

CHAPTER 119
SUBDIVISION REGULATIONS

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119-1. Purpose of Chapter. 1. GENERAL. The purpose of this chapter is to comply with s. 236.01, Wis. Stats., and to:
a. Promote the public health, safety and general welfare.
b. Lessen congestion in the streets and highways.
c. Further the orderly layout and use of land.
d. Provide adequate light and air.
e. Prevent the overcrowding of land.
f. Facilitate adequate and economical provision for water, sewerage and other public requirements.
g. Provide for proper ingress and egress.
h. Promote proper monumenting of land subdivided.
i. Encourage conveyance by accurate legal description,
j. Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters.
k. Further the maintenance of safe and healthful water conditions.

L. Prevent flood damage to persons and property and minimize expenditures for flood relief and flood-control projects.
m. Reduce nonpoint source water pollution by minimizing impervious cover on development sites.

2. BASIS FOR REQUIREMENTS. The approvals to be obtained by the subdivider as required in this chapter shall be based on requirements designed to accomplish the purposes specified in sub. 1.

3. CONDOMINIUM PLATS. Recording or filing of a condominium plat with the register of deeds under s. 703.11, Wis., Stats. does not exempt the declarant from compliance with this chapter concerning division of lands.

119-2. Definitions. 1. STATUTORY DEFINITIONS. All terms which are defined in ch. 236, Wis. Stats., as amended, shall have the same meaning as ascribed thereto in that chapter, unless otherwise defined in this chapter.

2. COMMISSION means the city plan commission as created under s. 320-15.

3. COUNCIL means the common council.

119-3. Methods. 1. GENERAL. Any division of land within the city shall be conducted in accordance with this chapter and be approved by the council in accordance with this chapter, except as provided in sub. 4.

2. DIVISION OF LAND BY CERTIFIED SURVEY MAP. A land division shall be surveyed and submitted for approval as a certified survey map in the following situations:

a. The land division creates 4 or fewer parcels.

b. The land division creates 8 parcels or less, none of which are zoned single-family residential (RS1-RS6), two-family residential (RT2-RT4), parks (PK), or institutional (TL), pursuant to ss. 236.34(1)(ar)1 and 236.45(2), Wis. Stats.

3. DIVISION OF LAND BY SUBDIVISION PLAT. Any land division that does not meet the criteria for division by certified survey map shall be surveyed and submitted for approval as a subdivision plat.

4. EXCEPTIONS. This section does not apply to:

a. A transfer of interest in land by will, or pursuant to court order pursuant to s. 236.45(2)(am)1, Wis. Stats.

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b. A lease for a term not to exceed 10 years, a mortgage or an easement pursuant to s. 236.45(2)(am)2., Wis. Stats.

c. Pursuant to s. 236.45(2)(am)3, Wis. Stats., the sale or exchange of parcels 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 ch. 236, Wis. Stats. or by ch. 295 of this code, or by other applicable laws.

119-4. Application. 1. FEES. No submittal of a preliminary subdivision plat, final subdivision plat or certified survey map, or of a correcting instrument under s. 119-16-2 or 3, except a submittal originated by a city or county agency, shall be recommended for approval until the filing fee required by s. 81-19, 81-96 or 81-97 has been paid by the subdivider.

2. SUBMISSION. The subdivider shall submit all subdivision plats, certified survey maps, and correction instruments to the department of city development for processing and coordination of technical reviews.

3. RECORDING. Upon return of council-approved documents by the city clerk, the department of city development shall record the subdivision plat, certified survey map, or correction instrument in the office of the register of deeds.

119-5. Procedures. 1. CERTIFIED SURVEY MAPS. a. The department of city development shall coordinate review of a certified survey map. After review by the commissioner of neighborhood services, the city engineer and the city treasurer, the department of city development's recommendation shall be forwarded to the council for consideration.

b. The council shall be responsible for the approval or rejection of all certified survey maps. When a certified survey map provides dedication of land to the city for public purpose, the commission shall be responsible for recommending to the council approval, conditional approval, or disapproval.

c. Within 90 days of the subdivider submitting a certified survey map to the department of city development for approval, the council shall take action to approve, approve conditionally, or reject the certified survey map and shall state in writing any conditions for approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the council to act within the 90 days, or any extension

of that period, constitutes an approval of the certified survey map and, upon demand, a certificate to that effect shall be made on the face of the map by the city clerk, per s. 236.34(1m)(f), Wis. Stats.

2. PRELIMINARY SUBDIVISION PLATS. Upon completion of the review and processing of a preliminary plat by the departments of city development, neighborhood services and public works, the preliminary plat shall be scheduled for consideration by the commission, as the council's designated agent for approval of preliminary plats under s. 236.11(1)(a), Wis. Stats. The commission shall take action to approve, approve conditionally, or disapprove the preliminary plat within 90 days after the subdivider's submission of the plat under s. 119-4-2, unless the time is extended by agreement with the subdivider. The commission shall provide written notice to the subdivider of the commission's determination of approval, or conditions of approval, or of disapproval and reasons for disapproval, and state in writing any conditions of approval or reasons for disapproval. Any person aggrieved by an objection to the plat, or to a condition, or by a failure to approve the plat, may appeal as per s. 236.13 (5), Wis. Stats., within 30 days of the commission's written notice. Failure of the commission to act within the 90 days, or extension thereof, constitutes an approval of the preliminary plat per s. 236.11 (1)(a), Wis. Stats.

3. FINAL SUBDIVISION PLATS. a. A final plat shall be submitted to the department of city development by the subdivider within 36 months following the commission's notice about the preliminary plat; otherwise, the council may refuse to approve the final plat or may extend the time for submission of the final plat in accordance with s. 236.11(1)(b), Wis. Stats.

b. A final plat shall be considered in the same manner as a preliminary plat, except final approval shall be by the council after receiving the commission's recommendation.

c. A professional engineer, a planner, or another person charged with the responsibility to review plats shall provide the commission and council with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendation regarding approval of the final plat. The commission shall prepare a report regarding its recommendation and forward its report to the council for consideration.

d. The council shall approve or reject the final plat within 60 days of the subdivider's submission of the final plat under s. 119-4-2, unless the time had been extended by agreement with the subdivider. If a plat is rejected, the reasons therefore shall be stated in the record and written notice of the reasons shall be provided to the subdivider. If the council fails to act within 60 days and the time has not been extended by agreement, and if no unsatisfied objections have been filed within that period, the plat shall be deemed approved and, upon demand, a certificate to that effect shall be made on the face of the plat by the city clerk in accordance with s. 236.11(2)(a), Wis. Stats.

119-6. Submission Requirements; Certified Survey Maps. Every certified survey map submission shall be prepared in compliance with the provisions of this chapter and ch. 236, Wis. Stats., and meet each of the following requirements:

1. One original certified survey map set shall be submitted with an application and associated fees. All sheets submitted shall be originals and have the surveyor's seal, surveyor's signature, and signature date.

2. The certified survey map shall be prepared with a permanent, nonfading black image on durable white opaque media that is 8-1/2 inches wide by 14 inches long, or on other media that is acceptable to the register of deeds, with a binding margin 1 and 1/2 inches wide and a 1/2-inch margin on all other sides. On the first page, there shall be an additional minimum 2-inch blank space along the bottom of the 8 and 1/2 inch width for notating municipal actions. Every map shall be drawn with a permanent, non-fading black image, except that any certificates may be typewritten in black. Documents shall be clear. The letters, numbers, symbols, diagrams, and other representations shall be sufficiently large and dense enough to be legible and reproduced by a copy machine and microfilm camera or optical scanner to the extent that the image captured is legible.

3. The identification title "CERTIFIED SURVEY MAP" shall be lettered or typed in capital letters on the top of the certified survey map under the required binding margin and shall include a provision for the certified survey map number. Successive sheets of the same certified survey

map shall have the identical title in the same position as the first sheet. Directly under the identification title shall be typed or lettered a caption giving its location by government lot, quarter-quarter, quarter section, township, range, city, county and state including sufficient description to clearly define the lands or lot and block and recorded subdivision or parcel number and certified survey map number of the property included in the map.

119-7. Technical Requirements; Certified Survey Maps and Final Subdivision Plats.

Every certified survey map or final subdivision plat shall meet the following requirements.

1. The city of Milwaukee tax key number or numbers and zoning designation shall be included on sheet one.

2. The map or plat shall contain a small vicinity drawing of the section or quarter section naming, if any, the peripheral streets of the area in which the land under consideration is situated. This drawing shall show a north point and scale and shall be orientated on the sheet in the same direction as the main drawing and shall be located on the first sheet when practical. An outline of the land surveyed shall be shaded in on the vicinity map in its proper location.

3. A bearing reference shall indicate the section line or quarter section line and the assumed bearing thereof to which the bearings shown on the mapped property are referenced. When using an approved Wisconsin coordinate system as designated in s. 236.18(2), Wis. Stats., the map or plat shall indicate the system used and the latest date of the datum used.

4. The exact length of the exterior boundaries, the boundary lines of all public grounds, streets and alleys, and all lot lines shall be to the nearest 1/100 of a foot and bearing in degrees, minutes and seconds, except that when the lines in any tier of lots are parallel, it shall be sufficient to mark the bearings of the outer lines on one tier.

5. The widths of all streets, bicycle ways, pedestrian ways, alleys, other public ways, and easements shall be included. Easements not parallel to a boundary or lot line shall be shown by center line distance, bearing, and width or by easement boundary bearings and distances. Where easement lines are parallel to boundary or lot lines, the boundary or lot line distances and bearings are controlling.

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6. All private easements, roads, streets, ways, alleys, off-street parking areas and other land reserved for private use which are not dedicated to public use shall be clearly marked thereon, such as, "Private Road", "Private Street", "Private Way", "Electric Power Line Easement", "Street Lighting Easement" or "Telephone Line Easement" for underground or overhead installation as required, and shall be clearly marked.

7. All parks, parkways, playgrounds, and other lands intended to be dedicated to public use by the certified survey map or plat shall be clearly marked thereof "Dedicated to the Public for Use" as a park, parkway or playground as the case may be. All public rights-of way such as streets, alleys, bicycle ways, and pedestrian ways to be dedicated to public use by the map or plat shall be clearly marked thereon "Dedicated to the City of Milwaukee" for public street, alley, bicycle way, pedestrian way purpose as the case may be.

8. All existing buildings and structures shall be shown, except those which are not relevant to the proposed division as determined by the department of city development. The map or plat shall show the perpendicular distances between the existing structure and any lot lines. Existing structures to be razed shall be labeled as such.

9. Where curve data contain a central angle with an odd number of seconds, the bearings for that curve data shall be expressed to the half second (0.5").

10. The name of each road or street shall be indicated in prominent letters and shall be in conformity with the street designation system of the city of Milwaukee. The names of all roads and streets shall be approved by the city engineer.

11. The names of adjoining streets, state highways, and recorded subdivision plats or certified survey maps shall be shown in waterproof nonfading black India ink underscored by dotted or dashed lines. Adjoining unplatted land shall be labeled as "Unplatted Lands" and underscored in the same manner.

12. The map or plat shall include flood plain district limits, including contour line of the floodway, the regional flood profile elevation (100-year flood) and the contour line 2 feet above the vertical distance of the regional flood profile elevation or, where such data are not available, 5 feet above the maximum flood of record.

13. Monumentation for a certified survey map or final subdivision plat shall be in compliance with the provisions of s. 236.15(1), Wis. Stats., with the following additions:

a. When an external boundary corner or point falls within a street, or proposed future street, the monument shall be placed in the side line of the street.

b. When strict compliance with this subsection would be unduly difficult or would not provide adequate monuments, the city engineer may waive such strict compliance.

14. The survey shall be performed by a professional land surveyor. If the error in the latitude and departure closure of the survey or any part thereof is greater than the ratio of one in 4,000, the certified survey map or final subdivision plat may be rejected.

119-8. Submission and Technical Requirements; Preliminary Subdivision Plats.

Every preliminary subdivision plat submission shall be prepared in compliance with the provisions of this chapter and ch. 236, Wis. Stats., and meet the following requirements:

1. 4 copies of a preliminary plat on not less than 20-pound bond paper measuring 22 inches wide by 30 inches long, 3 copies measuring 11 inches by 17 inches, a digital PDF, an application, and associated fees shall be submitted. The property shown on a preliminary plat may be drawn to any scale provided that the dimensions and other information shown thereon are legible.

2. The plat shall be clearly marked "preliminary plat" and contain or show the following:

a. The name of the proposed subdivision

b. The name and address of the owner.

c. A caption giving the plat's location by government lot, quarter section, quarter-quarter, township, range, city, county and state, including sufficient description to clearly define the lands such as including a lot and block and subdivision name or lot number of the certified survey map number of the property included in the plat.

d. North point, date and scale.

e. A vicinity map.

f. The name and address of the professional land surveyor preparing the plat. The land surveyor shall be responsible for the survey and shall sign, seal, and date each sheet of the preliminary plat.

g. The length and bearing of the exterior boundaries of the proposed subdivision plat.

h. The names of adjacent recorded subdivisions or certified survey maps.

i. The location, widths and names of all existing or platted streets, alleys, bicycle ways, pedestrian ways or other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, drainage ditches, water courses, bridges and other permanent or temporary buildings or structures, and other public places.

j. The layout and width of all new streets and rights-of-way such as alleys, bicycle ways, pedestrian ways, highways, easements for sewers, water mains and other public utilities, such as underground electric power, street lighting, telephone, cable television installations and drainage ditches and water courses.

k. Dimensions of lots and other land areas.

l. Approximate radii and arc lengths of all curves and lengths of tangents.

m. Land intended to be dedicated for public use, or to be reserved by deed covenant or easement for use of all property owners in the subdivision with conditions, if any, of such dedication or reservations or easements. Private property held in common and not dedicated for public use shall be so indicated.

n. An overall grading plan of the tract showing features of the land adjacent to the tract within a reasonable distance therefrom which tend to affect the surface run-off of the subdivision.

o. Flood plain district limits, including the contour line of the floodway, the regional flood profile elevation (100-year flood) and the contour line 2 feet above the vertical distance of the regional flood profile elevation or, where such data are not available, 5 feet above the maximum flood of record.

119-9. Submission Requirements; Final Subdivision Plats. Every final subdivision plat shall be prepared in compliance with the provisions of this chapter and ch. 236, Wis. Stats., and meet the following requirements:

1. One original plat, 3 full-size copies, 3 copies measuring 11 inches by 17 inches, a digital PDF, an application, and associated fees shall be submitted.

2. The original plat shall be prepared with a permanent non-fading black image on one or more sheets 22 inches wide by 30 inches long, on good quality white tracing paper and submitted to the department of city development for processing and approval. When more than one sheet is used for any one plat, sheets shall be numbered consecutively and each sheet shall contain a notation showing the whole number of sheets in the plat and its relation to the other sheets. The plat shall have a binding margin of 1 and 1/2 inches on the left side of the 30-inch length and one-inch margin on all other sides, and there shall be provided a blank space not less than 4 inches by 4 inches located on the first sheet for notating municipal action. Documents shall be clear and legible, with a graphic scale of not more than 100 feet to one inch. The letters, numbers, symbols, diagrams, and other representations shall be sufficiently large and dense to be legible and reproduced by a copy machine and microfilm camera or optical scanner to the extent that the image captured is legible. A white, opaque double-matt polyester film, not less than 4 mil thickness of the same size specified above, of the subdivision plat tracing or tracings shall be made by the department when all the required municipal approvals and signatures have been obtained and the city clerk forwards the plat to the department for recording.

3. The caption giving the location of the subdivision shall be typed or lettered directly under the name given to the plat. Successive sheets of the same subdivision plat shall have the identical caption located below the subdivision name.

119-10. Required Certificates, Consents and Agreements; Certified Survey Maps and Final Subdivision Plats.

1. REQUIRED ATTACHMENTS. Every certified survey map or final subdivision plat shall have attached, in the following order, the following certificates, consents and agreements thereon:

a. A surveyor's certificate.

b. An individual or entity owner's certificate. The certificate shall be signed by each individual or entity holding an interest in the fee of record at the time that the certified survey map or final subdivision plat is submitted to the council for final consideration. Electronically-produced signatures shall not be accepted.

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c. A consent of individual or entity mortgagee.

d. A certificate of the city treasurer.

e. A certificate of the city clerk regarding common council approval.

2. CERTIFICATE OF COUNTY TREASURER. A final subdivision plat shall also have attached a certificate of the county treasurer as required by ss. 236.21(3) and 236.25(2)(c), Wis. Stats., which shall follow the certificate of the city treasurer and precede the certificate of the city clerk.

3. FORMS. The certificates and consents required under subs. 1 and 2 shall be in the following forms or department of city development-approved variations thereof. Notary seals shall be legible and shall not cover text or signatures on forms.

a. Form No. 1:

SURVEYOR'S CERTIFICATE

STATE OF _____

_____ COUNTY

I, _____(type or print name), a professional land surveyor, certify:

That I have surveyed, divided and mapped:

- (for certified survey maps) a part of the _____ (caption) in the City of Milwaukee, Milwaukee County, Wisconsin, which is bounded and described as follows:
- (for final subdivision plats) (Subdivision Name), being a subdivision of part of the _____ (caption) in the City of Milwaukee, Milwaukee County, Wisconsin, which is bounded and described as follows:

(Here Insert: A clear and concise description of the land surveyed, divided, and mapped by government lot, recorded private claim, quarter-quarter section, section, township, range and county; and by metes and bounds commencing with a monument at a section or quarter section corner of the quarter section that is not the center of a section, or commencing with a monument at the end of a boundary line of a recorded private claim or federal reservation in which the land is located. If, however, the land is shown in a recorded subdivision plat, recorded addition to a recorded subdivision plat, or recorded certified survey map that has previously been tied to the monumented line of a quarter section, government lot, recorded private claim, or federal reservation in which the land is located, the land shall be described by the subdivision name or certified survey map number and the description of the lot and block thereof.)

(Dedications of land for public rights-of-way shall be included.)

That I have made the survey, land division, and ____ (map or plat) by the direction of _____(owner's name).

That the ____ (map or plat) is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have complied with Chapter 236 of the Wisconsin Statutes and Chapter 119 of the Milwaukee Code of Ordinances in surveying, dividing and mapping the same. Per Wis. Stat. 236.21 (1), this certificate has the same force and effect as an affidavit.

Date:_____

Signature:_____

Type or Print Name:_____

Title: Professional Land Surveyor, Number:_____

(Surveyor's Seal)

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b. Form No. 2:

INDIVIDUAL OWNER'S CERTIFICATE

As owner(s), I (we) certify that I (we) caused the land described on this ____ (certified survey map or final subdivision plat) to be surveyed, divided, mapped and dedicated as represented on this map or plat in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and Chapter 119 of the Milwaukee Code of Ordinances.

In consideration of the approval of the ____ (map or plat) by the Milwaukee Common Council, the undersigned agrees:

That all utility lines to provide electric power and telephone service and cable television or communications systems lines or cables to all lots in the ____ (certified survey map or in the subdivision plat) (other than already existing lines and cables) shall be installed underground in easements provided therefore, where feasible.

Note: Additional agreements between the City and owner shall also be included where applicable, for example, the removal of buildings or structures in public right-of-ways, and restrictions prohibiting direct vehicular access to major streets. Such applicable agreements shall be in the following forms:

- a. That the removal of buildings and structures and restoration of site within the dedicated public right-of-way in _____ (street name) will be performed by the owner at no expense to the City of Milwaukee.
- b. That direct vehicular access from Lot _____, Parcel _____ Block _____, to _____ (street name) is prohibited as delineated on the attached map.

This agreement is binding on the undersigned and successors and assigns.

Date: _____

Signature: _____

Type or Print Name: _____

STATE OF _____

_____ COUNTY

Personally came before me this ____ day of _____, 20__, the above named _____, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Notary Signature: _____

Print Notary Name: _____

Notary Public, State of _____. My commission expires: _____

(Notary Seal)

c. Form No. 3:

ENTITY OWNER'S CERTIFICATE

_____ (Entity Name), a _____ (identify type of entity) duly organized and existing under and by virtue of the laws of the State of _____, as owner, certifies that said entity caused the land described on this _____ *(certified survey map or final subdivision plat) to be surveyed, divided, mapped and dedicated as represented on this _____ (map or plat) in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and Chapter 119 of the Milwaukee Code of Ordinances.

In consideration of the approval of the _____ (map or plat) by the Milwaukee Common Council, the undersigned agrees:

That all utility lines to provide electric power and telephone service and cable television or communications systems lines or cables to all lots in the _____ (certified survey map or in the subdivision plat) (other than already-existing lines and cables) shall be installed underground in easements provided therefore, where feasible.

Note: Additional agreements between the City and owner shall also be included, when applicable, for example, the removal of buildings or structures in public right-of-ways, and restrictions prohibiting direct vehicular access to major streets. Such applicable agreements shall be in the following forms:

- a. That the removal of buildings and structures and restoration of site within the dedicated public right-of-way in _____ (street name) will be performed by the owner at no expense to the City of Milwaukee.
- b. That direct vehicular from Lot _____, Parcel _____, Block _____, to _____ (street name) is prohibited as delineated in the attached map.

This agreement is binding on the undersigned and successors and assigns.

Date: _____

Entity Name: _____

Signature: _____

Type or Print Name: _____

Title: _____

STATE OF _____

_____ COUNTY

Personally came before me this _____ day of _____, 20____, _____ (name), the _____ (title) of the above named entity, to me known to be the person who executed the foregoing instrument, and acknowledged that he/she executed the foregoing instrument as such officer on behalf of the entity, by its authority.

Notary Signature: _____

Print Notary Name: _____

Notary Public, State of _____. My commission expires: _____

(Notary Seal)

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d. Form No. 4:

CONSENT OF INDIVIDUAL MORTGAGEE

I, _____ (type or print name of person who holds mortgage), mortgagee of the above described land, do hereby consent to the surveying, dividing, mapping, restricting and dedication of the land described on this ____ (certified survey map or final subdivision plat) and in the surveyor's certificate, and to the certificate of the owner(s) of said land.

Date: _____

Signature: _____

Type or Print Name: _____

STATE OF _____

_____ COUNTY

Personally came before me this _____ day of _____, 20____, the above named _____ to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Signature: _____

Print Notary Name: _____

Notary Public, State of _____. My commission expires: _____

(Notary Seal)

e. Form No. 5:

CONSENT OF ENTITY MORTGAGEE

_____ (corporate or entity name), a (identify type of entity) duly organized and existing under and by virtue of the laws of the State of _____, as mortgagee of the above described land, consents to the surveying, dividing, mapping, restricting and dedication of the land described on this ____ (map or plat) and in the surveyor's certificate, and to the certificate of the owner(s) of said land.

Date: _____

Entity Name: _____

Signature: _____

Type or Print Name: _____

Title: _____

STATE OF _____

_____ COUNTY

Personally came before me this _____ day of _____, 20 ____, _____ (name and title) of the above named entity, to me known to be the person who executed the foregoing instrument, and acknowledged that he/she executed the foregoing instrument as such officer on behalf of the entity, by its authority.

Notary Signature: _____

Print Notary Name: _____

Notary Public, State of _____. My commission expires: _____

(Notary Seal)

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f. Form No. 6:

CERTIFICATE OF CITY TREASURER

I, _____ (type or print name), being the duly elected and acting City Treasurer of the City of Milwaukee, certify that in accordance with the records in the office of the City Treasurer of the City of Milwaukee there are no unpaid taxes or unpaid special assessments on the land included in this ____ (certified survey map or final subdivision plat).

Per Wis. Stat. 75.06 and 74.87, the City of Milwaukee collects property taxes and enforces nonpayment of same on parcels in the City of Milwaukee. Per Wis. Stat. 74.83, the City of Milwaukee and Milwaukee County entered into an Intergovernmental Cooperation Agreement approved by Council Resolution 901408, whereby the city is the sole collector and enforcer of property taxes for parcels in the city.

Date: _____

Signature: _____

Type or Print Name: _____
(City Treasurer)

g. Form No. 7:

**CERTIFICATE OF CITY CLERK REGARDING COMMON COUNCIL
APPROVAL**

I certify that this _____ (certified survey map or final subdivision plat) was approved under Resolution File No. _____, adopted by the Common Council of the City of Milwaukee on _____.

(For final subdivision plats, only if applicable). Pursuant to Section 119-12 of the Milwaukee Code of Ordinances, the owners of the lands in the subdivision plat entered into an agreement relating to the installation of required improvements in certain public ways on _____ (date).

Date: _____

Signature: _____

Type or Print Name: _____
(City Clerk)

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h. Form No.8:

CERTIFICATE OF COUNTY TREASURER

I, _____(type or print name), being the duly elected and acting County Treasurer of Milwaukee County, certify that in accordance with the records in the office of the Milwaukee County Treasurer there are no unpaid taxes or unpaid special assessments on the land included in this ____ (certified survey map or final subdivision plat).

Per ss. 75.06 and 74.87, Wis. Stats., the City of Milwaukee collects property taxes and enforces nonpayment of same on parcels in the city of Milwaukee. Per s. 74.83, Wis. Stats., the City of Milwaukee and Milwaukee County entered into an Intergovernmental Cooperation Agreement approved by Common Council Resolution File No. 901408, whereby the City is the sole collector and enforcer of property taxes for parcels in the city.

Date:_____

Signature:_____

Type or Print Name:_____
(Milwaukee County Treasurer)

119-11. Principles of Design. The following principles of design apply to preliminary subdivision plats, final subdivision plats, and certified survey maps:

1. GENERAL. a. No land shall be subdivided which is unsuitable for such use by reason of flooding or bad drainage, adverse earth or rock formations or topography, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

b. The subdivision layout shall conform to the official map.

c. The subdivider of a subdivision shall also submit an overall grading plan of the tract showing features of the land adjacent to the tract within a reasonable distance therefrom which tend to affect the surface run-off of the subdivision. The grading plan shall show how positive run-off of the surface waters from individual lots will be achieved and the means by which ultimate disposal of the subdivision's surface waters will be accomplished without creating adverse conditions on adjoining properties. The grading plan shall include interim erosion control measures to provide protection to adjoining lots within the subdivision, to private properties adjoining the subdivision, and to existing and proposed public improvements. The grading plan shall show the existing and proposed grade contours at one-foot intervals and a typical location and tentative grade for proposed buildings on each lot. The requirement for a grading plan may be waived by the commission in instances where the subdivision or lots contain existing buildings.

d. The subdivision shall be designed to preserve, to the maximum extent possible, grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any ecological succession of native and non-native plants.

2. STREET AND BLOCK LAYOUT.

a. The street layout shall be in conformity with a plan of development of adjoining areas and the entire neighborhood, and shall meet the following standards:

a-1. All proposed streets shall be continuous and in alignment with existing planned or platted streets with which they are to connect.

a-2. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless such extension is not necessary or desirable for coordination with the

surrounding street pattern. Dead-end streets of reasonable lengths shall be approved where necessitated by topography, or where they are appropriate for the type of development contemplated.

a-3. Streets shall follow the contour of the land.

a-4. Streets shall intersect each other as nearly at right angles as topography, ownership lines, natural barriers and related conditions permit.

a-5. Not more than 2 streets shall converge at one intersection.

a-6. The commission may require that alleys be provided in blocks platted along major streets where no backing of lots is indicated.

a-7. Whenever a part of a dedicated or platted and recorded street, alley or other public way exists adjacent to the tract to be subdivided, the balance of such street, alley or other public way shall be platted, and the width shall conform to the official map.

b. Blocks shall have sufficient width to provide for 2 tiers of lots and meet the following standards:

b-1. The length of each block shall be appropriate for the locality and type of development contemplated.

b-2. In any block, the commission may require that a crosswalk or pedestrian way not less than 20 feet in width be platted near the center of the block where deemed essential to provide safe and convenient pedestrian access to schools, parks, playgrounds, public transportation and other community facilities.

b-3. Blocks shall be laid out so that the number of intersecting streets along major thoroughfares is held to a minimum wherever practicable.

c. Accessways and private entrances opening on major streets or parkways shall be kept to a minimum. The commission may require that vehicular access to residential lots adjoining or adjacent to a major street or a parkway be provided by one of the following means:

c-1. A parallel street, cul-de-sac, U-shaped street or short loop supplying frontage for lots backing onto the major street or parkway, in which case an agreement shall be included on the face of the plat prohibiting direct vehicular access to the lots from the major street and requiring the use of the parallel or alternative street for vehicular ingress and egress.

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c-2. An alley at the rear of lots abutting and facing the major street or parkway, in which case an agreement shall be included on the face of the plat prohibiting direct vehicular access to the lots from the major street or parkway and requiring the use of the alley for vehicular ingress and egress.

3. MINIMUM RIGHT-OF-WAY WIDTHS. a. The widths of all primary, collector, secondary and residential streets shall be as indicated on the official map.

b. Street right-of-way shall not be less than 60 feet in width.

c. A dead-end street shall terminate in a turnaround having a right-of-way sufficient in size to inscribe a circle of at least 100 feet in diameter.

d. A new alley shall not be less than 20 feet in width.

e. A pedestrian way shall be no less than 20 feet in width.

4. STREET DESIGN. a. The pavement width for a local street, as defined in s. 295-201-643, shall be not less than 22 feet and not more than 36 feet unless otherwise approved by the common council.

b. The minimum radius for the paved portion of a cul de sac shall be 35 feet.

c. A landscaped island shall be created in any cul de sac having a paved area radius greater than 35 feet. This requirement may be waived by the common council.

d. Alternatives to cul de sac turnaround design, including but not limited to hammerheads and loop roads, shall be permitted for residential streets.

e. Vegetated open channels shall be permitted along a residential street with openings in the curb face or other conveyance methods that maintain curb and gutter.

f. Flush curbs or curb cuts that direct runoff into landscaped islands shall be permitted.

g. A local street, as defined in s. 295-201-643, shall have a tree border not less than 6 feet in width. This requirement may be waived by the common council.

h. The portion of the street right of way commonly known as the tree border and located between the curb and the outside line of the sidewalk closest to the curb may be designated and used for storm water treatment purposes, consistent with the terms and conditions of the approved stormwater management plan.

5. STREET GRADES. Street grades shall be as determined by the city engineer.

6. INTERSECTIONS. At any alley intersection, a 10-foot cutoff having a hypotenuse approximately 14 feet in length shall be provided at each corner.

7. LOTS. a. The size, shape and orientation of lots shall conform to the requirements of the zoning code and shall be appropriate for the location of the proposed subdivision and for the type of development contemplated.

b. Except as provided in par. c, every lot or parcel in a subdivision plat or certified survey map shall front or abut onto a public street other than an alley.

c. Indirect access to a public street from one lot, parcel or outlot may be permitted through a private easement.

d. A land division creating 2 or more lots, parcels or outlots with access from a private street or road shall only be recommended for approval after the following reports have been submitted:

d-1. A report by the commissioner of public works indicating the adequacy of sewer and water facilities needed to serve the proposed lots and the ability to provide refuse collection in a safe and efficient manner. If the commissioner finds the proposed lots will not be adequately served by sewer and water facilities, the subdivider shall be required to enter into an out-of-program agreement pursuant to s. 119-12.

d-2. Reports from the chiefs of fire and police indicating the ability of proposed private roads or streets to provide adequate access for emergency vehicles.

e. A private street, drive, road, or easement shall not be designated as a separate lot, parcel or outlot and shall be included as part of one or more of the lots or parcels or outlots adjoining thereto.

f. Each residential lot shall have the width and area required by ch. 295. Lesser lot width or area may be recommended for approval if a variance has been granted by the board of zoning appeals.

g. Through lots shall be avoided except as described in sub. 2-c.

h. Side lot lines shall be approximately at right angles to the street line on which the lot faces.

i. For a proposed lot or parcel containing an existing residential structure that is to remain in use, the setback, side yard and rear yard required by ch. 295 shall be provided between the existing structure and any proposed new lot lines.

j. Lot lines shall follow municipal boundary lines whenever practicable.

8. PRIVATE SEWERAGE DISPOSAL. Lots within the city which are to be served by private sewerage systems (septic tanks) shall comply with the applicable provisions of ss. 225-15 to 225-19, as well as the provisions of sub. 10. A permit of the type specified in s. 225-15 issued by the commissioner of health shall constitute proof of compliance.

9. UNDERGROUND ELECTRIC POWER, STREET LIGHTING, TELEPHONE AND CABLE TELEVISION SERVICE. Where feasible, all electric power, street lighting, telephone and cable television or communication systems lines or cables shall be installed underground in easements provided therefore. It shall be the responsibility of the developer or property owner in cases of new construction or property development to give reasonable notice of such construction or property development to utility and cable communications systems companies.

10. FLOOD PLAIN LIMITATION. No lot served by the public sanitary sewerage system shall have less than 50% of its required lot area below an elevation that is at least 2 feet above the regional flood profile elevation or, where such data are not available, at least 5 feet above the maximum flood of record. Each lot served by a private sewerage system (septic tank) shall be more than one acre in size and shall contain not less than 40,000 square feet of land that is at least 2 feet above the regional flood profile elevation or, where such data are not available, at least 5 feet above the maximum flood of record.

11. SEWER AND WATER. Whenever a proposed land division is not adequately served by sewer and water facilities, the subdivider shall enter into an out-of-program agreement pursuant to s. 119-12.

12. MODIFICATIONS AND EXCEPTIONS. Where the subdivider or any public agency or department can show that, by reason of exceptional topographic or other physical conditions, or upon the recommendation of the city engineer and commissioner of public works, strict compliance with any requirement of this chapter would cause practical difficulty or exceptional and

undue hardship, the commission may waive strict compliance so as to relieve the difficulty or hardship, provided that relief may be granted without detriment to the public good and without impairing the intent and purposes of this chapter, or the desirable general development of the neighborhood and the community in accordance with the city's master plan. Any waiver granted shall be entered in the minutes of the commission setting forth the reasons which, in the opinion of the commission, justified the waiver.

119-12. Required Improvements.

1. AGREEMENT WITH CITY. The subdivider of a subdivision plat shall enter into an agreement with the city, in recordable form, referred to on the face of the plat, to guarantee the installation at the subdivider's own expense, subject to refund as provided in sub. 4, of the following facilities required by the common council and the commissioner of public works. The requirement for an agreement may be waived by the commissioner in instances where all public improvements to serve the subdivision are available, the proposed public improvements to serve the subdivision are being undertaken as city-sponsored projects under the current paving program, or where subdivision is proposed by a municipal agency and alternate sources of funding are provided. The required public improvements are:

a. Water mains and sanitary and storm water drainage facilities and laterals to the lot line, where connections to existing municipal systems can be practically provided, in accordance with city specifications; provided, however, that in an area where a subdivision cannot be practically served by existing municipal systems, the subdivider or an agent shall provide sewer, water and drainage facilities in accordance with the standards and specifications of the commissioner of health and commissioner of public works.

b. Surfacing for streets, alleys and pedestrian ways shown on the plat with the type of pavement approved by the commissioner of public works and in accordance with approved city plans and specifications. The commissioner may approve the use of permeable paving, as defined in s. 200-08-68.5, for parking lanes, alleys and pedestrian ways.

c. Concrete sidewalks or sidewalks constructed of permeable paving, as defined in s. 200-08-68.5, along both sides of every street in a residentially-zoned area, and along at least one

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side of every street in an area zoned other than residential, in accordance with applicable standard specifications of the department of public works; provided, however, that the common council may waive or defer any or all of these requirements.

d. Street lighting facilities in all streets, alleys and pedestrian ways shown on the plat with the type of lighting standard approved by the commissioner of public works and in accordance with approved city plans and specifications; provided, however, that the city shall participate in 50% of the full cost of installation of the street lighting facilities.

2. CITY CONSTRUCTION.

Subsection 1 shall not be deemed an elimination of the city program of construction. The charge for the work done by the subdivider shall be deemed to be special assessments, duly authorized, made and levied. The payment, however, or such special assessments shall be made as provided in this section.

3. APPROVAL. The adequacy of the public facilities required by sub. 1 shall be subject to the approval of the commissioner of public works and the common council.

4. REFUNDS. After January 1 of the year following the completion of the required improvements, the city shall refund to the developer the following:

a. The excess cost of water mains, storm sewers and sanitary sewers where anticipated service beyond the limits of the developer's ownership has required such water mains, storm sewers and sanitary sewers to be installed in sizes larger than those required to serve the particular subdivision under present consideration and where, in the opinion of the commissioner of public works, other unusual requirements such as stream crossings or railroad crossings have abnormally increased the cost of water supply mains, outlet storm sewers and outlet sanitary sewers outside the subdivision, at a rate per lineal foot to be determined by the commissioner and approved by the common council.

b. The excess cost of street construction where a roadway width in excess of 36 feet or a half width in excess of 18 feet is required.

c. The amount of all special assessments levied against property outside the subdivision because of water mains, storm sewers, sanitary sewers and street, alley, bicycle way, or pedestrian way paving required to be installed outside the subdivision or in boundary streets.

d. On a boundary street, the non-assessable portion of the cost of storm sewers, sanitary sewers, water mains and street paving not provided for under pars. a and b and pertinent to the side of the street opposite the subdivision, provided the refund is limited to an amount which, when combined with the special assessment, if any, as provided for under par. c, would not exceed the amount of the product of the length of boundary street involved and the normal rate of assessment in effect at the time the work is placed under contract. No refund shall be made under this subsection if the property on the side of a boundary street opposite the subdivision lies outside the corporate jurisdiction of the city or if a dual system of services is prescribed by the commissioner of public works.

e. On a street adjacent to land dedicated to the city at no cost to the city for a public purpose, that portion of the cost of sanitary sewers, storm sewers, water mains, and street paving not provided for under pars. a or b and pertinent to the side of the street adjacent to the land so dedicated, provided the refund shall not exceed the amount of the product of the length of street adjacent to said land and the normal rate of assessment in effect at the time the work is placed under contract.

5. PERMITS. a. The commissioner of neighborhood services shall not issue a building permit for any dwelling unit, other than a model home, on a lot until all proposed improvements abutting the lot have been placed under contract, except when:

a-1. Two-stage pavement construction is specified, a permit may be issued subsequent to the award of a contract for the first stage, provided payment for the second stage has been guaranteed by a cashier's check deposited with the commissioner of public works or by certification from the developer's bank that the bank is holding the required funds and will, upon simple request, release same to the city as required for second stage pavement construction; or

a-2. A lot with public right-of-way frontage on 2 or more sides has available the necessary public improvements to serve the lot on at least one of its frontages, but the developer is precluded by governmental action from installing required improvements on the remaining lot frontages, the council may by resolution specify the conditions under which a building permit may be issued for the lot.

b. The commissioner of neighborhood services shall not issue a certificate of occupancy for any use requiring a certificate of occupancy on a lot until the proposed improvements abutting the lot have been completed, except when:

b-1. Two-stage pavement construction has been specified, a permit may be issued subsequent to completion of the first stage, provided payment for the second stage has been guaranteed by a cashier's check deposited with the commissioner of public works or by certification from the developer's bank that the bank is holding the required funds and will upon simple request release same to the city as required for second stage pavement construction; or

b-2. The developer is precluded by governmental action from installing the required improvements on all right-of-way frontages, but the necessary public improvements are available to serve at least one of the 2 or more frontages, the permit may be issued prior to installation of all the improvements if the council has adopted a resolution specifying the conditions under which a building permit may be issued.

119-13. Required Dedications or Reservations.

1. The owner of lands in a final subdivision plat or certified survey map shall indicate, on the face of the plat or map, reservations or dedications to the city for public streets, alleys or other public ways as shown on the official map. The final plat or certified survey map shall not be considered or approved until these reservations or dedications are so indicated.

2. Procedures for vacations of city right-of-way are under s. 308-28.

119-14. Enforcement. 1. GENERAL. No department, bureau, board, commission or employee of the city shall issue any permit or license or shall plan for the installation of sewer or water connections to any lot, plot, parcel or building site which is part of a certified survey map or a subdivision which has not been approved in

accordance with this chapter, if this chapter requires such certified survey map or subdivision to be so approved.

2. COMMISSIONER TO ENFORCE. The commissioner of neighborhood services is authorized to enforce this chapter and to initiate actions to impose the penalties provided in s. 119-5.

119-15. Penalties. Any person who, or entity that, violates or fails to comply with this chapter shall be subject to the forfeitures and provisions of s. 236.335, Wis. Stat. Compliance with this chapter may also be enforced by injunction at the suit of the city. It shall not be necessary to prosecute for fine or forfeiture before resorting to injunction proceedings.

119-16. Correcting Instruments. 1. An instrument correcting a recorded certified survey map or a recorded final subdivision plat shall be in accordance with s. 236.295, Wis. Stats., and shall be recorded with the register of deeds. Upon recording, a copy of the instrument shall be provided to the commissioner of public works.

2. An instrument correcting surveying data or details, and any correcting instrument under sub. 3, shall be signed by a professional land surveyor and shall be recorded with the register of deeds by the department of city development. Applicable fees shall be paid under s. 81-97. Upon recording, and a copy of the instrument shall be provided to the commissioner of public works.

3. Any instrument correcting data that changes areas dedicated to the public or restrictions for the public benefit shall meet the requirements of sub. 1, shall be submitted to the city engineer, and shall be approved by the common council prior to recording with the register of deeds by the department of city development as provided in sub. 2 and in s. 119-4-3.

4. Any correcting instrument under subs. 2 or 3 shall have attached thereto an affidavit in the form specified by sub. 6.

5. No corrective instrument may be used to reconfigure lots or outlots.

6. The affidavit form for a correcting instrument shall be as follows:

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Form No. 9: Correcting Instrument

**AFFIDAVIT OF CORRECTION
FOR**

(CERTIFIED SURVEY NO. _____ OR _____ SUBDIVISION PLAT)

I, _____ (surveyor name), professional land surveyor, being first duly sworn, on oath, state that this document is made per Wis. Stat. 236.295 and Milwaukee Code of Ordinances 119-16 to make the following corrections:

- to sheet(s) ___ of the certified survey map recorded on _____, as Register of Deeds Document No. _____
- to sheet(s) of the subdivision plat recorded on _____, as Register of Deeds Document No. _____

(State Corrections)

Date: _____

Signature: _____

_____ (Type or print name), Professional Wisconsin Land Surveyor, Number _____

(Surveyor's Seal)

STATE OF _____

_____ COUNTY

Personally came before me this ____ day of _____, 20__, the above named ____ (surveyors name), to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Signature: _____

Print Notary Name: _____

Notary Public, State of _____. My commission expires: _____

(Notary Seal)

COMMON COUNCIL CERTIFICATE OF APPROVAL (if required by s. 119-16-3)

I certify that this Affidavit of Correction was approved under Resolution File No. _____, adopted by the Common Council of the City of Milwaukee on _____.

Date: _____

Signature: _____

Type or Print Name: _____
(City Clerk)

For legislative history of chapter 119, contact the Municipal Research Library.

Pages 833-840 are blank.

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