

CHAPTER 17  
SUBDIVISION AND PLATTING

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**17.01 GENERAL PROVISIONS**

- (1) **TITLE.** This ordinance shall hereafter be known, cited and referred to as: The City of Chilton Subdivision and Platting Regulations.
- (2) **JURISDICTION AND PURPOSE.** Section 236.45 of the revised Wisconsin Statutes enables Cities with an established planning agency to adopt ordinances governing subdivision or other division of land.

The following regulations are adopted for the purpose of promoting the public health, safety and general welfare and are designed to lessen congestion in the streets and highways ; to further the orderly layout and use of land, to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid improper concentration(s) of population; to facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds and other public requirements; to facilitate the further resubdivision of larger tracts into smaller parcels of land and to encourage the most appropriate use of land throughout the City. To provide safe and orderly shoreland subdivision layouts the following regulations are also adopted pursuant to Section 59.97(3), 144.26(2) and 144.26(8), Wisconsin Statutes.

- (3) **APPLICABILITY.** These regulations shall apply to the following:
  - (a) **Subdivision:** Any division of land within the incorporated area of the City of Chilton or within the extraterritorial plat approval jurisdiction of the City which results in either a major subdivision or a minor subdivision as defined herein. All land divisions must be consistent with the Ordinance and other applicable City Ordinances, as well as the City of Chilton Comprehensive Plan's goals, objectives, policies and recommendations. (Ord. 1064 12/7/10/0)
  - (b) **Replatting:** When a replat of a recorded subdivision or part thereof is proposed, the subdivision shall be vacated or altered according to the provisions of Sections 236.40 through 236.445, Wisconsin Statutes.
  - (c) **Exceptions:** The provisions of this section shall not apply to:
    - (1) Transfers of interests in land by will or pursuant to court order.
    - (2) Leases for a term not to exceed 10 years, mortgages or easements.
    - (3) The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance or other applicable laws or ordinances.

4. A division of land resulting in parcels more than five acres in area.

(4) ADMINISTRATION. The regulations shall be administered by the City Council and/or its designated agency or agencies hereinafter referred to as the Council.

17.02 DEFINITIONS. Words used in the present tense include the future; the singular number includes the plural; the plural number includes the singular number and the word “shall” is mandatory and not permissive. For the purpose of these regulations, the following terms are defined.

(1) AREA DEVELOPMENT PLAN. A map adopted by the City Council indicating the physical layout of future streets, alleys, cul-de-sacs, and drainage ways or easements.

(2) ATTORNEY AND ENGINEER. Attorney and engineer are the attorney and engineer employed by the City unless otherwise stated in the test.

(3) SERVICE WAY (ALLEY). A public or private way which provides secondary access to a lot, block or parcel of land.

(4) BLOCK. A parcel, lot or group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter or other name through which it may be identified.

(5) BUILDING SETBACK LINE. The distance from the boundaries of a lot or centerline of a street within which structures or buildings shall not be erected.

(6) CERTIFIED SURVEY MAP. A map of a minor subdivision as defined by this ordinance, prepared, approved, and recorded as required by this ordinance and in accordance with Chapter 236.34 of the Wisconsin Statutes.

(7) CITY COUNCIL. City Council is the City of Chilton Council, Chilton, Wisconsin.

(8) COMMISSION. The Chilton Plan Commission.

(9) COMPREHENSIVE PLAN. Comprehensive Development Plan is the Comprehensive Development Plan adopted by the City of Chilton 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 Chilton and includes any unit or part of such plan separately adopted and amendments to such Plan or parts thereof.

- (10) **CROSSWALK.** A public right-of-way traversing a block for the purpose of providing pedestrian access.
- (11) **CUL-DE-SAC.** A short minor street having one end open to motor traffic and the other end terminated by a vehicular turnaround.
- (12) **DEADEND STREET.** A street having only one outlet for vehicular traffic and no vehicular turnaround.
- (13) **DEVELOPMENT.** The act of constructing buildings or installing site improvements.
- (14) **EASEMENT.** Any strip of land reserved by the subdivider for public utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the property owner, subject to the right of use designated in the reservation of the servitude.
- (15) **FINAL PLAT.** The map or drawing of subdivision prepared in compliance with the provisions of Chapter 236, Wisconsin Statutes, and any accompanying material as described in Section 6.0.
- (16) **FRONTAGE.** The length of the front property line of the lot, lots or tract of land abutting a public street, road, highway or rural right-of-way.
- (17) **GRADIENT.** The slope of a road, street, or other public way specified in percent (%).
- (18) **IMPROVEMENT, PUBLIC.** Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.
- (19) **LIMITED ACCESS HIGHWAY.** A trafficway including all roads for through traffic in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same except only at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.
- (20) **LOT.** 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.

- (21) **LOT BUTT.** Lot, butt is a lot at the end of a block and located between 2 corner lots.
- (22) **LOT CORNER.** 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.
- (23) **LOT THROUGH.** Lot, through is a lot with 2 opposite sides abutting 2 or more streets.
- (24) **MAJOR SUBDIVISION.** Any subdivision of a lot, parcel or tract of land by the owner thereof, or his agent, for the purpose of sale or building development where:
- (a) The act of division creates five or more parcels or building sites of five acres each or less in area, or
  - (b) Five or more parcels or building sites of five acres each or less in area are created by successive divisions within a period of five years.
- (25) **MINOR SUBDIVISION.** Any division of a lot, parcel or tract of land by the owner thereof, or his agent for the purpose of sale or building development where:
- (a) The act of division creates less than five parcels or building sites of five acres each or less in area; or
  - (b) Less than five parcels or building sites of five acres each or less in area are created by successive divisions within a period of five years.
- (26) **MINIMUM SUBDIVISION DESIGN STANDARDS.** 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.
- (27) **MINOR STREET.** Minor street is a street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.
- (28) **NEIGHBORHOOD UNIT.** A residential living environment where the internal street system discourages through traffic and where major thoroughfares preferably bound the neighborhood; centrally located community buildings, schools and playgrounds provide maximum pedestrian accessibility. Local shops to meet daily household needs are grouped together at accessible points providing a harmony of design and development.
- (29) **OFFICIAL MAP.** The map of the City by law showing thereon streets, highways, parkways, parks and playgrounds and the exterior lines of planned new streets, highways, parkways, parks or playgrounds as provided by statute.

(30) **OUTLOT.** An outlot is a parcel of land, other than a lot or block, so designated on the plat. A remnant parcel of land not be used for building purposes.

(31) **OWNER.** Owner is an individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient propriety interest in the land sought to be subdivided to commerce and maintain proceedings to subdivide the same under this chapter.

(32) **PARKS & PLAYGROUNDS.** Parks and playgrounds are public lands and open spaces dedicated for and usable for recreation purposes.

(33) **PEDESTRIAN WAY.** 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.

(34) **PERSON.** Person is any individual, firm, association, syndicate or partnership, corporation, trust or any other legal entity.

(35) **PLAN COMMISSION.** Plan Commission is the Plan Commission of the City of Chilton, Wisconsin.

(36) **PLAT.** A map of a major subdivision as defined by this ordinance, prepared, approved and recorded as required by this ordinance and Chapter 236 of the Wisconsin Statutes.

(37) **REPLAT.** The changing of the boundaries of a recorded subdivision plat or part thereof.

(38) **RIGHT-OF-WAY.** A strip of land occupied or intended to be occupied for a special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the make of the plat on which such right-of-way is established. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

(39) **ROADWAY.** The surface portion of the street available for vehicular traffic.

(40) **SERVICE DRIVE.** An approved public street generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating ingress and egress to the right-of-way and providing safe and orderly points of access at fairly uniformly spaced intervals.

(41) **SEWAGE DISPOSAL.** A septic tank seepage tile sewerage disposal system or

any other sewerage treatment device approved by the county sanitary inspector as being in accordance with the Calumet County Sanitary Ordinance, the rules of the Department of Health and Social Services and the Department of Natural Resources and which services only one lot.

(42) SEWERED AREA. An area in the City of Chilton which, in the opinion of the Council, may be readily and feasibly served by sewer and water by extensions to existing sewer and water systems.

(43) SIDEWALK. That portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

(44) STREET. Means and includes all access ways in common use such as streets, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts and cul-de-sacs, and includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets whether improved or unimproved, and whether dedicated for public use or held in trust under the terms of a reservation; but shall not include those access ways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, or drainage and sanitary sewers.

(45) STREET WIDTH. Street width is the shortest distance between the lines delineating the right-of-way for a street.

(46) STREET, ARTERIAL. A major, high capacity street designed to carry large volumes of traffic between various areas of the community.

(47) STREET COLLECTOR. A street which carries traffic from minor streets to the system of major streets and highways including the principal entrance streets of a residential development and the principal circulating streets within such a development.

(48) STREET HALF. A street bordering one or more property line of a tract of land in which the subdivider has allocated a part of the ultimate right-of-way width.

(49) STREET, MINOR (OR LOCAL). A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.

(50) SUBDIVIDER. Any individual, firm, association, syndicate, partnership, corporation, guardian, attorney, trust or any other legal entity commencing proceedings under the regulations of this act to effect a subdivision of land hereunder for himself or herself or for another or for others.

(51) SUBDIVISION DESIGN STANDARDS. The basic land planning standards established as guided for the preparation of plats.

(52) SURVEYOR. A land surveyor duly registered in the State of Wisconsin.

(53) TERRACE. Terrace is the portion of the street right-of-way between the curb line and the property line.

(54) THOROUGHFARE. A street with a high degree of continuity, including collectors, major arterial and limited access highways.

(55) WISCONSIN ADMINISTRATIVE CODE. The rules of administrative agencies having rule making authority in Wisconsin published in a loose leaf, continual revision system as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes including subsequent amendments to those rules.

(56) CONSERVANCY AREAS. (#577 6/15/82) Areas of water or natural cover which shall remain undisturbed for their natural beauty, prevention of erosion, recharging of ground-water or other benefits. These areas should include wetland areas as herein defined, areas of slopes exceeding 10 (ten) percent, and areas where bedrock is 5 (five) feet or less from the surface. (Map).

(57) WETLAND AREAS. (#577 6/15/82) Areas of peat and muck soils or where the water table is periodically at or near the soil surface.

(58) S.W.C.D. (#577 6/15/82) The Calumet County Soil and Water Conservation District.

### 17.03 GENERAL REQUIREMENTS AND DESIGN STANDARDS OF SUBDIVISION.

(1) GENERAL REQUIREMENTS. The proposed subdivision shall conform to:

(a) The provisions of Chapter 236, Wisconsin Statutes,

(b) All applicable local ordinances.

(c) The area development plans of the City of Chilton.

(d) The rules of the Division of Health, Chapter H65 of the Wisconsin Administrative Code and Department of Natural Resources relating to lot size and lot elevation if the subdivision is not served by a public sewer and provision for such service has not been made.

(e) The rules of the Division of Highways, Department of Transportation, relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts on a state highway or connecting streets.

(2) STREETS AND HIGHWAYS.

(a) The arrangement, character, extent, width, grade and location of all streets

shall conform to all area development plans adopted by the City of Chilton and shall be related to: existing natural features, public convenience and safety and proposed uses of the land to be served by such streets.

- (b) The right-of-way width and building setback requirements of all limited access expressways, highways and county trunk routes shall be determined by the Council upon the recommendation of the State Highway Commission or the County Highway Commissioner, whichever is appropriate. In no case, however, shall the right-of-way width for a state highway be less than 35 feet from the right-of-way line. All town roads must comply with the minimum design standards of Section 86.26, Wisconsin Statutes.
- (c) Arrangement of Streets:
1. Major arterial streets shall be properly integrated with the existing and proposed system of major streets, highways and thoroughfares.
  2. Collector streets shall be properly related to special traffic generating from facilities such as schools, churches and shopping centers, to population densities and to the arterial streets into which they feed.
  3. Minor streets shall be laid out to conform as much as possible to topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, to require the minimum amount of street necessary to provide convenient, safe access to property.
- (d) When a subdivision abuts or contains an existing or proposed arterial street, the Council may require service drives, reverse frontage lots with screen planting contained in a non-access reservation along the rear of the property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (e) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the 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 distances shall be determined with regard for the requirements of approach grades and future grade separations.
- (f) Street jogs with centerline offsets of less than 125 feet shall be avoided at intersections.
- (g) Property lines at street intersections may be required to be rounded with a

radius of 20 feet or a greater radius where the Council considers it necessary. Cutoffs or chords may be permitted in place of rounded corners.

- (h) A tangent of at least 100 feet long shall be introduced between reverse curves on major and collector streets.
- (i) Arc distances when appropriate for lot frontages on curved rights-of-way shall be shown along the lot frontage for municipal assessment purposes.
- (j) Streets shall be laid out so as to intersect as nearly as possible at right angles and no streets shall intersect any other street at less than 60 degrees, and more than two streets intersecting at one point shall be discouraged.
- (k) Reserve strips or median strips controlling access to streets shall be prohibited except where approved by the Council.
- (l) All street rights-of-way shall be of the width specified on the official map or if no width is specified there, they shall be not less than the width specified below:

Arterial Streets	120 feet
Collector Streets	70 feet
Minor Streets	66 feet
Service drives – 60 feet in addition to the major traffic street it adjoins.	

- (m) Clear visibility measured along the centerline shall be not less than specified below:

<u>Street Type</u>	<u>Minimum Sight Distance in Feet</u>
Major (arterial)	400
Collector	350
Minor	200

- (n) The minimum radii or curvature on the centerline shall be as specified below:

<u>Street Type</u>	<u>Minimum Radius in Feet</u>
Major (arterial)	300
Collector	200
Minor	100

- (o) Cul-de-sacs: Streets designed to have one end permanently closed shall not exceed 500 feet in length and shall provide a turnaround with a minimum right-of-way radius of 40 feet, and a return radius of 30 feet.

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

1. Where no half street adjacent to the subdivision exists, the dedication of half streets will not be approved unless the remaining portion shall appear as a mapped street on the official map powers, half streets shall be prohibited unless assurance of eventual dedication is provided to the governing body.

(q) Street grades shall conform to the following specifications: Grades may be greater where it is proven to be non-traffic hazard to the City Council.

<u>Street Type</u>	<u>Maximum Grade</u>
Major (arterial)	5%
Collector	7%
Minor	10%
Service Streets	5%-10%

(r) Street Names:

1. Any street which is the reasonable continuation of an existing street shall bear the same name. If the topography or other features of a permanent nature are such as to render the continuation of the actual roadway impossible and where such nomenclature is apt to produce confusion, the street shall not carry the same name as the street to which it may be geometrically aligned.
2. The Council and/or the Calumet County Planning and Zoning Committee may disapprove the name of any street shown on the plat which has already been used elsewhere in the County which because of similarity may cause confusion.
3. The following table shall be considered in nomenclature:

<u>Type</u>	<u>Dead-end</u>	<u>Curving</u>	<u>Straight</u>
Short Streets	Places or Courts	Crescent, Way, Circle or Lane	Terrace, Row or Lane
Long Streets		Drive or Road	Street to Avenue

4. The term boulevard shall be reserved for such streets which because of their breadth or monumental character are to be especially designated.

(3) SERVICE WAYS (ALLEYS).

(a) Service ways shall be provided in all commercial and industrial districts except that the Council may waive this requirement if definite and assured

provision is made for service access such as off-street loading and parking consistent with and adequate for the uses proposed.

(b) Service ways shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.

(c) The width shall not be less than 30 feet and crooked and dead-end alleys shall be prohibited.

(d) Service Streets – Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way for adequate protection of residential properties and afford separation of through and local traffic may be required. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such Distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(e) Hardship to owners of adjoining property avoided. The street arrangements shall not be such as to cause 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. 5.03 of the Municipal Code. (#957 2/18/03)

(b) Grades. Sidewalk grades shall be controlled by the City Engineer as provided under Sec. 5.01 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	4.5 ft.
Multiple-family zone and Public Building Sites	5 ft.
Commercial Zone	6 ft.
Industrial Zone	5 ft.

(5) EASEMENTS AND RESTRICTIVE COVENANTS.

(a) Easements centered on rear or side lot lines shall be provided for utilities where required by the Council and shall be at least six feet wide on each side of the lot line or total of 12 feet.

- (b) Where a subdivision is traversed by a water course, drainage way, channel or stream there shall be provided a storm water easement or drainage right-of-way of sufficient width conforming substantially to the (flood way) line of such a water course. Grading or construction adequate for the purpose may be required. Wherever possible, the drainage shall be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow as determined by the Council. Said improvement shall be guaranteed prior to approval of the final plat.
- (c) Residential lots including corner lots in a subdivision shall have a minimum building setback from the right-of-way line for those street classes referred to in 17.03(2)(e) as follows:
  - 1. Arterial streets – 40 feet
  - 2. Collector streets – 30 feet
  - 3. Minor streets – 25 feet

(6) BLOCKS.

- (a) The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 1200 feet between right-of-way lines.
- (b) Pedestrian crosswalks not less than 15 feet wide may be required by the Council through the center of blocks more than 900 feet long where deemed essential to provide circulation or access to schools, parks, playgrounds, shopping centers, transportation and other community facilities.

(7) LOTS.

- (a) The lot size, width, depth, shape and orientation and the minimum building lines shall be appropriate for the location of the subdivision and for the type of development and use proposed, and said building lines shall be shown on the plat.
- (b) Lot dimensions shall conform to the requirements of the local zoning ordinance as well as existing county and state requirements, however:
  - 1. Residential lots where served by public sewer shall be not less than 80 feet wide measured at the right-of-way line, or such minimum lot width may be measured at the building setback line only if said lot is located on the outer radius of a curved street such as a cul-de-sac. However, in no case shall the lot width measured at the right-of-way line be less than 60 feet wide. Residential lots where served by public sewers shall not be less than 8,000 square feet in area.

2. Residential lots not served by public sewerage disposal facilities shall comply with the rules and regulations of the Division of Environmental Protection, Chapters H62 and H65 of the Wisconsin Administrative Code, the Calumet County ordinances and other State and local requirements.

- (c) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (d) Every lot in a subdivision shall abut on a public street.
- (e) Side lot lines shall be substantially at right angles or radial to street lines.
- (f) Double frontage or reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries as defined in 17.03(2)(1) or to overcome specific disadvantages of topography and orientation.

#### (8) DEDICATION OF LAND FOR PUBLIC USE.

- (a) When a final plat of a subdivision has been approved by the “public bodies” and all other required approvals are obtained and the plat is recorded, that approval shall constitute acceptance for the purpose signated on the plat of all lands shown on the plat as dedicated to the public including street dedications.
- (b) Whenever a preliminary plat includes a proposed dedication of land to public use and the Council finds that such land is not required or not suitable for public use, the Council may either refuse to approve such dedication, or require the rearrangement of lots in the proposed subdivision.

#### (8.5) DEDICATION OF LAND FOR PARK USE

- (a) Dedication Requirement. In order to provide adequate open spaces for public parks and that the cost of providing such spaces be equitably apportioned on the basis of additional need created by subdivision development, each subdivider shall be required to dedicate land or pay fees in lieu of land for park space.
- (b) General Design. In the design of a subdivision, land division, planned unit development or certified survey, provision shall be made for suitable, park spaces, drainage-ways and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, and shall comply with the City’s comprehensive Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams,

watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

Where the dedication is not compatible with the comprehensive plan, or for other reasons is not feasible as recommended by the Plan Commission, and as approved by the Common Council, the subdivider shall, in lieu thereof, pay to the City a fee as established by this Section, or a combination thereof.

(c) Site Reservations Required.

- (1) Where the area proposed to be divided contains a park, which is shown upon the comprehensive plan of the City, at the Common Council's determination, such area shall be dedicated to the City.
- (2) Whenever any river, stream or important surface-drainage course is located in the area being divided, the subdivider of land shall provide an easement along each side of the river, stream or drainage course for the purpose of widening, deepening, relocating, improving or protecting the river, stream or drainage course for drainage or recreational use.

(d) Dedication of Parks, Space. The developer shall dedicate sufficient land area to provide adequate park, to meet the needs to be created by and to be provided for the land division, subdivision or comprehensive development. The minimum dedication shall be:

- (1) Ten percent (10%) of the total acreage intended to be used for single-family dwelling units;
- (2) Ten percent (10%) of the total acreage intended to be used for duplexes;
- (3) Fifteen percent (15%) of the total acreage intended to be used for multi-family dwellings.

(e) Combination of Residential Uses. Where a combination of residential uses is intended, the minimum dedication shall be the sum obtained by adding ten percent (10%) of the acreage intended for single-family dwellings, ten percent (10%) of the acreage intended for duplex dwellings and fifteen percent (15%) of the acreage intended for multi-family dwellings. Where a definite commitment is made to the City by the developer with respect to those portions of the total acreage intended for single family, duplex and multi-family dwellings, the dedication shall be based upon the maximum dedications which the zoning classification of the parcel will permit.

(f) Minimum Size of Park and Playground Dedications.

- (1) In general, land reserved for park purposes shall have an area of at least two (2) acres. Where the amount of land to be dedicated is less than two (2) acres, the Common Council may require that the recreation area be

located at a suitable place on the edge of the proposed land division, subdivision or certified survey so that additional land may be added at such time that the adjacent land is subdivided. In no case shall an area of less than (1) acre be reserved for park space if it will be impractical or impossible to secure additional lands in order to increase its area.

(2) Land reserved for park space shall be of a character and location suitable for use as a playground, play field or for other recreation purposes, and shall be relatively level and dry. Such land shall have a total frontage on one (1) or more streets of at least two hundred (200) feet, and no other dimension of the site shall be less than two hundred (200) feet.

(g) Suitability of Lands. The Common Council shall have sole authority to determine the suitability and adequacy of parklands proposed for dedication. Drainage ways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.

(h) Utility Extensions. The sub-divider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties. Where the dedication is not compatible with the comprehensive plan, or for other reasons is not feasible as recommended by the Plan Commission, and as approved by the Common Council, the sub-divider shall, in lieu thereof, pay to the City a fee as established by this Section, or a combination thereof.

(9) PARKS, PLAYGROUNDS AND OTHER PUBLIC SITES.

(a) 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 grounds or park by purchase or other causes.

(10) EROSION CONTROL REGULATIONS. (#577 6/15/82)

(a) Intent: The intent and purpose of these regulations is to:

1. Prevent property damage and/or pollution of surface water from uncontrolled erosion, sediment and runoff.
2. Obtain wise use, conservation, development and protection of City's soil, water, wetland woodland and wildlife resources.
3. Preserve growth and cover and promote natural beauty of the City and

its environs.

4. Prohibit the creation of building sites in those areas poorly suited for the development because of soil and/or topographic conditions.

5. Implement any county or regional plans adopted by the City.

(b) Land Suitability: Lands having a slope of ten (10) percent or more shall be maintained as a Conservancy Area. Lands having bedrock within five (5) feet of the natural undisturbed surface shall not be used as building sites which are served by private sewage disposal systems. Natural wetland areas should remain as Conservancy Areas, to the extent that such classification is reasonable and desirable under the circumstances.

(c) Applicability: All lands in the City covered by the Subdivision ordinance shall be subject to these erosion and sediment control provisions, and all lands to be improved or developed where:

1. An area of 5,000 square feet or more is disturbed, or

2. Excavation or fill or a combination thereof will exceed 500 cubic yards, or,

3. Any public or private road or street is to be constructed or enlarged, or

4. Any water course is altered or material removed from stream or lake beds.

(This section does not preclude the necessity of obtaining permits from other appropriate agencies.)

(d) Standards and Criteria: Standards and specifications for needed erosion control practices shall be based on the Calumet County Soil and Water Conservation District Technical Guide, and that runoff and sediment loads will be safely handled by downstream channels.

(e) General Principles: The following general principles shall be used when evaluating erosion, sediment and runoff control plans:

1. That smallest practical area of soil shall be exposed at any one time, during all construction.

2. Where necessary, temporary seeding, mulching or other cover shall be used until construction is completed.

3. Provision shall be made to prevent or control increased runoff during

and after development.

4. Permanent seeding or cover shall be completed as soon as possible after construction.
5. If permanent seeding cannot be established immediately after construction, temporary erosion control measures shall be installed and maintained until permanent seeding can be established.
6. Natural vegetation, including trees and shrubs, shall be retained where possible.
7. All lots (both developed and undeveloped) shall be graded to conform to the erosion, sediment and runoff control plan for the subdivision.

(f) Plan Requirements: The erosion, sediment, and runoff control plan shall show:

1. Site Plan Map, including;
  - b. Area of Plat,
  - c. Existing and proposed drainage courses,
  - d. Size and location of all culverts,
  - e. Location of all erosion, sediment and runoff control practices.
2. Soil Map.
3. Drainage area of watershed affected by construction.
4. Seeding Plan (Temporary and/or Permanent).
5. Plans for erosion, sediment and runoff control practices. These practices shall meet standards and specifications of the Calumet County Soil and Water Conservation District.

#### 17.04 PLAT DOCUMENTATION.

##### (1) PRELIMINARY PLAT REQUIREMENTS.

- (a) The preliminary plat shall be drawn with waterproof non-fading black ink or legibly drawn with pencil on tracing cloth or tracing paper of good quality at a scale of 100 feet to an inch and shall show correctly on its face:
  1. Date, scale and north point.
  2. The proposed subdivision name which shall not duplicate the name of any plat previously recorded in Calumet County.

3. The name and address of the owner, the sub-divider and the surveyor preparing the plat.
4. Location of the subdivision by private claim or by government lot, quarter, quarter section, township, range and county.
5. A small scale drawing of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon.
6. The lengths and bearings of the exterior boundaries of the proposed plat.
7. Location and names of adjacent subdivisions and the owners of adjoining parcels of un-platted land.
8. Zoning on and adjacent to the subdivision.
9. Locations, widths and names of all existing platted or dedicated streets, alleys or other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, watercourses, drainage ditches, permanent buildings, bridges and other pertinent data as determined by the Council.
10. The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to U.S. Coast and Geodetic Survey datum as utilized by the City of Chilton.
11. If the subdivision borders a lake or stream, the distances and bearings of a meander line established not less than 20 feet back from the ordinary high water mark of the lake or stream. Areas defined on City of Chilton Flood Plain Study Maps.
12. Layout and width of all new streets and rights-of-way such as alleys, highways, easements for sewers, watermains and other public utilities.
13. Direction and distance to nearest water and sewer mains.
14. A brief description of the requested improvements such as sanitary sewers, laterals, watermains, storm sewer, curb and gutter, paving, and roadside ditches where applicable.
15. Approximate dimensions and areas of lots.

16. Proposed building setback lines.
17. Approximate radii of all curves and lengths of tangents.
18. Approximate location and area of property proposed to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.
19. A brief description of the proposed restrictions, if any, which will be put on the plat.

(2) FINAL PLAT REQUIREMENTS. (a) The final plat of the subdivision shall comply with the requirements of the ordinance and of Chapter 236, Wisconsin Statutes, which is hereby adopted as amended by reference and incorporated herein as though fully set out.

#### 17.05 PROCEDURE FOR APPROVAL.

(1) PROCEDURE: GENERAL:

Final approval of a proposed plat will involve the successive approvals of a preliminary sketch, a preliminary plat, and the final plat.

(2) PRELIMINARY SKETCH AND PRELIMINARY CONSULTATION.

(a) Sketch Plan. Sub-dividers shall prepare, for review by the Plan Commission, City Engineer and others, A proposed subdivision sketch plan, containing the following information:

1. Site location map showing major streets, school locations, commercial centers and other significant developments.
2. Tract boundaries.
3. North point and scale.
4. Streets within and adjacent to tract.
5. Topography and physical features.
6. Proposed general street design.
7. Proposed lot size and orientation.

(b) The sketch plan will be considered as the basis for discussion between the sub-divider and Plan Commission. Submission of such sketch plan shall not constitute formal basis of such sketch plan, unofficially advise the sub-divider of the extent to which the proposed subdivision conforms with this

chapter and other ordinances of the City and will discuss possible modifications. No fee shall be required of the sub-divider for the submission of sketch plans.

- (c) (#577 6/15/82) Before filing a preliminary plat for approval, the sub-divider must submit to the Council, nine (9) copies of a preliminary simple sketch showing the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a free hand pencil sketch and should show the general location of the proposed plat in the City. One copy of the preliminary sketch shall include a letter from the Calumet County Soil and Water Conservation District stating whether erosion control measures are needed for the proposed plat.
- (d) The preliminary sketch shall be accompanied with a letter of intent, briefly describing the desired public utilities and improvements for the proposed plat.
- (e) The Plan Commission shall, within four weeks of its submission, express its opinion of the proposed plat with regard to the availability and feasibility of desired improvements. Comments regarding the availability of sanitary sewer and watermains will be referred to the Director of Public Works, who will be available for consultation with the sub-divider.
- (f) Based on the Plan Commission review of the preliminary sketch, the sub-divider may proceed with obtaining a preliminary plat.

(3) PRELIMINARY PLAT – PROCEDURE FOR APPROVAL.

(a) (#577 6/15/82)

After approval of the preliminary sketch and before submitting a final plat for approval, the Sub-divider shall submit nine (9) copies of a preliminary plat not less than 1 week preceding the meeting of the Council or Plan Commission for preliminary approval. These plats shall be drawn as specified in Section 17.04(1). The preliminary plat shall be accompanied by an erosion, runoff and sediment control plan, if needed, which shall be formally submitted to the Calumet County S.W.C.D. for review. These plans should be considered by Plan Commission for review.

- (b) Following a review of the preliminary plat and data and after negotiations with the sub-divider on changes deemed advisable including the kind and extent of improvements to be made by him, the Council or Plan Commission shall within 40 days of its submission express its approval in writing to the sub-divider and state the conditions of such approval and if disapproved shall express its disapproval and state its reasons for rejection.

- (c) Approval of the preliminary plat shall entitle the sub-divider to final approval of the layout shown by such plat if the final plat is submitted within six months of the date of approval of the preliminary plat and conforms to such layout and conditions of the approved preliminary plat which shall have been certified as non-objectionable by all local and state agencies having the authority to object.

(4) FINAL PLAT – PROCEDURE FOR APPROVAL.

- (a) After approval of the preliminary plat, nine (9) copies of the final plat meeting the requirements of Section 17.04(2) herein, shall be submitted to the Council or Plan Commission within six months of the approval of the preliminary plat. The final plat shall also be submitted by the sub-divider or his agent to the Department of Local Affairs and Development.

- (b) Upon receipt thereof, the Council or Plan Commission shall examine the final plat and all necessary certificates to determine its conformance to the preliminary plat and the requirements established in this ordinance. Approval of the final plat shall not be granted until the plat has been certified as non-objectionable by all state and local agencies having the authority to object. The Council or Plan Commission shall take action on the final plat within 40 days after the plat has been officially submitted. If disapproved or conditionally approved, the reasons or conditions shall be stated on the record of the Council and forwarded in writing to the sub-divider.

- (c) The following documents shall be submitted with the final plat:
  1. Petitions for all improvements required under Sections 17.06(1) 1, 2 and 4. Petitions for sanitary sewer and water service laterals shall indicate whether standard or oversized services are desired.
  2. All waivers of hearings or requests for Public Hearing as outlined in Section 17.06(4)(a) 1.
  3. All executed easements as per Section 17.06(4)(a) 1.
  4. (#577 6/15/82) A final erosion, runoff and sediment control plan, if required, approved by the S.W.C.D.

Failure to submit the above documents as specified, will constitute grounds for the refusal of the final plat.

- (d) The final plat of the subdivision shall be recorded by the sub-divider in the Office of the Register of Deeds of Calumet County, Wisconsin, as required by Chapter 236.25, Wisconsin Statutes as amended. Necessary

copies of the final approval plat shall be forwarded To the Council for distribution.

#### 17.06 IMPROVEMENTS TO SUBDIVISION.

##### (1) REQUIRED IMPROVEMENTS.

(a) 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 sub-division. Such improvements shall be financed as in accordance with Section 17.06(1)(b) and cost then borne by the developer.

1. Water Supply. Water mains shall be provided to serve the sub-division by extension of the existing City system. Service connection stubbed to the property line and all necessary hydrants shall also be provided. Water main shall be 8" standard size. Any increase in size to facilitate services beyond subdivision shall be borne by City. All grades and materials, equipment, etc. must be approved by City before installation. All services to property line shall be a minimum of 1" and of approved materials. (#957 2/18/03)
2. Sewage Disposal. Sanitary sewer mains and service connections stubbed in to property line shall be provided to serve all the lots in the sub-division 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 sub-division the sewer system within the subdivision shall be installed and capped for future use. A variance to this requirement to the existing sewer system cannot be provided. Sanitary sewer shall be 8" standard size main – any increase in size to facilitate service beyond sub-division shall be born by the City and all grades and materials, equipment, etc. must be approved by City before installation. Sewer laterals shall be a minimum of 4" diameter to property line and of approved materials. (#957 2/18/03)
3. Drainage. (#726 8/7/90) See Section 17.06(5).
4. Curb and Gutter. Permanent curb and gutter shall be installed.
5. Street and Alley Grading. The full width of the right-of-way of each street and alley dedicated in the plat shall be graded full width and have a minimum depth of 5" of 3 inch crushed rock and 4 inches of ¾ inch crushed rock, a type of roadway approved by the Director of Public Works or other proper City officials, and in accordance with City specifications.

6. Sidewalks. See Section 17.03(4).

(b) The adequacy of such facilities shall be subject to approval of the Director of Public Works. Prior to final plat approval, the sub-divider shall, as determined by the City in its sole discretion, either:

1. Provide a performance bond to be equal to 110% of the City Engineer's estimate of the total cost of the improvements to be furnished, including the cost of inspection by the City of Chilton; or,
2. 75% of said engineer's estimate shall be escrowed with the City of Chilton for all improvements with the balance payable to the City upon the sale of 50% of the improved lots or the expiration of two years from final plat approval, whichever occurs first.

(2) PRIVATELY OWNED UTILITIES.

- (a) All privately owned utilities including gas mains, electrical cables, telephone cables, cable television or any other non-public improvement shall not be installed until such time the sanitary sewer, storm sewer, and watermains have been installed unless they are on a separate easement.

(3) UPDATING OF PRIVATE UTILITIES. It is the responsibility of the developer to submit plans to utility company for platting of easements for private facilities.

(4) RESPONSIBILITIES OF CITY FOR PUBLIC IMPROVEMENTS.

- (a) The City shall be responsible for the following duties with regard to required public improvements:

1. Assist the developer in obtaining all easements, waivers, and special agreements. All completed forms necessary shall be subject to review by the City. Easements shall be recorded as required by the City on the final plat.
2. Secure necessary state approvals for extensions of municipal service, as required.
3. Supervise installation of all improvements of municipally owned utilities, in order to provide that all such improvements conform to City specifications.

(5) DRAINAGE. (#912 10/17/00, #726 8/7/90) A complete and adequate drainage system design shall be required for the subdivision and the developer

shall include in the proposed subdivision plans for adequate drainage. Such plans shall include a storm sewer system including laterals or a system of open ditches, culverts, pipes and catch basins or both systems. Such systems shall be designed in conformity with all requirements of the City. The expense of constructing the entire drainage system(s) shall be the responsibility of the developer.

#### 17.07 MINOR SUBDIVISION.

- (1) **REQUIREMENTS.** A certified survey map shall be required, approved and recorded for any minor sub-division. The certified survey map shall be prepared in compliance with the requirements of Chapter 236.34 of the Wisconsin Statutes which is hereby adopted by reference and incorporated herein as though fully set out.
- (2) **PROCEDURE.** The sub-divider shall file a copy of said survey map with the City. The City Council shall review and within 40 days approve, approve conditionally or reject the map. The divider shall be notified in writing of any conditions of approval or reasons for rejection.
- (3) **CERTIFICATES.**
  - (a) The map shall include the certificate of the surveyor who surveyed and mapped the parcel as required by Chapter 236.34 of the Wisconsin Statutes and shall be signed by the property owner.
  - (b) The certificate of approval of the City Council shall be typed, lettered or reproduced legibly with non-fading black ink on the face of the map.
- (4) **MAP.** The map shall be filed by the divider for record with the Register of Deeds of Calumet County. A copy of the final approved map shall be forwarded to the Calumet County Regional Planning Commission. Additional copies of the final approved map shall be forwarded to the City and appropriate agencies. The volume and page number of the recording file shall be noted on the final approved map.
- (5) **IMPROVEMENTS.** The requirements of sec. 17.06 of this ordinance shall apply to a minor sub-division.
- (6) **DESIGN STANDARDS.** The general requirements and design standards described in sec. 17.03 of this ordinance shall apply to a minor subdivision.

#### 17.08 SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS.

- (1) **SUCCESSIVE DIVISIONS.**
  - (a) Where it is not practicable to require that a final plat of a Subdivision created prior to this ordinance by successive divisions be filed in accordance with This chapter, the City Council may in lieu

thereof order an assessor's plat to be made under Section 70.27, Wisconsin Statutes, and may assess the cost thereof as provided in such section or as provided for under Section 236.31 Wisconsin Statutes.

- (b) Regardless of the type of plat filed, any such subdivision shall comply with all provisions of this chapter to the extent that they may be reasonably applied.

#### 17.09 VARIANCES.

(1) When in the judgment of the Council it would be inappropriate to apply literally a provision of this chapter because extraordinary hardship would result, it may waive or vary such provisions so that substantial justice may be done and the public interest secured provided that in no event shall the requirement of filing and recording the plat or survey be waived.

(2) Any modification or variance thus granted shall be entered in the minutes of the City Council setting forth the reasons which in the opinion of the Council, justified the modification

#### 17.10 VIOLATIONS, PENALTIES AND REMEDIES.

(1) Any person, firm or corporation who fails to comply with the provisions of these regulations shall upon conviction thereof, forfeit not less than \$25 nor more than \$500 and the cost of prosecution for each violation and in default of payment of such forfeiture and the cost shall be imprisoned in the county jail until payment thereof but not exceeding 30 days. This fine shall be imposed for each lot or parcel created by the subdivision. Each day a violation exists or continues, shall constitute a separate offense. Compliance therewith may also be enforced by injunction order at the suit of the county or the owner or owners of real estate within the district affected by the regulations of the ordinance as provided by law.

#### 17.11 AMENDMENTS, INTERPRETATION AND SEPARABILITY.

(1) AMENDMENTS. For the purpose of promoting the public health, safety and general welfare, the City Council may from time to time, amend the regulations imposed by this ordinance. The City Council shall hold public hearings on all proposed amendments. Notice of such public hearings shall be given by publication of a Class 2 notice in a newspaper of general circulation within the local unit once a week for two weeks preceding the hearing or as otherwise provided by statute.

#### (2) INTERPRETATION.

(a) The provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

(b) Where the conditions imposed by any provisions of this ordinance upon the

subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

- (c) This ordinance is not intended to abrogate any easement, covenant or any other private agreement provided that where the regulations of this ordinance are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of this ordinance shall govern.
- (3) **SEPARABILITY.** The provisions of this ordinance are separable and if for any reason a clause, sentence, paragraph, section or other part of this ordinance shall be decided by a court of competent jurisdiction to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision.