

Chapter 86 SUBDIVISIONS*

***Cross references:** Buildings and building regulations, ch. 14; floods, ch. 38; mobile homes, ch. 54; planning, ch. 66; streets, sidewalks and other public places, ch. 82; utilities, ch. 98; vegetation, ch. 102; zoning, ch. 106.

State law references: Platting lands generally, Wis. Stats. § 236.01 et seq.

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ARTICLE VI. PLANNED UNIT DEVELOPMENTS

Sec. 86-246. PUD district regulations.

- (a) *Intent.* The PUD planned unit development district is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the

developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD district under this article will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining, insofar as possible, the land use density and other standards or use requirements set forth in the underlying basic zoning district.

- (b) *Permitted uses.* Uses permitted in a PUD district shall conform to uses generally permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one or more locations within the development.
- (c) *Minimum area requirements.* Areas designated as under corporate ownership or control, and shall contain a minimum development area of:

TABLE INSET:

	Principal Uses	Minimum Area of PUD
(1)	Residential PUD	5 acres
(2)	Commercial PUD	5 acres
(3)	Industrial PUD	20 acres
(4)	Mixed compatible use	20 acres

- (d) *Procedural requirements.* Prepetition conference. Prior to the official submission of the petition for the approval of a PUD district, the owner or his agent making such petition shall meet with the city plan commission or its staff to discuss the scope and proposed nature of the contemplated development.
- (e) *Petition.* Following the prepetition conference, the owner or his agent may file a petition with the city clerk/treasurer for approval of a PUD district. Such petition shall be accompanied by a review fee of \$200.00, as required by the city council pursuant to this article, and the following information:
 - (1) *Relationship of proposed PUD to comprehensive plan and other regulations.* A statement which sets forth the relationship of the proposed PUD to the city's adopted comprehensive plan, land use plan or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:
 - a. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to comprehensive evaluation of the proposed development.
 - b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.

- c. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
- d. Any proposed departures from the standards of development as set forth in the city zoning regulations, other city regulations or administrative rules, or other universal guidelines.
- e. The expected date of commencement of physical development as set forth in the proposal.

(2) *Development plan; contents.* A general development plan including:

- a. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
- b. The location of public and private roads, driveways and parking facilities.
- c. The size, arrangement and location of any individual building sites and proposed building groups on each individual site.
- d. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
- e. The type, size and location of all structures.
- f. General landscape treatment.
- g. Architectural plans, elevation and perspective drawings and sketches illustrating the design and character of proposed structures.
- h. The existing and proposed location of public sanitary sewer and water supply facilities.
- i. The existing and proposed location of all private utilities or other easements.
- j. Characteristics of soils related to contemplated specific uses, when applicable.
- k. Existing topography on the site with contours at no greater than two-foot intervals.
- l. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
- m. Proposed drainage plan.

(3) *Referral to plan commission.* The petition for a PUD district shall be referred to the city plan commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate.

(4) *Public hearing.* The common council may hold a public hearing pursuant to the requirements of this article. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested PUD district. As soon as is practical following the hearing, the common council shall report its findings

and recommendations to the plan commission.

(Ord. No. 98-12, § I(86-1-200), 5-8-1998)

Sec. 86-247. Requirements, changes and amendments.

Whenever the public necessity, convenience, general welfare or good zoning practice require, the common council may, by article, change the district boundaries or amend, change or supplement the regulations established by this article or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the city plan commission.

- (1) *Initiation.* A change or amendment may be initiated by the common council or city plan commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- (2) *Petitions.* Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the city administrator, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:
 - a. Plot plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 500 feet of the area proposed to be rezoned.
 - b. Owners' names and addresses of all properties lying within 500 feet of the area proposed to be rezoned.
 - c. Additional information required by the city plan commission or common council.
- (3) *Review and recommendations.* The city plan commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified and granted, or denied.
- (4) *Hearings.* The common council shall hold a public hearing upon each petition giving public notice thereof as specified in subsection (6) of this section, listing the time, place and the changes or amendments proposed. The common council shall also give at least ten days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.
- (5) *City council's action.* As soon as possible after such public hearing, and after careful consideration of the city plan commission's recommendations, the common council shall act on the petition either approving, modifying and approving, or disapproving the petition.
- (6) *Public hearings.* Notice of any public hearing which the common council, city plan commission or zoning board of appeals may hold under the terms of this article shall specify the date, time and place of hearing, and the matter to be presented at the hearing. Pursuant to Wis. Stats. ch. 985, the notice shall be published as a class 2 notice, as follows:
 - a. The notice of public hearing shall be published in a newspaper of general

circulation in the city at least once each week for two consecutive weeks, the last publication of which shall be at least one week before the public hearing.

- b. Notice of the public hearing shall be mailed to all parties in interest at least ten days before the hearing. Parties in interest shall be defined as the petitioner, the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition, and the owners of all lands included in the petition and all lands lying within 500 feet of lands included in the petition. The failure to give any notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.

(7) *Basis for approval of the petition.*

- a. The city plan commission in making its recommendation and the common council in making its determination shall consider that:
 - 1. The petitioners for the proposed PUD district have indicated that they intend to begin the physical development of the PUD within nine months following the approval of the petition, and the development will be carried out according to a reasonable construction schedule satisfactory to the city.
 - 2. The proposed PUD district is consistent in all respects to the purpose of this section and to the spirit and intent of this article, is in conformity with the adopted master plan, or any adopted component thereof, and the development would not be contrary to the general welfare and economic prosperity of the community.
- b. The city plan commission in making its recommendations and the common council in making its determination shall further find that:
 - 1. The proposed site shall be provided with adequate drainage facilities for surface water and stormwater.
 - 2. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
 - 3. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance and maintenance of public areas by the proposed development.
 - 4. The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable articles or administrative regulations of the city.
 - 5. Centralized water and sewer facilities shall be provided.
 - 6. The entire tract or parcel of land to be included in a planned unit development district shall be held under single ownership, or if there is more than one owner, the petition for such PUD district shall be considered as one tract, lot or parcel, and the legal

description must define such PUD as a single parcel, lot or tract and be so recorded with the county register of deeds.

(8) *Proposed residential PUD district.*

- a. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.
- b. The total net residential density within the PUD district will be consistent with and not exceed the average intensity and density of development permitted in the underlying basic use district.
- c. Where a parcel zoned PUD is located partially within a floodplain or conservancy district (CD), the floodplain or CD district lands may be used to fulfill the area requirements set forth in subsection (8)b of this section, provided that at least two-thirds of the land utilized in the calculation of density is located outside of the floodplain or CD district.
- d. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
- e. Adequate, continuing fire and police protection is available.
- f. The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
- g. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.

(9) *Proposed commercial planned unit development district.*

- a. The proposed development will be adequately served by off-street parking and truck service facilities.
- b. The proposed development shall be adequately provided with and shall not impose any undue burden upon public services and facilities such as fire and police protection, street maintenance and maintenance of public areas.
- c. The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
- d. The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

(10) *Proposed industrial planned unit development district.*

- a. The operational character, physical plant arrangement and architectural

design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effect upon the property values of the surrounding neighborhood.

- b. The proposed development shall be adequately provided with and shall not impose any undue burden upon public services and facilities, such as fire and police protection, street maintenance and maintenance of public areas.
- c. The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.
- d. The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- e. No residential structures shall be permitted in an industrial PUD.

(11) *Mixed use planned unit development district.*

- a. The proposed mixture of uses produces a unified composite which is compatible within the underlying districts and which, as a total development entity, is compatible with the surrounding neighborhood.
- b. The various types of uses conform to the general requirements as hereinbefore set forth in this section, applicable to projects of such use and character.
- c. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance and maintenance of public areas.

(12) *Determination.* The common council, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a PUD shall be based upon, and include as conditions thereto, the building, site and operational plans for the development as approved by the common council.

(13) *Changes and additions.* Any subsequent change or addition to the plans or uses shall first be submitted for approval to the city plan commission, and, if in the opinion of the city plan commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the city plan commission shall be required. Notice shall be given pursuant to the provisions of this section, and such proposed alterations shall be submitted to the common council for approval.

(14) *Subsequent land division.* The division of any land or lands within a planned unit development district for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the city and when such division is contemplated, a preliminary plat of the lands to be divided shall accompany the petition for PUD approval.