

TITLE 14

Subdivision Regulations

Chapter 1 Subdivision Regulations

Title 14 ► Chapter 1

Subdivision Regulations

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Article A: Adoption; Introduction

Sec. 14-1-1 Introduction and Purpose.

- (a) **Introduction.** In accordance with the authority granted by Sections 236.13(1)(b) and 236.45 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes, the Village Board of the Village of Suring, Wisconsin, does hereby ordain as follows:
- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village of Suring.
 - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) **Purpose.** This Chapter is intended to regulate and control the division and subdivision of land within the corporate limits and the extraterritorial plat approval jurisdiction of the Village of Suring in order to promote the public health, safety and general welfare, to encourage the most appropriate use of land, to provide the best possible living environment for people and to conserve the value of building placed upon the land by:
- (1) Furthering the orderly layout and use of land;
 - (2) Insuring proper legal description and proper monumenting of land;
 - (3) Preventing overcrowding of land and avoiding undue concentration of population;
 - (4) Lessening congestion in the streets and highways;
 - (5) Securing safety from fire, flooding, water pollution and other hazards;
 - (6) Providing adequate light and air;
 - (7) Facilitating adequate provisions for transportation, water, sewerage, schools, parks, playgrounds, open space, storm water drainage, the conservation of land, natural resources, scenic and historic sites, energy and other public requirements;
 - (8) Facilitating further resubdivision of larger parcels into smaller parcels of land;
 - (9) Insuring enforcement of the development concepts, policies and standards delineated in the Village of Suring Master Plan and related components, and, but not limited to, the Official Map, the Parks and Open Space Plan, the Transportation Plan, the Zoning Code, Erosion Control and Storm Water Runoff Code, Smart Growth Land Use Plan, and the Building Code of the Village of Suring.
- (c) **Intent.** It is the general intent of this Chapter to regulate the division of land so as to:
- (1) **Obtain the Wise Use**, conservation, protection and proper development of the Village's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;
 - (2) **Lessen Congestion** in the streets and highways;
 - (3) **Further the Orderly** layout and appropriate use of land;

- (4) **Secure Safety** from fire, panic, and other dangers;
 - (5) **Provide Adequate Light** and air;
 - (6) **Facillitate Adequate Provision** for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, and other public facilities and services;
 - (7) **Secure Safety** from flooding, water pollution, disease, and other hazards;
 - (8) **Prevent Flood Damage** to persons and properties and minimize expenditures for flood relief and flood control projects;
 - (9) **Prevent and Control Erosion**, sedimentation, and other pollution of surface and subsurface waters;
 - (10) **Preserve Natural Vegetation and Cover** and promote the natural beauty of the Village of Suring;
 - (11) **Restrict Building Sites** in areas covered by poor soils or in other areas poorly suited for development;
 - (12) **Facillitate the Further Division** of larger tracts into smaller parcels of land;
 - (13) **Ensure Adequate** legal description and proper survey monumentation of subdivided land;
 - (14) **Provide for the Administration** and enforcement of this Chapter;
 - (15) **Provide Penalties** for its violation; and
 - (16) **Implement** those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Village, and in general to facilitate enforcement of Village development standards as set forth in the adopted regional, county, and local comprehensive plans, adopted plan components, Village Zoning Code, Smart Growth Land Use Plan, Village Building Code and other planning documents of the Village of Suring described in Subsection (b)(9) above.
- (d) **Dedication and Reservation of Land.**
- (1) Whenever a tract of land to be divided within the jurisdiction of this Chapter encompasses all or any part of a street, highway, bikeway, pedestrianway, greenway, environmental corridor, waterway, or a drainage or utility easement designated in the Master Plan, Smart Growth Plan or Official Map, the subdivider shall plat said public way in the locations and dimensions indicated on said Master Plan, Smart Growth Plan or Official Map. The Village Board shall determine whether said public way should be dedicated to the public or reserved by the subdivider.
 - (2) Whenever a tract of land to be divided within the jurisdiction of this Chapter encompasses all or part of a park site, open space or other recreation area or school site designated in the Master Plan, Smart Growth Plan, Park and Open Space Plan, or Official Map, said public sites shall be platted and dedicated or reserved by the subdivider at the discretion of the Village Board in the locations and dimensions indicated on said plans or map in accordance with the requirements of Article H of this Chapter.
 - (3) Once a preliminary plat or certified survey is approved, any lands proposed for public use above shall not be altered without the written approval of the Village Board.

State Law Reference: Chapter 236, Wis. Stats.

Sec. 14-1-2 Abrogation and Greater Restrictions.

It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

Sec. 14-1-3 Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village of Suring and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Sec. 14-1-4 Severability.

If any provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provision or application.

Sec. 14-1-5 Repeal.

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

Sec. 14-1-6 Title.

This Chapter shall be known as, referred to, or cited as the "Village of Suring Subdivision Chapter" or "Village of Suring Land Division and Subdivision Chapter."

Sec. 14-1-7 through Sec. 14-1-9 Reserved for Future Use.

Article B: Definitions

Sec. 14-1-10 Definitions.

(a) The following definitions shall be applicable in this Chapter:

- (1) **Alley.** A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
- (2) **Arterial Street.** A street which provides for the movement of relatively heavy traffic to, from or within the Village. It has a secondary function of providing access to abutting land and to collector and minor streets.
- (3) **Bikeway.** A bike route completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic.
- (4) **Block.** An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
- (5) **Building Line or Building Setback Line.** A line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the Village Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line.
- (6) **Certified Survey Map.** See "Minor Land Division."
- (7) **Collector Street.** A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
- (8) **Commission.** The Plan Commission created by the Village Board pursuant to Sec. 62.23 of the Wisconsin Statutes (if created).
- (9) **Comprehensive Plan (Master Plan).** The extensively developed plan, also called a Master Plan and/or Smart Growth Plan, adopted by the Village Board pursuant to Sections 61.35 and 62.23, Wis. Stats., including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.
- (10) **Concept Plan.** A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.
- (11) **Condominium Development.** A real estate development in which a condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.
- (12) **Consolidation.** Legally merging two (2) or more recorded parcels into a single parcel.
- (13) **Conveyance.** Where the title or any part thereof is transferred by the execution of a land contract, option to purchase, offer to purchase and acceptance, deed or certified survey.

- (14) **Cul-de-sac.** A local street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (15) **Dead End Street.** A street permanently or temporarily closed at one end, with or without turnarounds.
- (16) **Development.** Residential, commercial, industrial, governmental and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities including, but not limited to: full- or part-time municipal police and fire protection, and community administration; additional public streets and highways; neighborhood parks and playgrounds; neighborhood schools; local libraries; public sanitary sewer facilities, public water supply facilities, and public solid waste removal; storm sewers; mass transit facilities; continual street maintenance; curbs, gutters, and sidewalks; street lighting; and neighborhood convenience shopping. Such development may be expected to alter or require the alternating of land and land cover and have detrimental impact on the ground and surface waters.
- (17) **Division of Land.** A division of a lot, parcel or tract of land by the owner thereof or the owner's agent for any purpose, including sale, development, foreclosure or condemnation.
- (18) **Drainageway.** An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Drainageways may serve multiple purposes in addition to their principal use including, but not limited to, maintenance, bicycle and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water detention, park development, and other related uses.
- (19) **Easement.** The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (20) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from each community so that not more than one (1) community exercises extraterritorial powers over any area.
- (21) **Floodlands.** Those lands, including the floodplains, floodways, and channels, subject to inundation by the one hundred (100) year recurrence interval flood or, where such data is not available, the maximum flood of record.
- (22) **Final Plat.** The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.
- (23) **Frontage Street.** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

- (24) **Half Street.** A street, either existing as or proposed to be, half of the required right-of-way width with the intention that the adjoining half will be platted at the time the adjoining lands are subdivided; or an existing street, of which, due to reasons of ownership, only half of the right-of-way is within the boundaries of a proposed land division or annexation.
- (25) **High Groundwater Elevation.** The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multi-colored effect.
- (26) **High Water Elevation (Surface Water).** The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.
- (27) **Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.
- (28) **Local Street.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (29) **Lot.** A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
- (30) **Lot, Area.** The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (31) **Lot, Corner.** A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees (135°) or less, measured on the lot side.
- (32) **Lot Depth.** The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.
- (33) **Lot, Double Frontage.** A lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have two (2) front yards and two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.
- (34) **Lot Lines.** The peripheral boundaries of a lot as defined herein.

- (35) **Lot, Reversed Corner.** A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (36) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.
- (37) **Lot Width.** The width of a parcel of land measured along the front building line.
- (38) **Major Thoroughfare.** A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.
- (39) **Master Plan.** An extensively developed plan, map, or other document pertaining to planning and adopted by the Village Board or other Village agency which may pertain to the division of lands, including the Comprehensive Development Plan, Smart Growth Land Use Plan, the Official Map, comprehensive utility plans, and other planning documents including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, official map, land division, and building development and capital improvement plans shall be considered as planning documents within this definition.
- (40) **Minor Land Division (Certified Survey Map).** Any division of land not defined as a "subdivision." Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4), parcels of building sites, any one of which is less than thirty-five (35) acres in size; or the division of a block, lot or outlot within a recorded subdivision. A certified survey map may be used to change the boundaries of lots and outlots within a recorded plat or recorded, certified survey map if the redivision does not result in a subdivision or violate a local subdivision regulation. A certified survey map may not alter the exterior boundary of a recorded plat, areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement or by any other manner.
- (41) **Minor Street.** A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."
- (42) **National Map Accuracy Standards.** Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities.
- (43) **Navigable Stream.** Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes.
- (44) **Official Map.** A map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, and other facilities, as adopted by the Village Board pursuant to the Wisconsin Statutes.

- (45) **Outlot.** A parcel of land, other than a lot, so designated on a plat or certified survey and which is not intended for building or structure development, in the proposed land division.
- (46) **Owner.** Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this Chapter.
- (47) **Parcel.** Contiguous lands under the control of a subdivider whether or not separated by a combination of streets, exterior subdivision boundary lines, streams, or other water bodies.
- (48) **Person.** Includes the plural as well as the singular and may mean any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.
- (49) **Planned Unit Development or PUD.** A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering of buildings, providing common open space, and mixing different types of housing (single family, duplexes, and multi-family). Ordinances permitting planned unit developments permit planning a project and calculating densities for the entire development rather than on an individual lot by lot basis. It is hereby declared that regulating planned unit developments requires greater involvement of public officials in site plan review and development aspects of both zoning and land division regulation since such developments require exceptions from both types of regulation.
- (50) **Pedestrian Pathway.** A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (51) **Plat.** The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Village for approval.
- (52) **Preliminary Plat.** The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Village Board for its consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
- (53) **Protective Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (54) **Public Way.** Any public road, street, highway, walkway, drainageway, or part thereof.
- (55) **Replat.** The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot

- or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (56) **Residential Dwelling Unit or Dwelling Unit.** A single family dwelling or part of a duplex, apartment, or other multiple family dwelling occupied by one (1) family or one (1) distinct set of inhabitants or occupants.
- (57) **Right-of-Way.** A public way dedicated to the public for its intended use.
- (58) **Sewer Service Area.** That portion of the Village and the area within its extraterritorial jurisdiction which has been designated by the Village Board as the area to which services required in urban areas shall be provided in a planned and orderly process, particularly those facilities which are placed on or in the land as part of the urban development process. Such services include, but are not limited to, public sanitary and storm sewers, water supply and distribution system, streets and highways.
- (59) **Shorelands.** Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (60) **Soil Mapping Unit.** Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service.
- (61) **Street.** A public way for pedestrians and vehicular traffic and utility access including but not limited to highways, thoroughfares, parkways, through highways, roads, avenues, boulevards, lanes, places, and courts, and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the right-of-way.
- (62) **Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility fixtures and appurtenances.
- (63) **Subdivider.** Any person, firm, corporation, agent, partnership, or entity of any sort, which divides or proposes to divide, by plat, minor subdivision, certified survey, or replat land in any manner, including such heirs and assigns as may be responsible for the obligations of the subdivider under the provisions of this Chapter.
- (64) **Subdivision.** Subdivision is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development where:
- a. The act of division creates five (5) or more parcels, lots or building sites of one and one-half (1.5) acres each or less in area; or
 - b. Five (5) or more parcels, lots or building sites of one and one-half (1.5) acres each or less in area are created by successive divisions within a period of five (5) years.
- (65) **Surety Bond.** A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.
- (66) **Village.** The Village of Suring, Oconto County, Wisconsin, and, where appropriate, its Village Board, commissions, committees and authorized officials.

- (67) **Wetlands.** An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (Sec. 23.32(1), Wis. Stats.)
- (68) **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 Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

Sec. 14-1-11 through Sec. 14-1-19 Reserved for Future Use.

Article C: General Provisions

Sec. 14-1-20 General Provisions.

- (a) **Compliance.** No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division, land conveyance, consolidation, or a replat as defined herein; no such subdivision, land division, land conveyance, consolidation, or replat shall be entitled to recording; and no street shall be laid out, nor improvements made to land, nor building permits issued for any land division without compliance with all requirements of this Chapter and the following:
- (1) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.
 - (2) The rules of the Division of Plumbing, Wisconsin Department of Commerce, contained in Wis. Adm. Code Chapter COMM 83.09 and 85.06 for subdivisions not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter TRANS 233 for subdivisions which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for the Floodplain Management Program, and the Shoreland/Wetlands Management Program.
 - (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies if duly adopted by the Village Board.
 - (6) All applicable Village of Suring and county regulations, including zoning, sanitary, building and official mapping ordinances.
 - (7) The Village of Suring Master Plan, Smart Growth Land Use Plan and Official Map (if adopted by the Village Board), or components thereof:
 - a. Whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in said Master Plan, Smart Growth Land Use Plan or Official Map (if adopted), such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at a width indicated along with all other streets in the subdivision.
 - b. Where a proposed school site or other public ground shown on the Master Plan, Smart Growth Land Use Plan or Official Map (if adopted) of the Village of Suring is located in whole or in part within the proposed subdivision, such proposed public ground or park shall be dedicated to the public when dedication is required by this Chapter or reserved for a period of up to five (5) years from the date of approval of the final plat for acquisition by the Village of Suring, or any other appropriate agency having the authority to purchase said property. The Village, or other agency having the authority to purchase said property, and the subdivider shall enter into an agreement which provides for the purchase of the lands held in reserve prior to the conclusion of the five (5) year period.
 - (8) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.

- (9) The Village's sewer and water rules on file with the Public Service Commission of the State of Wisconsin concerning sewer and water installations and services. These rules, and the Village's sewer use ordinance (Title 9, Chapter 2), are incorporated herein by reference and made a part hereof as though fully set forth herein.
- (b) **Extra-Territorial Plat Approval Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the Village as well as the unincorporated area within the extraterritorial jurisdiction of the Village of Suring, has elected to approve plats under its extraterritorial plat approval jurisdiction as provided in Chapter 236 of Wisconsin Statutes.
- (c) **Jurisdiction.** The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, 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 ten (10) years, mortgages or easements;
 - (3) Sale or exchange of parcels of land between adjoining property owners or where not more than one (1) additional lot is created and said lot is not less than the minimum size required by applicable laws or ordinances. No more than one (1) lot may be created in this fashion within a one (1) year period.
- (d) **Certified Survey.** Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats., subject to approval of the Village Board.
- (e) **Compliance; Issuance of Permits.** The Village of Suring shall not recognize, and no building or other permits shall be issued by the Village authorizing the building on, occupancy, or improvement of any parcel of land not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully complied with and a resolution approving the land division has been adopted by the Village Board of the Village of Suring.
- (f) **Applicability to Condominiums.** This Chapter is expressly applicable to condominium developments within the Village's jurisdiction, pursuant to Sec. 703.27(1), Wis. Stats. For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.
- (g) **Recording of Plats or Certified Surveys.** Plats and certified surveys, approved by the Village Board of the Village of Suring, must be recorded together with the adopting resolution, with the County Register of Deeds within thirty (30) days of the date of the last resolution of preliminary approval and not later than six (6) months following the date of the first resolution of approval. Land divisions shall not be recognized by the Village until recorded with the Register of Deeds. The volume, page, and document numbers of the recording, shall be filed with the Village Clerk-Treasurer and Building Inspector prior to issuance of any permits. The subdivider shall file six (6) certified copies of the approved land division with the Village Clerk-Treasurer.

Sec. 14-1-21 Land Suitability.

- (a) **Suitability.** No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Village Board, upon the recommendation of the Village Engineer or any other agency or consulting professional designated by the Village, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Village Board, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires.
- (b) **Existing Flora.** The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.
- (c) **Miscellaneous Provisions.** Village officials shall also consider, but not be limited to, the following items in determining land suitability:
- (1) **Floodlands.** No lot served by public sanitary sewer facilities shall have less than fifty percent (50%) of its required lot area below an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record. No lot one (1) acre or less in area served by an onsite sanitary sewage disposal (septic tank) system shall include floodlands. All lots more than one (1) acre in area served by a septic tank system shall contain not less than forty thousand (40,000) square feet of land which is above flood protection elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record.
 - (2) **Lands Having a Slope** of twenty percent (20%) or more shall be maintained in permanent open space use. No lot shall have more than fifty percent (50%) of its minimum required area in slopes of ten percent (10%) or greater.
- (d) **Application of Standards By Village Board.** The Village Board, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he/she so desires. Thereafter the Village Board may affirm, modify, or withdraw its determination of unsuitability.

Sec. 14-1-22 Preliminary Consultation.

Before filing a Preliminary Plat or certified survey map (minor land division), the subdivider is encouraged to consult with the Village Board and/or Village staff for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Village Clerk-Treasurer. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning his/her development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

Cross-Reference: Section 14-1-90, Administrative Fees; Cost Recovery Agreement

Sec. 14-1-23 Site Assessment Checklist and Concept Plan Submittal.

In planning and developing a subdivision or minor subdivision, the subdivider or agent shall, in every case, pursue the following course, in addition to other steps required by this Chapter:

- (a) **Site Assessment and Concept Plan Procedure.** Before filing an application for approval of a preliminary plat or certified survey map, the subdivider shall consult with the Village's staff and shall prepare the following:
 - (1) A Site Assessment Checklist per the requirements of Subsection (b) below.
 - (2) A Concept Plan per the requirements of Subsection (d) below.
 - (3) Written requests for any water main and sanitary sewer extensions necessary to serve the proposed plat.
 - (4) A signed statement listing development projects for which the applicant has received Village approval in the last five (5) years and indicating any outstanding performance or financial obligations on such projects which derive from application of Village land use regulations. If this statement is found to contain information which is contrary to fact or to omit the listing of such projects or obligations or to describe obligations on which performance or payment is delinquent, the application may be dismissed without prejudice until the application is corrected and/or the delinquency is cured.
 - (5) On completion of the above documents [Subsections (a)(1)-(4)], a preapplication meeting may be held with the Village Board and/or Village staff to assist the subdivider in appraising the objectives of these regulations, the Master Plan, Smart Growth Land Use Plan, Official Map and any pertinent ordinances and to reach conclusions regarding the objectives and general program for the development.

- (6) The subdivider shall revise the submitted documents per the direction of the Village Board. Five (5) copies of said revised documents shall be submitted to Village Clerk-Treasurer, which shall distribute the copies for review and comment by the Village Board.
- (b) **Site Assessment Checklist.** A Site Assessment Checklist shall be prepared by the subdivider for review and approval by the Village Board (required for certified survey maps/minor subdivisions only when requested by the Village Board, Clerk-Treasurer and/or Village Engineer:
 - (1) **Purpose.** The purpose of this Site Assessment Checklist is to provide the basis for an orderly, systematic review of the effects of all new subdivisions upon the community environment in accordance with the principles and procedures of Sec. 236.45(1), Wis. Stats. The Village Board will use these procedures in determining land suitability. The goals of the community in requiring this checklist are to eliminate or reduce pollution and siltation to an acceptable standard, assume ample living space per capita, preserve open space and parks for recreation, provide adequately for storm water control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.
 - (2) **Coverage.** The Site Assessment Checklist requirement shall apply to all land divisions, including minor subdivisions.
 - (3) **Site Assessment Checklist for All Land Divisions and Community Development Plans.** NOTE: All "yes" answers must be explained in detail by attaching maps and supportive documentation describing the impacts of the proposed development.

SITE ASSESSMENT CHECKLIST

ITEM #	ITEM OF INFORMATION	Yes	No
I.	Land Resources. Does the project site involve:		
A.	Changes in relief and drainage patterns (Attach a topographical map showing, at a minimum, two (2) foot contour intervals.)	___	___
B.	A landform or topographical feature including perennial streams	___	___
C.	A floodplain (If "yes", attach two (2) copies of the 100-year floodplain limits and the floodway limits (if officially adopted))	___	___
D.	An area of soil instability — greater than 20% slope and/or organic soils, peats, or mucks at or near the surface as depicted in the applicable "County Soils Atlas"	___	___
E.	An area of bedrock within 6 ft. of the soil surface as depicted in the applicable "County Soils Atlas"	___	___
F.	An area with groundwater table within 10 ft. of the soil surface as depicted in the applicable "County Soils Atlas"	___	___
G.	An area with fractured bedrock within 10 ft. of the soil surface as depicted in the applicable "County Soils Atlas"	___	___
H.	Prevention of gravel extraction	___	___
I.	A drainageway for 5 or more acres of land	___	___
J.	Lot coverage of more than 50% impermeable surfaces	___	___

- K. Prime agricultural land as depicted in adopted farm land preservation plans _____
- L. Wetlands as depicted on wetland inventory maps _____
- M. Officially Mapped environmental corridors _____

II. Water Resources. Does the project involve:

- A. Location in an area traversed by a navigable stream or dry run _____
- B. Impact on the capacity of a storm water storage system or flow of a waterway within 1 mile _____
- C. The use of septic tank for on-site waste disposal (if allowed) _____
- D. Lowering of water table by pumping or drainage _____
- E. Raising of water table by altered drainage _____
- F. Lake or river frontage _____

III. Biological Resources. Does the project site involve:

- A. Critical habitat for plants and animals of community interest per DNR inventory _____
- B. Endangered, unusual or rare species of:
 - 1. Land animals per DNR inventory _____
 - 2. Birds per DNR inventory _____
 - 3. Plants per DNR inventory _____
- C. Removal of over 30% of the present trees on the site _____

IV. Human and Scientific Interest per State Historical Society Inventory. Does this project site involve:

- A. An area of archeological interest ___ ___
- B. An area of historical interest ___ ___
 - 1. Historic buildings or monuments ___ ___

V. Energy, Transportation and Communications.

- A. Does the development increase traffic flow on any arterial or collector street by more than 10% based upon the most recent traffic counts and trip generation rates provided by the Institute of Transportation Engineers (ITE) ___ ___
- B. Is the development traversed by an existing or planned utility corridor (Gas, Electrical, Water, Sewer, Storm, (Communications)) ___ ___

VI. Population.

- A. Which public school service areas (elementary, middle and high) are affected by the proposed development, and what is their current available capacity? E: _____
Cap: _____
M: _____
Cap: _____
H: _____
Cap: _____

VII. Comments on any of the above which may have significant impact.

VIII. Appendices and Supporting Material.

Subdivision Regulations

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Developer/Applicant _____ Telephone _____

Address _____

Attorney _____ Engineer _____

Date Submitted _____

Legal Description (to be attached)

- (c) **Site Assessment Report.**
- (1) **Determination of Need for Site Assessment Report.** The Site Assessment Checklist, Concept Plan, Utility Extension Request and Financial Obligation Report required in Subsection (a), above, shall be reviewed by the Village Board upon receipt of reports from the Applicant. The Village Board may, at that time, for reasons stated in a written resolution setting forth specific questions on which it requires research, data and input from the developer and other affected persons, decide that the Site Assessment Checklist raises unusually significant questions on the effects on the environment and/or that an unusually high level of citizen interest has resulted from questions raised in the Site Assessment Checklist and that review by other Village committees and commissions is required. The listing of questions can include items which this Chapter already enables the Village Board to obtain, or it may include additional information which is relevant to the questions specified in the resolution. The resolution may also request data on the specific impact questions from other governmental agencies or from the developer or applicant. The resolution shall set a reasonable date for the return of the requested data and information, and it may specify the format in which the data is to be presented.
 - (2) **Optional Hearing on Site Assessment Report.** Following the return to the Village Board of the data required in the resolution adopted under the Section above, the Village Board shall make such report available for scrutiny by the applicant or petitioner, by Village departments, commissions and committees and by other interested persons or agencies. The Village Board may schedule and hold a public hearing on the findings of the report. The hearing shall be preceded by a Class I notice under Chapter 985, Wis. Stats. Persons attending such hearing shall be afforded an opportunity to comment on the report.
 - (3) **Review of Site Assessment Report.** The Village Board shall review the Site Assessment Report, with supporting data, department and committee reviews and any other data required for determining the suitability of the land for the proposed development. Within forty-five (45) days after submission to the Village Board of the final expanded Site Assessment Report, the Village Board shall decide whether said land is suitable for development and proceed as required by Subsection (d) below.
- (d) **Concept Plan Requirements.** A Concept Plan shall be prepared by the subdivider for review and approval by the Village Board, unless excepted under Subsection (d)(2).
- (1) **Purpose.** The purpose of this Concept Plan is to depict the general intent of the subdivider in terms of general layout of the land division, and its relationship to nearby properties, utilities and other public facilities. In conjunction with the Site Assessment Checklist, the Concept Plan provides an opportunity to review the general intent and impact of the proposed land division, without the need for detailed engineering, surveying and other time-consuming and costly processes associated with the Preliminary Plat.

- (2) **Coverage; Exceptions.** The Concept Plan requirement shall apply to all land divisions, including minor subdivisions. The Village Board may waive the requirement for the filing of a Concept Plan for minor subdivisions of less than five (5) acres total area, or if the Village Board determines that the applicant has already filed this information.
- (3) **Concept Plan Submission Requirements.** The Concept Plan shall be submitted in at a scale of not more than two hundred (200) feet to one (1) inch and shall show all lands under the control of the applicant which are contiguous or separated only by existing public roads, or railroad rights-of-way. The Concept Plan shall show the following information:
 - a. Name of the proposed subdivision.
 - b. Name, address and telephone number of the owner, subdivider, engineer, land surveyor and land planner.
 - c. Date, graphic scale and north point.
 - d. Location of the proposed subdivision by government lot, quarter section, township, range and county, and a location map showing the relationship between the plan and its surrounding area.
 - e. The exterior boundaries of the proposed subdivision referenced to a corner established by the U.S. Public Land Survey, and the total acreage encompassed thereby.
 - f. The location of existing property lines, buildings, drives, streams and water courses, dry runs, lakes, marshes, rock outcrops, wooded areas, environmental corridors, and other similar significant features within the parcel being subdivided.
 - g. The location, right-of-way width and names of any adjacent existing streets, alleys or other public ways, easements, and railroad and utility rights-of-way within or adjacent to the proposed subdivision.
 - h. The name and width of any adjacent existing street pavements for streets located outside the Village limits.
 - i. The location and size of any existing sanitary and storm sewers, culverts, or drain pipes, and the location and size of any existing water and gas mains on or adjacent to the plat and proposed for use in the development. If sewers and water mains are not present on or adjacent to the preliminary plat, the distance and the size of those to be connected to by the development shall be indicated.
 - j. Location and names of adjacent subdivisions, parks and cemeteries.
 - k. Existing land use and zoning included within or adjacent to the proposed subdivision.
 - l. General location and right-of-way width of all proposed streets.
 - m. General layout and size of all lots.
 - n. General location and approximate area and dimensions of any sites proposed to be reserved or dedicated for parks, playgrounds, greenways or other public uses or which are to be used for group housing, shopping centers, church sites or other nonpublic uses.

- o. General location and area of stormwater drainage facilities.
- p. A preliminary listing of dwelling unit counts by single-family, two-family, three-family, four-family and multi-family types, and the approximate area devoted to non-residential uses.
- q. The preliminary development schedule indicating the approximate timing of the proposed development.

Sec. 14-1-24 Condominium Developments.

(a) Purpose.

- (1) The Village Board hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
- (2) The factor that makes this Chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels," with each property entity having different ownership and management. The Village of Suring determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management, and control.
- (3) Thus, the Village Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - a. Additional population density.
 - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
 - c. Additional demands upon Village area parks, recreation areas, utility facilities and schools.
 - d. Additional traffic and street use.

(b) Portions of Chapter Applicable to Condominium Developments. The following Sections of this Chapter shall apply to condominium developments:

- (1) Section 14-1-21 relating to land suitability and construction practices.
- (2) Sections 14-1-30 through 14-1-32 relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 14-1-32 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.

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- (3) Article H relating to fees for review.
- (4) Article E relating to required improvements.
- (5) Article F relating to design standards for improvements.
- (6) Article G relating to dedication requirements.
- (c) **Exceptions.** This Section shall not apply to the following condominiums:
 - (1) Any condominium plat recorded prior to the effective date of this Chapter.
 - (2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

Sec. 14-1-25 through Sec. 14-1-29 Reserved for Future Use.

Article D: Plat Review and Approval

Sec. 14-1-30 Submission of Preliminary Plat.

- (a) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The subdivider shall submit fifteen (15) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file copies of the Plat and the application as required by this Section with the Village Clerk-Treasurer at least ten (10) days prior to the meeting of the Village Board at which consideration is desired. The Village Clerk-Treasurer shall submit copies of the Preliminary Plat to the Village Board and to the Village Engineer and Village Attorney for review and written report of their recommendations and reactions to the proposed plat. An abstract of title or registered property report may be requested at this time by the Village Attorney at this time for his/her examination and report.
- (b) **Public Improvements; Plans and Specifications.** Simultaneously with the filing of the Preliminary Plat, the owner shall file with the Village Clerk-Treasurer a report addressing sewer and water service feasibility, drainage facilities and centerline profiles showing streets in the subdivision.
- (c) **Property Owners Association; Restrictive Covenants.** A draft of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Village pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the Village Clerk-Treasurer.
- (d) **Affidavit.** The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he/she has fully complied with the provisions of this Chapter.
- (e) **Supplementary Data to be Filed with Preliminary Plat.** The following shall also be filed with the Preliminary Plat:
 - (1) **Use Statement.** A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - (2) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
- (f) **Street Plans and Profiles.** The subdivider shall provide general street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.
- (g) **Soil Testing.** If requested by the Village Engineer, the subdivider shall be required to provide a preliminary soils report, listing the types of soil in the proposed subdivision, their

