaps, a line is drawn equidistant from the boundaries of each so that their review authority does not overlap.



Extraterritorial plat approval authority applies automatically if a city or village has adopted a local land division ordinance or official map. A municipality may adopt a resolution waiving its right to approve plats in its extraterritorial area.

Wis. Stat. §§ 236.10 and 66.0105

► Basis for Approval

Approval of preliminary or final plats may only be conditioned on the following factors:⁵

- Compliance with a local ordinance in place when the plat was submitted.
- Consistency with an adopted comprehensive plan, master plan or official map.⁶
- Installation of public improvements or financial guarantees necessary to ensure installation.⁷
- Payment by the developer for alterations to utilities that fall within the public right-of-way.
- Creation of easements for solar or wind energy access.
- Rules of the Department of Transportation (Trans 233) related to subdivisions that abut a state trunk or connecting highway.
- Rules of the Department of Safety and Professional Services (SPS 385) related to lot size and lot elevation necessary for proper sanitary conditions if not served by public sewers.
- Other requirements described in Wis. Stat. Ch. 236.

A local government may not reject a plat unless it conflicts with an existing local ordinance, plan, official map, statute or rule. In the case where state statutes, administrative rules or local ordinances conflict, the plat must comply with the most restrictive requirement.⁸

⁵ Wis. Stat. § 236.13.

⁶ *State ex rel. Columbia Corp. v. Town of Pacific*, 92 Wis. 2d 767, 286 N.W.2d 252 (1979). *Lake City Corp. v. City of Mequon*, 207 Wis. 2d 156, 58 N.W.2d 100 (1997).

⁷ A town, city or village must adopt a local ordinance requiring public improvements. Cities and villages may not require public improvements in an extraterritorial area. *Pederson v. Town of Windsor*, 191 Wis. 2d 664, 530 N.W.2d 427 (Ct. App. 1996). Counties do not have authority to require public improvements. *Rogers Dev. v. Rock County Planning and Dev. Committee*, 2003 WI App 113, 265 Wis. 2d 214, 666 N.W.2d 504, 02-0017.

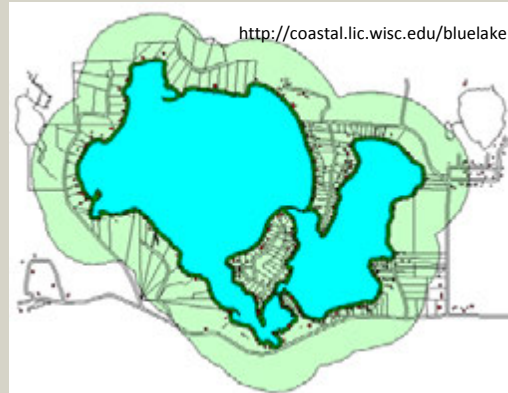
⁸ Wis. Stat. § 236.13(4) and 61 Atty. Gen. 289.

What rules apply to shoreland development?

State subdivision regulations – All state-defined subdivisions that abut a navigable lake or stream are required to provide at least 60 feet of public access every one-half mile. Additionally, subdivisions located within 500 feet of the ordinary high water mark of navigable waters are required to provide either a public sewage disposal system or adequate drainage and building setbacks necessary to ensure property sanitary sewage. Local approval of preliminary or final plats may be conditioned on these items.

Wis. Stat. §§ 236.16(3) and 236.13(2m)

County land division regulations – Counties are required to regulate land divisions in shoreland areas that result in the creation of three or more parcels of five acres or less within a five year period. Sewered lots are required to have a minimum average width of 65 feet and be a minimum of 10,000 square feet in size. Unsewered lots are required to have a minimum average width of 100 feet and be a minimum of 20,000 square feet in size. Structures must be set back at least 75 feet from the water's edge. Local regulations may be more restrictive than the state standards.



Wis. Admin. §§ NR 115.05(1)(a) and (2)

What rules apply to condominium developments?

A condominium is a form of ownership in which each dwelling unit is owned by the occupant and the land is held in common ownership, typically by all occupants.

Wisconsin's subdivision laws do not apply to condominium developments because land is not being subdivided. However, the provisions of a local subdivision ordinance *may* apply if the ordinance specifically says so. In addition, Chapter 703 of the Wisconsin Statutes provides detailed regulations for the creation of condominiums.

Wis. Stat. §§ 703.27(1)

What rules apply to planned unit developments?

A planned unit development is a tool for allowing greater flexibility in the siting and design of development. Planned unit developments are typically reviewed and approved as a package and often include a mix of land uses (office, retail, residential), intensities (single-family, apartment, townhome), and other special design features.

Most communities regulate planned unit developments through their local zoning ordinance. However, some communities also regulate PUDs through their land division ordinance to ensure that they comply with local design and improvement standards. If lots within a planned unit development are created with a subdivision plat, they are subject to review by state and local objecting and approving authorities.

LOCAL LAND DIVISION REGULATIONS

Counties, towns, cities and villages that have established a planning agency may adopt local land division regulations that are more restrictive than state standards. Local ordinances are usually more restrictive with regard to the number and size of lots regulated (i.e. fewer than five parcels or larger than one and a half acre), or with regard to layout, design or public improvement requirements. Local ordinances *may not* be more restrictive with regard to time limits, deadlines, notice requirements, or other provisions that provide protections for the subdivider.

▮ General Organization of a Land Division Ordinance

Most land division ordinances contain the following sections:

- **Title, Authority and Purpose.** This section identifies the state enabling legislation which empowers the community to adopt land division regulations and describes the ordinance purpose.
- **General Provisions.** This section includes definitions of terms and describes the area affected by the ordinance.
- **Land Division Procedures.** This section describes procedures and requirements for dividing land. Depending on the number and size of lots created, communities often distinguish between state subdivisions and major or minor land divisions. A plat approval process or certified survey map may be required depending on the number and size of lots created.
- **Design and Development Standards.** This section describes minimum design standards related to street arrangement, block sizes, lot sizes, lighting, road and drainage gradients, stormwater management, integration of natural features, and similar physical criteria.
- **Public Improvements.** As a condition of approval, a local government may require a developer to dedicate land, fees in lieu of land, easements, or public improvements

necessary to serve the new development. Roads, sidewalks, monuments, street signs, public utilities, water lines, sewers, storm drains, landscaping, and other on-site improvements may also be required.

- **Administration, Enforcement and Fees.** This section identifies application and review fees and the process for appealing plat decisions. Financial guarantees, such as a letter of credit or performance bond may be required to ensure that improvements are completed in a specified time period.

▮ Variations on Conventional Subdivision Design

Local land division regulations may incorporate a variety of community design concepts, such as those profiled below. In most cases, additional tools such as zoning, site planning, and comprehensive planning are needed to achieve these types of development.

Conservation Subdivision Design

Conservation subdivision design, also known as cluster or open space design, aims to conserve high-quality natural features by clustering development on limited areas of a site. Reduced lot sizes are offset by natural features maintained in common open space. Modifications to existing zoning, subdivision, or unified development codes may be required to allow conservation subdivisions. A land trust or homeowners association may be needed to manage the open space.

Sugarcreek Preserve in Elkhorn, Wisconsin features 52 home sites among 177 acres of permanently preserved open space.



Image: www.sugarcreekpreserve.com

Smith's Crossing in Sun Prairie, Wisconsin incorporates a mix of residential, commercial, civic and open space.



Image: www.tkwa.com/smiths-crossing

Traditional Neighborhood Design

Traditional neighborhood design (TND), also known as new urbanism or neo traditional design, strives to create compact pedestrian-oriented neighborhoods containing a mix of land use and public open space.

Conventional land division and zoning codes, which require large lots, deep setbacks, wide streets and separation of uses, may need to be modified to allow TNDs. Planned unit developments are another tool to implement TNDs.

Low Impact Development

Low impact development (LID) utilizes an ecosystem approach to minimize impacts of new development on water flows and water quality in lakes, streams and groundwater. LID utilizes a variety of techniques such as reduced impervious surfaces, bioretention, and maintenance of natural features to maintain and enhance pre-development hydrologic systems. LID principles may be incorporated into existing stormwater management ordinances, land division regulations or site design guidelines.

⁹ Wis. Stat. § 236.45

¹⁰ The comprehensive planning law requires new or amended land division and subdivision ordinances to be “consistent” with an adopted comprehensive plan beginning on January 1, 2010. Wis. Stat. § 66.1001.

¹¹ Wis. Stat. § 62.23(5)

Ordinance Adoption and Amendment

The authority and procedure for a town, city, village or county to adopt or amend a local land division ordinance is outlined in state statutes and summarized below:⁹

1. **Preparation of Draft Ordinance.** The ordinance or amendment is typically prepared by the plan commission, planning and zoning staff, legal counsel, or a private consulting firm at the direction of the governing body. Local ordinances and amendments must be guided by and consistent with an adopted comprehensive plan.¹⁰
2. **Plan Commission Recommendation.** The plan commission must review and provide a recommendation on the draft ordinance prior to adoption by the governing body.¹¹
3. **Public Notice and Hearing.** A hearing must be held on the draft ordinance following publication of a class 2 notice. Opportunities for public participation prior to the hearing are recommended to ensure that the ordinance is understood and accepted by the public.
4. **Adoption and Publication.** After holding a public hearing and receiving the recommendation of its plan commission, the governing body may adopt the land division ordinance. The adopted ordinance must be published in a form suitable for public distribution.

The St. Francis Addition in Cross Plains, Wisconsin features multiple bioretention and infiltration areas.



Image: <http://pubs.usgs.gov/sir/2004/5156/>

Design Considerations for Local Land Divisions

Following are some basic design principles to incorporate in local land division ordinances and consider when reviewing plats:

1. **Proper relationship to surrounding land uses.**
 - Is the proposed land division consistent with the land use types and intensities envisioned in the adopted comprehensive plan?
 - Is it compatible with existing land uses in the area and with the zoning for the site?
2. **Proper relationship to the natural resource base.**
 - Does the proposed land division conflict with environmental corridors or other natural resource features identified in the comprehensive plan? (i.e. agriculture, woodlands, surface water, groundwater, wildlife habitat, etc.)
 - Are the conditions of the site suitable for the type of development proposed? (i.e. avoid steep slopes, shallow bedrock, areas prone to flooding, erosion and other hazards)
3. **Proper design of internal features and details.**
 - Does the layout of the proposed land division take advantage of existing topography and natural features?
 - Does the size, shape and orientation of lots provide for proper building envelopes, viewsheds, solar access, and other desired design features?
 - Do the streets provide access for emergency vehicles and connections to neighboring streets and arterials?
 - Is the stormwater management system adequately designed to accommodate runoff and avoid flooding?
4. **Provision for community facilities and services.**
 - Does the layout of the proposed land division lend itself to the efficient and cost-effective provision of public facilities and services?
 - Can public sanitary sewers, water supply systems, stormwater management systems, public utilities, roads, and mass transit services be readily extended to the proposed land division?
 - Is the capacity of these systems adequate to meet the proposed demand?
 - Is access provided to nearby school and park sites, shopping facilities, places of employment, and other features of neighborhood, community or regional concern?
5. **Creation of an integrated design.**
 - Does the proposed land division include focal points such as historic buildings, specimen trees, public buildings, schools or park sites?
 - Does the proposed land division include any integrated design features such as landscaping, street trees, lighting, signage or thematic architectural design?
6. **Sequencing and financing.**
 - Will the proposed land division be proposed and constructed in phases?
 - How will the proposed land division be financed? What portions will be paid for by the community and by the developer? Through what mechanisms?

Adapted from the *Land Division Control Guide*. 2001. Southeastern Wisconsin Regional Planning Commission. Available online: www.sewrpc.org/SEWRPCFiles/Publications/pg/pg-01_land_division_control_guide.pdf

REVIEW OF LAND DIVISIONS AND SUBDIVISIONS

Different review and approval processes are associated with land divisions depending on the number and size of lots created. State-defined subdivisions are required to undergo state-level plat review. Local land division ordinances may require that divisions resulting in fewer than five parcels or parcels greater than one and one half acre undergo the same process or a substantially similar process. Unless a local ordinance provides otherwise, divisions that result in four or less parcels may be approved through a certified survey map.

► Plat Review

Plat review is required of *state-defined subdivisions* and most *major land divisions*, as that term is used locally. The first two steps in the following process are optional but may be required by a local ordinance:¹²

1. Pre-application conference (optional)

Early in the process, it is helpful to provide landowners and developers with an overview of the development review process and a checklist of requirements. Some communities require submission of a conceptual sketch of the land division. This enables the plan commission, governing body and staff to review the proposal, make suggestions, and point out issues related to compliance with local plans, ordinances and state law. This is an informal step designed to save the developer and local municipality time and money over the long-run.

2. Preliminary plat approval (optional)

Following the pre-application conference, the applicant may be required by a local ordinance or may opt to submit detailed plans and maps to the local unit of government showing the layout of streets, lots, utility connections, natural features, topography and other

Major and Minor Land Divisions

Communities use various terms to regulate and describe divisions of land. Depending on the number and size of lots created within a given period of time, they may be referred to as state-defined subdivisions, major or minor land divisions, or simply, land divisions. Two common terms are explored below.

Major Land Division – a division of land usually resulting in *five or more* parcels of a particular size; generally approved through a plat review process.

Minor Land Division – a division of land usually resulting in *four or less* parcels of a particular size; usually approved through a certified survey map.

pertinent information. The governing body or plan commission has 90 days to review these materials and make a decision to approve, conditionally approve, or reject the preliminary plat. Failure to act within this time period or extend the period for review constitutes approval. State statutes do not require, but it is recommended that local ordinances include review by objecting agencies. To comply with common law due process requirements, a public notice and hearing are recommended prior to preliminary plat approval. The local ordinance should contain specific hearing and notice requirements.

3. Final plat approval (required)

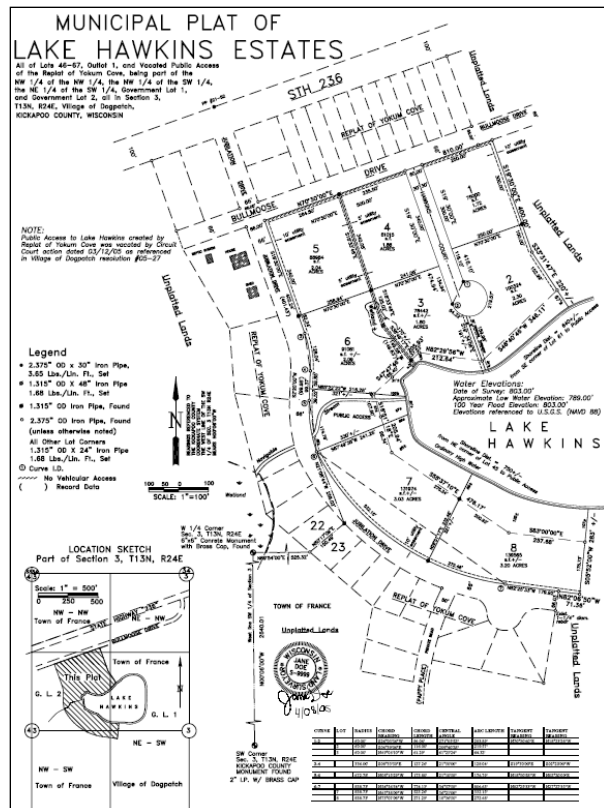
Applicants are required to submit a final plat to the Department of Administration. The Department is responsible for forwarding copies of the plat to all applicable approving and objecting authorities and may do so at the expense of the subdivider. The Department has 30 days and other objecting agencies have 20 days to review and object to the plat. The governing body or plan commission has 60 days to approve or reject the plat. If the final plat

¹² Wis. Stat. §§ 236.11-12 and 236.21-27

complies with local plans and ordinances, satisfies objecting agencies, and conforms substantially to an approved preliminary plat and any conditions placed on it, it is entitled to approval. Failure to act within 60 days or to extend the period for review constitutes approval, unless an objection has been registered. If the plat was not submitted for preliminary approval, a hearing and public notice are recommended prior to final approval.

4. Survey and recording (required)

Prior to final plat approval, the land must be surveyed by a registered land surveyor and monuments installed. The final approved plat and accompanying certificates of compliance are filed with the county register of deeds, which is responsible for providing notice to all objecting and approving authorities. The plat must be recorded within 12 months of last approval and within 36 months of first approval. The act of recording the plat has the effect of conveying all of the public dedications noted on the plat to the city, village, or town concerned.



Role of the Plan Commission in Plat Review

All land divisions located within the platting jurisdiction of a city, village or town (with village powers) must be submitted to the plan commission for review and an advisory recommendation before the governing body takes final action. The governing body may also authorize the plan commission to review and approve preliminary or final plats. However, final plats dedicating streets, highways or other lands must be approved by the governing body.

Wis. Stat. §§ 62.23(5) and 236.10(3)

▶ Appealing Plat Decisions

Any person aggrieved by an objection to or failure to approve a plat may appeal the decision to circuit court within 30 days of being notified of the decision.¹³ Parties to the appeal include the approving authorities and, where the failure to approve is based on an unsatisfied objection, the agency making the objection. The court will review the record following common law standards of certiorari:

- **Jurisdiction** – Was the body making the decision authorized to do so?
- **Proper Procedures** – Did it follow the proper procedures?
- **Proper Legal Standards** – Did it follow the proper legal standards?
- **Unbiased Decision-Maker** – Was the action arbitrary, oppressive or unreasonable and representative of its will and not its judgment?
- **Substantial Evidence** – Could a fair and reasonable person have reached the same conclusion based on facts in the record?

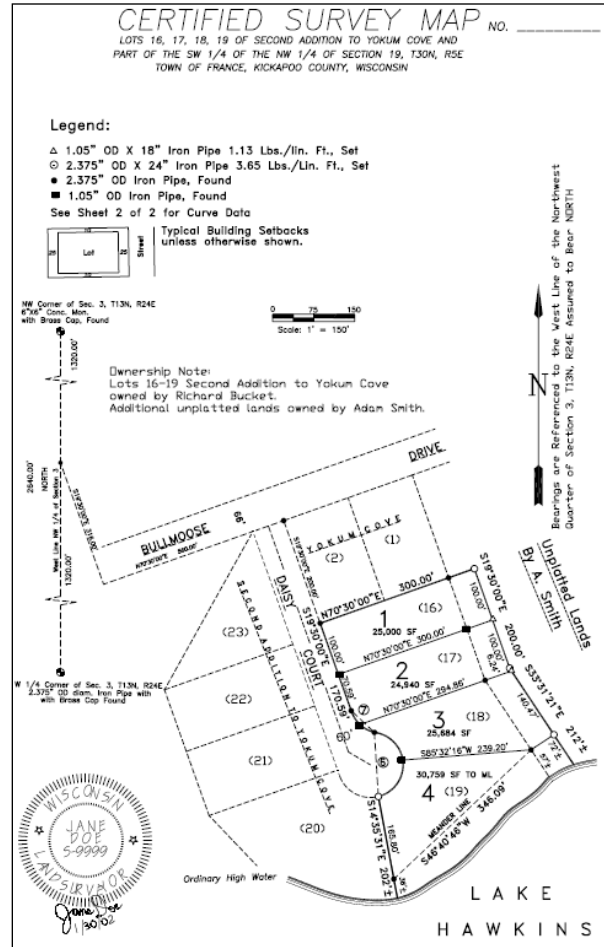
If the court finds the action of an approving or objecting authority arbitrary, unreasonable or discriminatory, it will direct that the plat be approved.

¹³ Wis. Stat. § 236.13(5)

► Certified Survey Maps

Unless a local ordinance provides otherwise, land divisions that result in four or less parcels may be reviewed and approved in an expedited manner through the creation of a certified survey map:¹⁴

1. **Certified survey map.** Land divisions that result in four or less parcels may be surveyed, monumented and mapped by a registered land surveyor.
2. **Approval.** The local governing body or plan commission has 90 days to approve, conditionally approve or reject the certified survey map, stating conditions of approval or reasons for denial. Some local ordinances also require review by objecting agencies.
3. **Recording.** The approved certified survey map must be filed with the county register of deeds within 6 months of the last approval and 24 months of the first approval.



¹⁴ Wis. Stat. § 236.34

RECOMMENDED RESOURCES

Land Divisions and Subdivisions

Wisconsin Platting Manual. 2010. Wisconsin Department of Administration, Plat Review Unit.
Available online: www.doa.state.wi.us/section.asp?linkid=131&locid=9

Land Division Control Guide. 2001. Southeastern Wisconsin Regional Planning Commission.
Available online: www.sewrpc.org/SEWRPCFiles/Publications/pg/pg-01_land_division_control_guide.pdf

Guide to Community Planning in Wisconsin, Chapter 7: Subdivision Regulations. 1999. Ohm, Brian. University of Wisconsin-Madison/Extension. Available online:
www.lic.wisc.edu/shapingdane/resources/planning/library/book/contents.htm

The full text of Wisconsin's Subdivision Law can be found in *Wisconsin Statutes Ch. 236* and may be accessed on the internet at <https://docs.legis.wisconsin.gov/statutes/prefaces/toc>

Model Ordinances

Model Land Division Ordinance. 2001. Southeastern Wisconsin Regional Planning Commission.
Available online: www.sewrpc.org/SEWRPCFiles/CommunityAssistance/ModelOrdinances/land_division_ordinance.pdf

Sample Subdivision Ordinance for Use by Towns. 2010. Wisconsin Towns Association.
Available online: www.wisctowns.com/uploads/ckfiles/files/Subdivision.doc

An Ordinance for a Conservation Subdivision. 2000. University of Wisconsin-Extension.
Available online: <http://urpl.wisc.edu/people/ohm/consub.pdf>

Sample Pre-Application Checklist



**PRE-APPLICATION
CHECK LIST**

Department of Community Development
3805 S. Casper Drive
P.O. Box 510921
New Berlin, Wisconsin 53151-0921

Ph: (262) 797 2445
Fax: (262) 780 4612

www.newberlin.org/dod

General

- Y N Master Plan and Future Land Use Map Compatible
- Y N Allowed use in current Zoning District
- Y N Sewer Basin Capacity available
- Y N Is a wetland delineation required
- Y N Application given out
- Y N Application Handout / Checklist given out
- Y N Developer's Handbook given out
- Y N Application Deadline / Plan Commission Meeting schedule given out

§275-24C(2) Plan of Operation

- This is a letter or report
- The proposed use of the land, building and/or structures
- Activities to occur both inside and outside all principal and accessory buildings
- The frequency and duration of all activities, including the season, days, and hours of operation
- The total number of employees and number of employees in largest work shift
- The estimated number of occupants of a multifamily residential use;
- The number, size and type of all vehicles associated with the use,
- Number of vehicle trips or Traffic Impact Analysis if required by §275-58C
- The expected starting and completion dates of construction
- The proposed phasing of the project, if appropriate
- Resolution or mitigation of any hazards or adverse impacts

§275-24C(3) Site Plans

- Site Plan drawn to a scale no greater than 1"=100' on no smaller than 24" x 36" sheets (eight copies required).
- Site Plan drawn and colored suited for public presentation to fit on a single 11" x 17" sheet (eighteen color copies required).
- Property boundaries and dimensions
- Limits of Disturbance boundary, §275-54A
- Prominent natural areas, such as streams and wetlands
- Existing and proposed buildings and structures
- Neighboring uses labeled
- Zoning setbacks labeled
- Parking areas and on-site/adjacent access drives
- Driveway locations for ingress and egress
- Loading and unloading areas
- Pedestrian access / Sidepaths / Trails
- Traffic generation and circulation
- Outside storage (dumpsters, inventory, trucks, rec. vehicles, etc)

§275-24C(4) Architectural Plans

- Architectural Plans at a scale no smaller than 1/8" = 1' (eight copies required).
- Building elevation drawn and colored suitable for public presentation at a scale no smaller than 1/8" = 1' (one copy required).
- Building elevation OR architectural rendering drawn and colored suitable for public presentation to fit on a single 11" x 17" sheet (eighteen color copies required).
- Building Plans
- Architectural Renderings
- Elevations of existing and proposed building & structures
- Material Samples
- Floor Plans
- 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

___ Wetland stacking request application form

- All C-2 zoning boundaries shall be field verified unless the area has a previously approved field verified wetland survey
- Survey financial assurance

§275-22 Rezonings

___ A rezoning is required

- The proposed rezoning is consistent with the Master Plan and the stated purposes of the zoning ordinance
- Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;
- Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of the City to provide them;
- The proposed development has taken into account impacts on surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife, and vegetation;
- The land proposed for rezoning is suitable for development and will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas;
- The proposed rezoning will not be used to legitimize, or "spot zone," a nonconforming use or structure; and
- The proposed rezoning is the minimum action necessary to accomplish the intent of the petition, and an administrative modification, variance, or conditional use permit could not be used to achieve the same result.

§275-22 Conditional Use

___ A conditional use permit is required

§275-29 Sign Permits

___ A Sign Permit is required

§235 Land Division / Subdivision

___ A land division or subdivision is required

Special / Master Plans

___ Alternative Transportation Facilities Plan
 ___ City Center Plan
 ___ Economic Development Plan
 ___ National Avenue Corridor Plans
 ___ Park and Open Space Plan
 ___ Rural Commercial Development Guide
 ___ West National Avenue Redevelopment Plan

Surety Instrument

___ Letter of Credit (If required)

Sample Application Form



City of New Berlin Department of Community Development
3805 S. Casper Drive, New Berlin, WI 53151
Phone (262) 797-2445 / Fax (262) 780-4612 / www.newberlin.org/dcd

Subdivision / Land Division / Developer's Agreement Application Form

Applicant / Surveyor / Engineer

(Surveyor or Engineer required for all Subdivision Plats)

RLS/PE Name _____
Company _____
Address _____
City, State, Zip _____
Phone _____
Fax _____
Email _____
Project Name / New Company Name (if applicable) _____
Representing _____

Property Information

Property Address _____
Tax Key Number(s) _____
Current Zoning _____
Property Owner(s) _____
Property Owner's Address _____
Existing Use of Property _____
Development Size _____

Application Type & Fees

Land Division (4 lots or less)	# Lots _____	Subdivision (5 or more lots) Impact Statement Required	#Lots _____
<input type="checkbox"/> Preliminary	\$200 / Lot _____	<input type="checkbox"/> Preliminary	\$100 / Lot _____
<input type="checkbox"/> Plan Review* (Initial)	\$125 / Lot _____	<input type="checkbox"/> Plan Review* (Initial)	\$125 / Lot _____
<input type="checkbox"/> Developers Agreement	\$250 _____	<input type="checkbox"/> Developers Agreement	\$250 _____
<input type="checkbox"/> Conceptual	\$50 / Lot _____	<input type="checkbox"/> Conceptual	\$50 / Lot _____
Filing Fee	\$50 _____	Filing Fee	\$50 _____
TOTAL	_____	TOTAL	_____

Checklist

- _____ 1. CSM/Plat document at a scale not to exceed 1"=100'.
5 copies required for review.
25 copies for distribution.
1 digital copy required ACAD format.
- _____ 2. Utility Plans (Sewer, Water)
5 copies required for review.
1 digital copy required.
- _____ 3. Grading Plans (Include stormwater facility & calcs.)
- _____ 4. Impact Statement (Subdivision Only)
- _____ 5. Perc Test(s) (If applicable)

By the execution of this application, applicant hereby authorizes the City of New Berlin or its agents to enter upon the property during the hours of 7:00 A.M. to 7:00 P.M. daily for the purpose of inspection. Applicant grants this authorization to enter to the City of New Berlin or its agents even if applicant has posted this land against trespassing pursuant to Section 943.13 Wis. Stats.

Applicant / RLS / PE Signature _____ Date: _____

Please do not write below this line

Accepted by: _____ Date: _____

Plan Commission / BPW Date: _____

Make Checks Payable To: CITY OF NEW BERLIN

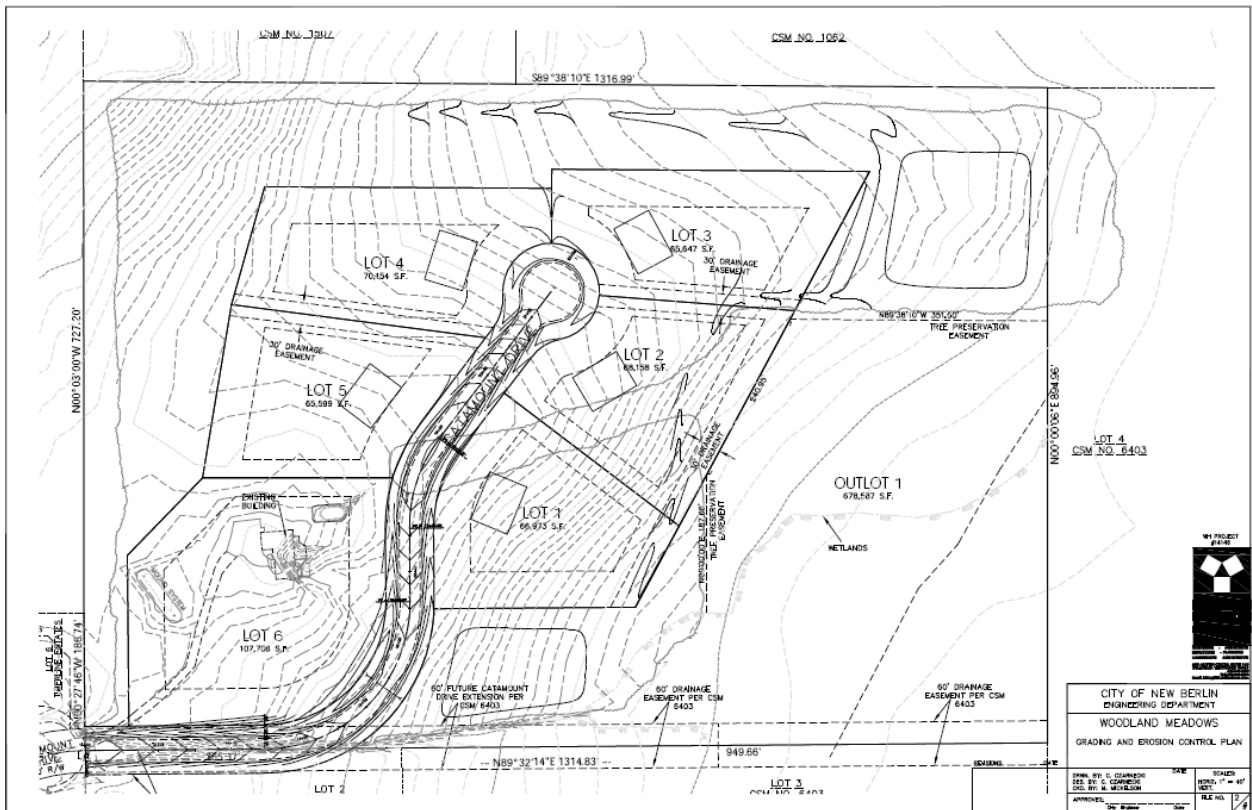
Total Fee*: _____

File Number: _____

*Does not include fee for re-submittals.

Sample Preliminary Plat Materials

Woodland Meadows Subdivision, City of New Berlin, WI



Sample Completed Application Form

CITY of BELOIT

Neighborhood Planning Division

100 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6609

Application for Review of a Minor Subdivision

(Please Type or Print) 3 2426 File Number: CSM-2011-09

1. Address of property: 2357 Field Crest Road

2. Tax Parcel Number(s): 22180010, 22180600

3. Property is located in (circle one): City of Beloit or Town of: Turtle; Beloit; Rock or LaPrairie
In the NW Quarter of Section 21, Township 1 North, Range 13 East of the 4th P.M.

4. Owner of record: _____ Phone: _____

(Address) (City) (State) (Zip)

5. Surveyor's name: _____ Phone: _____

(Address) (City) (State) (Zip)

6. Number of new lots proposed with this land division is 2 lot(s).

7. Total area of land included in this map: 29.6 +/- Acres

8. Total area of land remaining in parent parcel: 0

9. Is there a proposed dedication of any land to the City of Beloit? yes

10. The present zoning classification of this property is: DH

11. Is the proposed use permitted in this zoning district: Proposed R1A

12. **THE FOLLOWING ITEMS MAY NEED TO BE COMPLETED AND/OR ATTACHED:**
- Site Assessment Checklist;** is required if the total area of CSM is over 5 acres.
 - Pre-application meeting;** a pre-application meeting was held on 10/31/2011 with City of Beloit Staff.
 - Developer's Statement;** as required by section 12.02(7) of the Subdivision Ordinance.
 - Phase One Environmental Assessment;** as per section 12.05(1)(c) of the Subdivision Ordinance.
 - Certified Survey Map;** one copy as required by section 12.05(1) of the Subdivision Ordinance.

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct. The undersigned does hereby respectfully make application for and petition the City Plan Commission or City Council for approval of this Certified Survey Map for the purpose stated herein. The undersigned also agrees to abide by all applicable federal, state and local laws, rules, and regulations.

(Signature of applicant) (Name of applicant) 11-15-2011 (Date)

This application must be submitted at least 21 days prior to the Plan Commission meeting date.

Review fee: <u>\$150 plus \$10 per lot</u>	Amount paid: <u>\$170.⁰⁰</u>
Scheduled meeting date: <u>Dec. 7, 2011</u>	
Application accepted by: <u>Drew Farrington</u>	Date: <u>11/16/11</u>

Sample Context Map



Sample Certified Survey Map

CERTIFIED SURVEY MAP

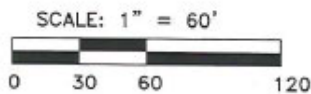
OF PART OF THE N.W. 1/4 OF THE N.W. 1/4 AND PART OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 21, T. 1 N., R. 13 E., OF THE FOURTH P.M., CITY OF BELOIT, ROCK COUNTY, WISCONSIN

Key:

-  Existing Property Lines
-  Proposed Property Lines
-  Proposed ROW Dedication
-  Proposed Easement
-  ROW Franchise for Lot 1
-  ROW Franchise for Lot 2



BEARINGS BASED UPON THE NORTH LINE OF THE NORTHWEST QUARTER THAT BEARS N 88°38'19" W IN THE WISCONSIN COUNTY COORDINATE SYSTEM ROCK DATUM



ORDER NO. 31256
 FOR: XXXXXXXXXX
 DATE: NOVEMBER 16, 2011
 BOOK/PAGE *SEE FILE
 File Name: J:\31250-31299\31256\31256.DWG
 Plotted on 11/16/11 at 13:44:08.
 SHEET 2 OF 4

- MONUMENT KEY**
-  Iron Rebar Set 3/4" x 24"(1.5 Lbs./Ft.)
 -  Iron Pipes Found
 -  Iron Rebar Found
 -  Fences

Batterman 
 engineers surveyors planners
 2857 Barells Drive Beloit, Wisconsin 53511
 608.365.4464 www.rhbatterman.com

Sample Staff Report



CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: December 7, 2011	Agenda Item: 4	File Number: CSM-2011-09
Applicant: R.H. Batterman & Co., Inc.	Owner: [REDACTED]	Location: 2357 & 2426 Field Crest Road
Existing Zoning: DH, Development Holding District	Existing Land Use: Single-Family Dwelling and Agricultural	Total Area: Approx. 29.49 Acres

Request Overview/Background Information:

R.H. Batterman & Co., Inc. has submitted an Application for the Review of a Minor Subdivision and a two-lot Certified Survey Map (CSM) for the properties located at 2357 & 2426 Field Crest Road. According to Section 12.05(1)(c) of the Subdivision Ordinance, the Plan Commission shall recommend to the City Council approval, conditional approval, or rejection of any minor subdivision of land within the City that involves the dedication of land to the public.

Key Issues:

- The intent of the proposed CSM is to separate a 1.474-acre parcel for the existing single-family home in the northeast corner of the property located at 2357 Field Crest Road from the remainder of this primarily agricultural parcel. However, since the property located at 2357 Field Crest Road does not have any right-of-way frontage, the proposed CSM also involves the dedication of land to the public to create some frontage for both proposed lots.
- As shown on the attachments, the proposed CSM extends the Field Crest Road right-of-way by 70 feet. This dedication creates 70 feet of right-of-way frontage for proposed Lot 2 and 92.46 feet of frontage for proposed Lot 1, which is 28.02 acres (the remainder of the parcel). A small triangular portion of the proposed dedication involves the property to the north (2426 Field Crest Road), which will retain 31.57 feet of frontage following this dedication.
- The land to be dedicated to the public will not be improved as a public street until additional development occurs.
- Since there is an existing driveway leading from the existing end of Field Crest Road to the house, the proposed CSM includes an ingress/egress easement over a portion of proposed Lot 1 to benefit proposed Lot 2, which will preserve driveway access in the event that proposed Lot 1 is sold in the future.
- Following this land division, proposed Lot 2 must be rezoned to R-1A, Single-Family Residential District.
- The City Engineer has requested that the remainder of Field Crest Road be officially mapped as shown.
- The City's other Review Agents have reviewed the proposed CSM and have not submitted any comments or concerns.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan recommends Planned Neighborhood uses for the eastern 1/3 of the subject property and Community Commercial uses for the remainder of the subject property. This proposed land division, including the road dedication and reservation, is consistent with this recommendation. Consideration of this request supports City of Beloit Strategic Goal #4.

Sustainability: (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines)

- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

Staff Recommendation:

The Neighborhood Planning Division recommends **approval** of the attached two-lot Certified Survey Map (CSM) for the properties located at 2357 & 2426 Field Crest Road, subject to the following conditions:

1. The property owner shall apply to rezone proposed Lot 2 to R-1A, Single-Family Residential, by April 1, 2012.
2. The final CSM shall be recorded with the Rock County Register of Deeds, ideally by December 31, 2011.

Fiscal Note/Budget Impact: N/A

Attachments: Location & Zoning Map, CSM, and Application.