

CHAPTER XVII
DIVISIONS AND COMBINATIONS OF LAND

17.01 AUTHORITY, PURPOSE, INTENT AND DEFINITIONS

A. Authority. This Ordinance is adopted under the authority granted by Section 236.45 of the Wisconsin Statutes.

B. Purpose. The purpose of this Ordinance is to regulate and control the division and combination of land within the corporate limits of the City of Kenosha, Wisconsin, and provide for the exercise of the City's extraterritorial Plat approval jurisdiction in order to promote the public health, safety, morals, prosperity, aesthetics, and general welfare of the City and its environs.

C. Intent. It is the general intent of this Ordinance to regulate the division of land so as to:

1. Obtain the wise use, conservation, protection, and proper development of the City'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, and preserve natural vegetation and cover.
2. Lessen congestion in the streets and highways.
3. Further the orderly layout and appropriate use of land.
4. Reduce the potential for damage to properties by fire, natural disasters and environmental perils and facilitate emergency response.
5. Provide adequate light and air.
6. Facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, and other public facilities and services.
7. Reduce the potential for water pollution, disease, and other health hazards.
8. Reduce the potential for flood damage to properties and minimize expenditures for flood relief and flood control projects.
9. Restrict building sites in areas covered by poor soils or in areas poorly suited for development.

10. Facilitate the division of large tracts into smaller parcels of land.

11. Ensure adequate legal description and proper survey monumentation.

12. Provide for the administration and enforcement of this Ordinance.

13. Provide penalties for violations of this Ordinance; and,

14. Implement Comprehensive Plan.

D. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate, or annul land divisions approved prior to the passage of this Ordinance. However, the provisions of this Ordinance shall govern further land divisions and combinations of previously divided or combined land.

E. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements which may be supplemented by additional requirements in land use approvals, licenses and permits. This Ordinance shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by Federal Law, the Wisconsin Statutes, or City Zoning or General Ordinances.

F. Severability. If any section, or portion of this Ordinance is adjudged unconstitutional, invalid or unenforceable by a court of competent jurisdiction, the remainder of this Ordinance shall be severable and shall remain in full force and effect.

G. Disclaimer. The City does not guarantee, warrant, or represent that compliance with this Ordinance will prevent flooding problems, sanitation problems, or structural damage to buildings.

H. Conflict with Other Ordinances. Should this Ordinance conflict with any General and/or Zoning Ordinances, or parts thereof, the most stringent standards shall apply.

I. Time Limits. Any references to days in this Ordinance in reference to time limits shall mean calendar days, unless otherwise specified.

J. Title. This Ordinance shall be known as, referred to, or cited as the "DIVISIONS AND COMBINATIONS OF LAND".

17.02 DEFINITIONS

A. General Definitions. For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not discretionary.

B. Specific Words and Phrases. For purposes of this Chapter, the following words and phrases shall have the meaning provided.

1. Alley. A public or private way affording only secondary access to abutting properties.

2. Arterial Street. A street used, or intended to be used primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways, as well as standard arterial streets, highways and parkways. [See Illustration No. 2.]

3. Assurance. A letter of credit or cash escrow deposited with the City as approved by the City Attorney for the purposes of guaranteeing the installation of required improvements, and giving the City the ability to construct, cause to be constructed, repair or reconstruct required improvements not constructed or installed, or not properly constructed or installed.

4. Block. A tract of land bounded by streets, or a combination of streets, public parks, cemeteries, railway right-of-ways, shorelines of navigable waters, and/or municipal boundaries.

5. Certified Survey Map. A map prepared by a Registered Land Surveyor in accordance with Section 236.34, Wisconsin Statutes, used to create land divisions which do not result in a Subdivision.

6. City Engineer. The City Engineer and designees thereof.

7. City Planner. The City Planner and designees thereof.

8. Collector Street. A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets to residential developments. [See Illustration No. 2.]

9. Comprehensive Plan. The extensively developed plan, also called a Master Plan, adopted by the City Plan Commission, and certified to the Common Council pursuant to Section 62.23 of the Wisconsin Statutes, 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 Plans shall also be considered a part of the Comprehensive Plan.

10. Corner Lot. A lot abutting two (2) or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side (see Illustration No. 1).

11. Cul-de-Sac Street. A local street with only one (1) outlet and having an appropriate turnaround for the safe and convenient reversal of traffic movement. [See Illustration No. 2.]

12. Developer. Any person who constructs a building or structure upon land within the limits of the City of Kenosha.

13. Development Agreement. An agreement entered into by and between a Subdivider/Developer, the City and Kenosha Water Utility, with respect to any approved land division, which provides, among other things, for the design, construction and installation of required public improvements, the payment for such public improvements, dedication of land or acceptance of the dedication of completed public improvements, restrictive covenants running with the land, or other matters relating to land division, to development and use of land included in the land division or to the administration and enforcement of the agreement.

14. Double Frontage Lot. 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. [See Illustration No. 1.]

15. Extraterritorial Plat Approval Jurisdiction. The unincorporated area within three (3) miles of the corporate limits of the City of Kenosha, as those corporate limits may exist from time to time.

16. Final Plat. A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Ordinance for the purpose of dividing larger parcels of land into lots and conveying those lots.

17. Flag Lot. A lot fronting or abutting a public street, and where access to the public street system is by a narrow strip of land. [See Illustration No. 1.]

18. 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. [See Illustration No. 2.]

19. General Manager of Kenosha Water Utility. General Manager of the Kenosha Water Utility and designees thereof.

20. Interior Lot. A lot other than a corner lot, with frontage on one street. (See Illustration No. 1.)

21. Kenosha Water Utility or Water Utility. A municipally owned public water utility organized and existing under authority of Section 66.0805, Wisconsin Statutes, and Chapter 32 of the Code of General Ordinances.

22. Land Division shall mean a Subdivision, Certified Survey Map, Lot Line Adjustment Survey or Replat.

23. Letter of Credit. An irrevocable agreement, entered into by a bank, savings and loan association or other financial institution, authorized to do business in the State of Wisconsin, and having a financial standing acceptable to the City, which secures a Subdivider's obligation to pay the cost of designing, construction, and installing required public improvements, providing for repair or replacement under warranty, and certain other obligations in connection with an approved Land Division.

24. Lot. A parcel of land of sufficient size to meet minimum zoning requirements for use, width, and area as set forth in the City of Kenosha Zoning Ordinance.

25. Lot Line Adjustment Survey. A survey prepared by a registered land surveyor for the purpose of accomplishing the alteration of existing property boundaries which does not result in the creation of additional lots and does not result in the dedication of public lands or right-of-ways.

26. Minor Street. A street used, or intended to be used, primarily for access to abutting properties. [See Illustration No. 2.]

27. Municipality. An incorporated village or city.

28. Objecting Agency. An agency empowered to object to a Subdivision Plat pursuant to Chapter 236, Wisconsin Statutes.

29. Official Map. The duly adopted map of

the City of Kenosha showing the official street layout and Comprehensive Land Use Plan as adopted by the Common Council in accordance with Section 62.23(6) of the Wisconsin Statutes.

30. Outlot. A parcel of land, other than a lot or block, so designated on the Plat, but not of standard lot size, which may be either redivided into lots or combined with one (1) or more other adjacent outlots or lots in adjacent Land Divisions in the future for the purpose of creating buildable lots.

31. Parcel Combination. Any action which results in two (2) or more parcels of land being combined into a single parcel of land.

32. Person. Any person, party, firm or corporation.

33. Plat. A preliminary or final map of a Subdivision.

34. Preliminary Plat. A Plat that precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements.

35. Public Way. Any public road, street, highway, alley, pedestrian right-of-way, drainageway, or part thereof.

36. Replat. A Plat which changes the boundaries of a recorded Subdivision Plat or part thereof. The division of a large block, lot or outlot within a recorded Subdivision Plat without changing the exterior boundaries of said block, lot or outlot, is not a Replat.

37. Reviewing Agencies shall mean all State agencies and City departments, boards, commissions and committees required to review a Subdivision Plat or Certified Survey Map, Lot Line Adjustment Survey, or Replat under this Ordinance and State Statutes.

38. Sanitary Sewer Service Area. The area within and surrounding a city, village, or special purpose district that is served or planned to be served with public sanitary sewerage facilities.

39. Shorelands. Those lands lying within: 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.

40. Subdivided. A lot, parcel or tract of land divided by a Subdivision, Certified Survey Map, Lot Line Adjustment Survey, or Replat.

41. Subdivider. A Person who creates, or who is required by operation of law to create a Subdivision, Certified Survey Map, Lot Line Adjustment Survey, Parcel Combination or Replat of any lots, parcel or tract of land within the jurisdiction of this Ordinance.

42. Subdivision. The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of one and one-half (1.5) acres each or less in area; or where the act of division creates five (5) or more parcels or building sites of one and one-half (1.5) acres each or less in area by successive division within a period of five (5) years in accordance with Chapter 236, Wisconsin State Statutes.

43. Traditional Neighborhood Development. Compact, mixed use neighborhood, where residential, commercial, and civic buildings are within close proximity to each other.

44. Wetland. 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.

45. Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin, published in a looseleaf, continual revision system as directed by Section 35.93 and Chapter 227, Wisconsin Statutes, including subsequent amendments to those rules.

C. References to State Statutes, Wisconsin Administrative Code and City Ordinances. References to State Statute, Wisconsin Administrative Code, and City Ordinances shall include those existing on the effective date of this Ordinance, and subsequent revisions, replacements and recodifications.

17.03 GENERAL PROVISIONS

A. Jurisdiction. This Ordinance shall apply to and include all lands within the corporate limits of the City of Kenosha, Wisconsin, lands within a City Growth Area defined under Section 66.023, Wisconsin Statutes, (as it then existed), and those lands within the extraterritorial jurisdiction of the City as established in Sections 62.23(2), 66.0105,

and 236.10, Wisconsin Statutes. The provisions of this Ordinance as it applies to divisions of tracts of land into less than five (5) parcels for any use shall not apply to:

1. Transfers of interests in lands by will or pursuant to court order.
2. Leases for a term not to exceed ten (10) years, mortgages, or easements.
3. Those Plats listed in Section 236.03(2) and (3) of the Wisconsin Statutes.

B. Compliance. No person shall divide, convey, quit claim to, or combine any land located within the jurisdictional limits of this Ordinance so that such division or combination would result in a Subdivision, Certified Survey Map, Lot Line Adjustment Survey, Parcel Combination or Replat, as defined herein; no such Subdivision, Certified Survey Map, Lot Line Adjustment Survey, Parcel Combination or Replat shall be entitled to recording; and, no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance and the following:

1. Chapter 236, Wisconsin Statutes.
2. Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
3. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the Subdivider abuts on a State Trunk Highway or connecting street.
4. Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within the floodland, wetland, and shoreland areas.
5. Duly approved Comprehensive Plan.
6. The City of Kenosha Zoning Ordinance, the Code of General Ordinances, and all other applicable County Ordinances enforceable within the corporate limits of the City.

C. Violations. It shall be a violation of this Ordinance for any Person to divide, convey, record, build upon, combine or place monuments on any land contrary to the provisions of this Ordinance or the Wisconsin Statutes; and no Subdivider shall be issued a Building Permit by the City authorizing the building on, or improvement of, any Subdivision, Certified Survey Map, Lot Line Adjustment Survey, Parcel Combination or Replat within the jurisdiction of this Ordinance not of record as of the effective

date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The City may institute appropriate action or proceedings to enjoin violations of this Ordinance and/or the applicable Wisconsin Statutes.

D. Drainage to be Maintained. It shall be unlawful to obstruct the flow of surface water contrary to an approved drainage plan so as to prevent surface water from reaching a storm sewer or drainage channel without interim ponding, except as provided in an approved drainage plan.

E. Administration. This Ordinance shall be administered by the City Planner, who shall:

1. Distribute copies of Subdivision Plats, Certified Survey Maps, Lot Line Adjustment Surveys, Parcel Combinations and Replats for review as provided in this Ordinance, and shall receive review comments from those departments, agencies, boards and committees required to comment thereon.

2. Advise the Subdivider of all recommendations made by the departments, agencies, boards, commissions and committees, and actions taken by the Common Council.

3. Maintain records of Subdivision Plats, Certified Survey Maps, Lot Line Adjustment Surveys, Parcel Combinations and Replat filings and actions taken. A record of fees paid and assurances posted are to be maintained by the City Clerk/Treasurer.

4. Determine that all Land Divisions and Parcel Combinations within the jurisdiction of this Ordinance requiring review by this Ordinance have been submitted for necessary review and action.

5. Assist the City Attorney in the prosecution of Ordinance violations.

F. Penalties and Remedies. Any Person who violates or fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, plus the costs of prosecution for each offense, and the penalty for default of payment of such forfeiture and costs shall be imprisonment in the County Jail until payment thereof, but not exceeding six (6) months for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include, but not be limited to:

1. Recordation improperly made carries penalties as provided in Section 236.30, Wisconsin Statutes.

2. Conveyance of lots in unrecorded Plats carries penalties as provided for in Section 236.31,

Wisconsin Statutes.

3. Monuments disturbed or not placed carries penalties as provided for in Section 236.32, Wisconsin Statutes.

4. An assessor's Plat made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the City, at the expense of the Subdivider, when a Subdivision as defined herein is created by successive divisions of land.

G. Special Exceptions. The Common Council may grant a special exception from any requirements of this Ordinance, upon recommendation from the City Plan Commission and Public Works Committee, if all of the following criteria are met:

1. **Unique Circumstances.** There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship. Such hardships should involve unique circumstances applicable to the land and not be of such a recurrent nature as to negate this Ordinance.

2. **Preservation of Property Rights.** The special exception is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity.

3. **Absence of Detriment.** The special exception will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

4. **Conformity.** The special exception will not conflict in any way with the Wisconsin State Statutes or the Comprehensive Plan.

5. **Minimum Application.** That the special exception shall be applied to the minimum extent practical in order to provide reasonable relief to the requirements of this Ordinance.

H. Recording. All Land Divisions and Parcel Combinations shall be recorded within the time limits specified. If not timely recorded, the Land Division or Parcel Combination approval shall be null and void, unless the time for recording has been extended by the Review Authority.

17.04 LAND DIVISION PROCEDURES AND REQUIREMENTS

A. Pre-Application. It is recommended that prior to the filing of an application for the approval

of a Subdivision Plat, Certified Survey Map, Lot Line Adjustment Survey, Parcel Combination or Replat, the Subdivider consult with the City Planner in order to obtain advice and assistance. This consultation is intended to inform the Subdivider of the purpose and objectives of this Ordinance, and of the Comprehensive Plan, and to otherwise assist the Subdivider in planning the development. A Subdivider who files a conceptual Subdivision Plat or Certified Survey Map for review shall pay the fee therefor established by the Common Council, from time to time, by Resolution.

B. Public Ways. Whenever a tract of land to be divided within the jurisdiction of this Ordinance encompasses all or any part of a Public Way which has been designated on the Comprehensive Plan, said Public Way shall be made a part of the Subdivision Plat or Certified Survey Map and dedicated or reserved by the Subdivider in the locations and dimensions indicated on said Comprehensive Plan and in compliance with the design standards for Land Divisions, **Section 17.09** of this Ordinance.

C. Park Sites, Environmental Corridors, and Other Open Spaces. Whenever a tract of land to be divided within the City encompasses all or any part of a park site, primary environmental corridor, or other open space which has been designated on the Comprehensive Plan, said lands shall be made a part of that Subdivision Plat or Certified Survey Map and dedicated or reserved by the Subdivider in the locations and dimensions indicated on said plan in accordance with the procedures set forth in **Section 17.09 I.** of this Ordinance.

D. Improvements. The Subdivider shall, before the recording of the Subdivision Plat or Certified Survey Map, enter into a Developers Agreement with the City and the Kenosha Water Utility agreeing to install and construct the required improvements within a time certain and shall file an assurance drafted or approved by the City Attorney in an amount equal to the estimated cost of the improvements determined by the City and Water Utility, as applicable. The Subdivider shall install and construct all required improvements and maintain required improvements unless and until accepted by the City and/or Water Utility.

E. Land Suitability. No land shall be divided for any use which is determined to be unsuitable for such use by the City Plan Commission, upon the recommendation of the City Engineer or any other agency consulted by the City Plan Commission, for reason of flooding, inadequate drainage, adverse soil condition or rock formation, unfavorable topography or any other feature likely to be

detrimental to the health, safety or welfare of the future residents/occupants of the proposed Land Division. In addition, the City may require that lands altered or filled to a depth of four (4') feet or more with earth or nonearth materials shall not be divided into building sites, except where soil tests prepared by a professional engineer clearly show that the soils are suited to development. Soil reports may be required to consider, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, soil compaction, and the presence of toxic or hazardous materials. Where the City Plan Commission determines land is not suitable for development, it shall, in writing, recite the particular facts upon which it bases its conclusion and afford the Subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability. Thereafter, the City Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

F. Preliminary Plat Review. In all phased developments, the Subdivider shall submit a Preliminary Plat and application. The Subdivider of a single phase development may submit a Preliminary Plat. The Preliminary Plat shall be prepared in accordance with this Ordinance. The Subdivider shall file with the City Planner the number of copies determined by the City Planner of the Plat and the application. The Subdivider shall pay the review fee therefor established by the Common Council, from time to time, by Resolution. The review fee entitles the Subdivider to two (2) permitted reviews, one (1) initial review and one (1) resubmittal. All further resubmittals submitted after the two permitted reviews will be conducted only upon payment of a resubmittal fee established by the Common Council, from time to time, by Resolution.

1. The Subdivider shall, pursuant to Section 236.12(6) of the Wisconsin Statutes, submit the original drawing of the Preliminary Plat directly to the Wisconsin Department of Administration, which will prepare and forward copies of the Plat, at the Subdivider's expense, to the Objecting Agencies. It shall be the responsibility of the Subdivider to submit the additional copies required by this Ordinance.

2. The City Planner shall provide copies of the Preliminary Plat to the Reviewing Agencies for their review and recommendations concerning matters within their jurisdiction.

3. If the Plat or any portion thereof is within one thousand (1,000') feet of a village, the City Planner, as provided in Section 236.11(2) of the

Wisconsin Statutes, shall provide to the Village Clerk at least ten (10) days prior written notice of the City's intention to approve the Plat, but failure to give such notice shall not invalidate any such Plat.

4. The City Plan Commission and Public Works Committee shall examine the Preliminary Plat as to its conformance with this Ordinance; consider review comments from Objecting and Reviewing Agencies required to review and comment on the Plat; and shall recommend approval, approval with conditions or rejection of the Preliminary Plat to the Common Council.

G. Preliminary Plat Approval. The Objecting Agencies shall, within twenty (20) days of the date of receiving their copies of the Preliminary Plat, notify the Subdivider and all other Objecting Agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the City Planner. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat. In addition:

1. The Common Council shall, within ninety (90) days of the date of filing of a Preliminary Plat with the City Planner, approve, approve conditionally, or reject such Preliminary Plat. One (1) copy of the Plat shall thereupon be returned to the Subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection. One (1) copy each of the Plat and letter shall be placed in the Department of City Development's file. Failure of the Common Council to act within ninety (90) days shall constitute an approval of the Plat, as filed, unless the review period is extended by mutual consent of the City Planner and Subdivider.

2. Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of Preliminary Plat approval by the Common Council and conforms substantially to the Preliminary Plat layout as indicated in Section 236.11(1)(b) of the Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the City Plan Commission and the Common Council at the time of its submission.

H. Final Plat Review. The Subdivider shall

submit a Final Plat and an application in accordance with this Ordinance and shall file with the City Planner the number of copies determined by the City Planner of the Plat and the application. The Subdivider shall pay the review fee therefor established by the Common Council, from time to time, by Resolution. The review fee entitles the Subdivider to two (2) permitted reviews; one (1) initial review and one (1) resubmittal. All further resubmittals submitted after the two permitted reviews will be conducted only upon payment of a resubmittal fee therefor established by the Common Council, from time to time, by Resolution.

1. The Subdivider shall, pursuant to Section 236.12(6) of the Wisconsin Statutes, submit the original drawing of the Final Plat directly to the Wisconsin Department of Administration, which will prepare and forward copies of the Plat at the Subdivider's expense to the Objecting Agencies. It is the responsibility of the Subdivider to submit the additional copies of the Final Plat to the City Planner for review as required by this Ordinance.

2. The City Planner shall provide copies of the Final Plat and application to the Reviewing Agencies for their review and recommendations concerning matters within their jurisdiction.

3. If the Plat or any portion thereof is within one thousand (1,000') feet of a village, the City Planner, as provided in Section 236.11(2) of the Wisconsin Statutes, shall provide to the Village Clerk at least ten (10) days prior written notice of the City's intention to approve the Plat, but failure to give such notice shall not invalidate any such Plat.

4. The City Plan Commission and Public Works Committee shall examine the Final Plat as to its conformance with the approved Preliminary Plat.

I. Final Plat Approval. The Objecting Agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the Subdivider and all other Objecting Agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the City Planner. If an Objecting Agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat. In addition:

1. A Final Plat shall be submitted within six (6) months of the last required approval of the Preliminary Plat.

2. The Common Council shall, within sixty

(60) days of the date of filing of a Final Plat with the City Planner, approve, approve conditionally, or reject such Final Plat. One (1) copy of the Plat shall thereupon be returned to the Subdivider with the date and action endorsed thereon; and, if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One (1) copy each of the Plat and letter shall be placed in the Department of City Development's file. Failure of the Common Council to act within sixty (60) days shall constitute an approval of the Plat, as filed, unless the review period is extended by mutual consent of the City Planner and Subdivider.

3. Upon failure of the Common Council to take action on the Plat within sixty (60) days, the Plat shall be deemed approved, provided the time having not been extended and no unsatisfied objections having been filed, and all fees payable by the Subdivider having been paid.

4. After the Final Plat has been approved by the Common Council and the State, and an assurance assuring the construction and installation of required improvements is filed, the City Clerk/Treasurer shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed. The City Planner shall then record the Plat with the Kenosha County Register of Deeds, within six (6) months of the last approval, and within twenty-four (24) months of the first approval.

J. Appeals. Any person aggrieved by an objection to a Plat or a failure to approve a Plat may appeal such objection or failure to approve as provided in Section 236.13(5) of the Wisconsin Statutes, within thirty (30) days of notification of the objection to the Plat or of the failure to approve the Plat.

K. Certified Survey Map Review and Approval. A Certified Survey Map shall be required for any divisions of land which would not be accomplished by Subdivision, Replat or Lot Line Adjustment Survey. The Subdivider shall prepare the Certified Survey Map in accordance with this Ordinance and the Subdivider shall file with the City Planner the number of copies determined by the City Planner of the Certified Survey Map and application. The Subdivider shall pay the review fee therefor established by the Common Council, from time to time, by Resolution. The review fee entitles the Subdivider to two (2) permitted reviews; one (1) initial review and one (1) resubmittal. All further resubmittals submitted after the two permitted reviews will be conducted only upon payment of a resubmittal fee therefor established by the Common Council, from time to time, by

Resolution. In addition:

1. The City Planner shall provide copies of the Certified Survey Map and application to the Reviewing Agencies for their review and recommendation concerning matters within their jurisdiction.

2. The Common Council, upon receiving City Plan Commission and Public Works Committee recommendations, shall approve, approve conditionally or reject such map within ninety (90) days from the date of filing of the map with the City Planner unless the time is extended by mutual consent of the City Planner and Subdivider. If the map is rejected, the reason(s) shall be stated in the minutes of the meeting and a written statement forwarded to the Subdivider.

3. After the Certified Survey Map has been approved by the Common Council, and the assurance assuring the construction and installation of required improvements is filed, the City Clerk/Treasurer shall cause the certificate to be inscribed upon the map attesting to such approval to be duly executed. The City Planner shall then record the map with the Kenosha County Register of Deeds within six (6) months of Common Council approval.

L. Lot Line Adjustment Survey Review and Approval. A Lot Line Adjustment Survey shall be required for any divisions of land which do not alter the exterior boundaries of the parcels being surveyed and do not result in the creation of additional lots. The Subdivider shall prepare the Lot Line Adjustment Survey in accordance with this Ordinance, and the Subdivider shall file with the City Planner the number of copies determined by the City Planner of the Lot Line Adjustment Survey and the application. The Subdivider shall pay the review fee therefor established by the Common Council, from time to time, by Resolution. The review fee entitles the Subdivider to two (2) permitted reviews; one (1) initial review and one (1) resubmittal. All further resubmittals submitted after the two permitted reviews will be conducted only upon payment of a resubmittal fee therefor established by the Common Council, from time to time, by Resolution.

1. The City Planner shall, within thirty (30) days from the date of filing of the survey with the City Planner, unless the time is extended by mutual consent of the City Planner and Subdivider, approve or reject the survey, and transmit the decision in writing to the Subdivider. If the Survey is rejected, the reason(s) shall be stated in a written statement forwarded to the Subdivider. Any

Subdivider objecting to the decision of the City Planner may appeal the decision to the City Plan Commission. Such appeal shall be filed with the City Planner within thirty (30) days of the date of the decision by the City Planner.

2. Upon written approval by the City Planner, the Subdivider shall record the Survey and deed with the Kenosha County Register of Deeds within ninety (90) days from the date of said approval.

3. The Subdivider shall, within ten (10) days following recording of the Survey, file four (4) copies of the recorded Survey and deed with the City Planner.

4. Lot Line Adjustment Surveys proposed in the extraterritorial jurisdiction are excluded from this review and approval process.

M.

Extraterritorial Plat and Certified Survey Map Review and Approval. When it is proposed to divide lands located in an unincorporated area within three (3) miles of the corporate limits of the City of Kenosha by Subdivision Plat or Certified Survey Map, the Subdivider shall proceed as specified in Sections **17.04 A.** through **K.** of this Ordinance, with the following exceptions or additions:

1. The Town Clerk or the Kenosha County Planning and Development Department, to whom the Plat or Certified Survey Map is first submitted, shall be responsible for transmitting copies of the Plat or Map to designated Objecting (respecting Subdivisions) and Reviewing Agencies unless the Subdivider has specifically requested that the City assume the responsibility of transmitting all review copies. The Subdivider shall specify in the application to whom the original application was submitted.

2. If the Extraterritorial Plat or Certified Survey Map contains lands located within the adopted Sanitary Sewer Service Area of the Kenosha Water Utility, the Subdivider shall comply with all of the improvement requirements of **Section 17.10** of this Ordinance and with all of the design standards of **Section 17.09** of this Ordinance. If the Extraterritorial Plat or Certified Survey Map does not contain lands located within the Sanitary Sewer Service Area of the Kenosha Water Utility, the Subdivider shall comply with all of the design standards of **Section 17.09** of this Ordinance. In either event, the Subdivider shall not be required to dedicate park and open space land to the City or be required to pay a public site fee to the City.

3. The following areas are excluded from this review and approval process. Land located outside of the City Growth Area approved under Section 66.023, Wisconsin Statutes, as said Statute then existed.

N. Replat. When it is proposed to Replat a recorded Subdivision, or part thereof, so as to change the boundaries of a recorded Subdivision, or part thereof, the Subdivider shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The Subdivider shall then proceed as specified in **Sections 17.04 A.** through **17.04 J.** of this Ordinance. The review fee for a Replat shall be the same as the review fees established for Final Plats.

17.05 PRELIMINARY PLAT

A. General. A Preliminary Plat shall be required for all phased Subdivisions and shall be based upon a survey by a registered land surveyor and the Plat prepared on reproducible paper or film not to exceed thirty-six (36") inches in width and at a map scale of not more than one hundred (100') feet to the inch. Where more than one page is used to show the entire area to be Platted at the required scale, then a single page shall be submitted at any scale that shows the entire area to be Platted. The Preliminary Plat shall show correctly and legibly on its face the following information:

1. Title or name under which the proposed Subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded Plat, unless the proposed Subdivision is an addition to a previously recorded Plat and the Plat is noted to be an addition.

2. Location of the proposed Subdivision by: government lot, quarter section, section, township, range, county and State.

3. General sketch showing the location of the proposed Subdivision within the U.S. Public Land Survey section.

4. Date, graphic scale and north arrow.

5. Names and addresses of the owner, Subdivider and land surveyor preparing the Plat.

6. Entire area contiguous to the proposed Plat owned or controlled by the Subdivider, even though only a portion of said area is proposed for immediate development.

7. Exact length and bearing of the exterior boundaries of the proposed Subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.

8. Existing contours at vertical intervals of not more than two (2') feet, where available.

Elevations shall be marked on such contours based on City datum or National Geodetic Vertical Datum of 1929.

9. Water elevations of adjoining lakes and streams at the date of the survey and approximately high and low water elevations, all based on City datum or National Geodetic Vertical Datum of 1929.

10. Floodplain limits of the 100 year recurrence interval flood as determined by the Federal Flood Insurance Study or other technical document, or when such data are not available, the maximum flood of record.

11. Location, right-of-way width and names of all existing and proposed Public Ways, easements, railways and utility right-of-ways and all section and quarter section lines within the exterior boundaries of the proposed Subdivision or immediately adjacent thereto.

12. Type, width and elevation of any existing and proposed street pavements within the exterior boundaries of the Plat or immediately adjacent thereto, together with any legally established centerline elevations, based on City datum or National Geodetic Vertical Datum of 1929.

13. Location and names of any adjacent Subdivisions, parks and cemeteries.

14. Location, size and invert elevation of any existing sanitary and storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, and the location and size of any existing water and gas mains within the exterior boundaries of the Plat or immediately adjacent thereto. All elevations shall be based on City datum or National Geodetic Vertical Datum of 1929.

15. Locations of all existing property boundary lines, structures and the first floor elevation thereof, drives, visible and known wells, streams and watercourses, wetlands, rock outcrops, wooded areas, railway tracks and other similar significant natural or manmade features within the tract being subdivided or immediately adjacent thereto.

16. Approximate dimensions of all lots, together with proposed lot and block numbers.

17. Location and approximate dimensions and size of any sites to be reserved or dedicated for schools, parks, environmental corridors, drainageways, or other public use or open space, which are to be used for group housing, shopping centers, church sites, or other private uses not requiring lotting.

18. Approximate radii of all curves.

19. Existing zoning of land within and adjacent to the proposed Subdivision.

20. Any proposed riparian lake and stream access with a drawing clearly indicating the location of the proposed Subdivision in relation to the access.

21. Any proposed lake and stream

improvement or relocations.

22. Plat shall include the entirety of all parcels in the proposed Subdivision.

B. Street Plans and Profiles. The City Plan Commission, upon the recommendation of the City Engineer, may require that the Subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed Subdivision, when requested. All elevations shall be based upon City datum or U.S.G.S. datum, and plans and profiles shall meet the approval of the City Engineer.

C. Covenants. In the event that any common areas of a proposed Subdivision are to be Platted and maintained by an owners association as specified in the developers agreement, the City Plan Commission shall require submission of a draft of the protective covenants, for review by the City Attorney as to legality and form. The Protective Covenants shall be resubmitted by the Subdivider, with City recommended amendments, where necessary. All other covenants do not require review and approval by the City.

D. Easements. Easements shall be shown on the Preliminary Plat and shall be identified as utility, drainage, conservation, access, scenic, mineral, air rights, or other designated easements. Easements shall not be used for the dedication and conveyance of public ways, park lands, or other public lands.

E. 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 the surveyor has fully complied with the provisions of this Ordinance.

F. Traffic Impact Study. The City Plan Commission may require the Subdivider to submit a Traffic Impact Study for the proposed Subdivision if it is determined that the proposed Subdivision could create significantly increased traffic on existing streets bordering or serving the proposed Subdivision. The study may be used as a basis to require the Subdivider to pay a fair, pro rata share of the costs of street improvements and traffic control signs and signals which serve the proposed Subdivision.

G. Phased Development. The approved Preliminary Plat may be Final Platted in phases with each phase encompassing only a portion of the approved Preliminary Plat. However, it is required that each such phase be Final Platted with

a minimum of twenty-five (25) lots, except for the final phase which may contain any number of lots, and be designated as a phase of the approved Preliminary Plat. In any phased Subdivision with two (2) or more streets that will connect to the existing street system, the first Final Plat must include a minimum of two (2) of the street connections.

17.06 FINAL PLAT

A. General. A Final Plat prepared by a registered land surveyor shall be required for all proposed Subdivisions. It shall comply in all respects with the requirements of Section 236.20, Wisconsin Statutes, and this Ordinance. The sheet size for the Final Plat shall be 22" x 30".

B. Required Information. The Plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:

1. Exact length and bearing of the centerline of all streets.
2. Exact street width along the line of any obliquely intersecting street.
3. Railway right-of-ways within and abutting the Plat.
4. Utility and drainage easements.
5. All lands reserved for future public acquisition or reserved for the common use of property owners within the Plat.
6. A drainage plan for all lots in the Plat bearing a statement concerning the relationship and direction of flow of all drainage swales, ponds, or other facilities to each other.
7. Special restrictions required by the City Plan Commission relating to access control along Public Ways, to the provision of planting strips, to more restrictive yard requirements, or to special restrictions for environmentally significant lands, or to serve any other special needs of the City or Water Utility.
8. Plat shall include the entirety of all parcels involved in the proposed Subdivision.

C. Survey Accuracy. The City Engineer shall examine all Final Plats within the City and may make, or cause to be made by a registered land surveyor under the supervision or direction of the City Engineer, such field checks as the City Engineer may deem necessary or desirable for the accuracy and closure of survey, the proper kind and location of monuments and the legibility and completeness of the drawing.

D. State Plane Coordinate System. Where the Plat is located within a U.S. Public Land Survey

quarter section, the corners of which have been relocated, monumented and placed on the State Plane Coordinate System by the City of Kenosha, Kenosha County or the Southeastern Wisconsin Regional Planning Commission, the Plat shall be tied directly to one or more of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the type of monument and Wisconsin State Plane Coordinates of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone.

E. Traffic Impact Study. The City Plan Commission may require the Subdivider to submit a Traffic Impact Study for the proposed Certified Survey Map if it is determined that the proposed Certified Survey Map could create significantly increased traffic on existing streets bordering or serving the proposed Subdivision. The study may be used as a basis to require the Subdivider to pay a fair, pro rata share of the costs of street improvements and traffic control signs and signals which serve the proposed Subdivision.

F. Certificates. All Final Plats shall provide all certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify compliance with all the provisions of this Ordinance. Model certificates are provided by the Department of City Development.

G. Recordation. The Final Plat shall only be recorded with the County Register of Deeds after the certificates of the Wisconsin Department of Administration, of the Common Council, of the surveyor, and those certificates required by Section 236.21, Wisconsin Statutes, are placed on the face of the Plat and executed by all parties. Upon recordation of the Plat, Subdivider shall submit copies of the Plat and all engineering drawings to the Department of City Development in digital formats approved by said Department.

17.07 CERTIFIED SURVEY MAP

A. General. A Certified Survey Map prepared by a registered land surveyor shall be required for all Divisions of land not accomplished by a Subdivision, Lot Line Adjustment Survey or Replat as defined in this Ordinance. It shall comply in all respects with the requirements of Section 236.34, Wisconsin Statutes. The Certified Survey Map shall also comply with the design standards and improvement requirements set forth in **Sections**

17.09 and 17.10 of this Ordinance.

B. Required Information. The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

1. All existing structures and the first floor elevation thereof, visible and known wells, watercourses, drainage ditches and other pertinent features.
2. Utility and drainage easements.
3. All lands to be dedicated or reserved for public use.
4. Exact length and bearing of the centerline of all streets.
5. Exact street width along the line of any obliquely intersecting street.
6. Railway right-of-ways within and abutting the Map.
7. A drainage plan for all lots in the Map bearing a statement concerning the relationship and direction of flow of all drainage swales, ponds, or other facilities to each other.
8. Special restrictions required by the City Plan Commission relating to access control along Public Ways, to the provision of planting strips, to more restrictive yard requirements, to special restrictions for environmentally significant lands, or to serve any other special needs of the City or Water Utility.
9. Date of the map and any revision dates.
10. Graphic scale and north arrow on each sheet showing a layout feature.
11. Name and address of the owner, Subdivider and surveyor.
12. Map shall include the entirety of all parcels involved in the Certified Survey Map.

C. Additional Information. The Plan Commission may require that the following additional information be provided when necessary for the proper review and consideration of the map.

1. Existing contours at vertical intervals of not more than two (2') feet, where available. Elevations shall be marked on such contours based on City datum or National Geodetic Vertical Datum of 1929. The requirement to provide topographic data may be waived if the parcel or parcels created are fully developed.
2. Floodplain limits of the 100 year recurrence interval flood as determined by the Federal Flood Insurance Study or other technical document, or where such data is not available, the maximum flood of record.
3. Setbacks or building lines in accordance with the major street setbacks in the Zoning Ordinance or Wisconsin Department of

Transportation guidelines.

4. The Plan Commission may require that the entire area contiguous to the land outlined in the proposed certified survey owned or controlled by the Subdivider shall be included on the Certified Survey Map even though only a portion of said area is proposed for immediate development.

D. State Plane Coordinate System. Where the map is located within a U.S. Public Land Survey quarter section, the corners of which have been relocated, monumented and placed on the State Plane Coordinate System by the City of Kenosha, Kenosha County or the Southeastern Wisconsin Regional Planning Commission, the Map shall be tied directly to one or more of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearings and distance of such tie or ties shall be determined by field measurements, and the monument type and Wisconsin State Plane Coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearing shall be referenced to the Wisconsin Coordinate System, South Zone.

E. Traffic Impact Study. The City Plan Commission may require the Subdivider to submit a Traffic Impact Study for the proposed Certified Survey Map if it is determined that the proposed Certified Survey Map could create significantly increased traffic on existing streets bordering or serving the proposed Subdivision. The study may be used as a basis to require the Subdivider to pay a fair, pro rata share of the costs of street improvements and traffic control signs and signals which serve the proposed Subdivision.

F. Certificates. The surveyor shall certify on the face of the map compliance with all the provisions of this Ordinance. The Common Council, after a recommendation by the Reviewing Agencies, shall certify its approval on the face of the map. In addition, all Certified Survey Maps shall provide all the certificates referenced in Section 236.21, Wisconsin Statutes, for Subdivisions. Model certificates are provided by the Department of City Development.

G. Recordation. The Certified Survey Map shall only be recorded with the County Register of Deeds after the certificates of the Common Council, surveyor, and those certificates referenced in Section 236.21, Wisconsin Statutes, for Subdivisions are placed on the face of the map, and executed by all parties.

17.08 LOT LINE ADJUSTMENT SURVEY

A. General. A Lot Line Adjustment Survey prepared by a registered land surveyor shall be required to accomplish the alteration of existing property boundaries which does not result in the creation of additional lots, from what was originally platted or mapped.

B. Required Information. The Lot Line Adjustment Survey shall show the information required by Section 236.34, Wisconsin Statutes, in addition to the following:

1. All existing structures, fences, driveways, and encroachments.
2. Utility and drainage easements.
3. Legal descriptions of the existing parcels, proposed parcels upon lot line adjustment and lands to be attached to said parcel(s).
4. Survey shall include the entirety of all parcels involved in the lot line adjustment.
5. Setbacks of all existing structures from all existing and proposed property boundaries.
6. Map date and any revision dates.
7. Graphic scale and north arrow.
8. Name and addresses of owner and surveyor.
9. Monumentation of new lot corners in accordance with Section 236.15, Wisconsin Statutes.

C. Additional Information. The City Planner may require that the following additional information be provided, when necessary, for the proper review and consideration of the Lot Line Adjustment Survey:

1. Drainage Plan, including elevations at all proposed and existing lot corners and first floor elevation of proposed and existing structures.
2. Setbacks or building lines in accordance with the major street setbacks established in the Zoning Ordinance or required by the Wisconsin Department of Transportation.

D. Certificates. The surveyor shall certify on the face of the survey compliance with the provisions of this Ordinance. The City Planner, upon recommendation by the Reviewing Agencies, shall certify the approval on the face of the survey. Model certificates are provided by the Department of City Development.

E. Recordation. Upon written approval by the City Planner, the City Planner shall record the Survey in conjunction with a deed with the Kenosha County Register of Deeds.

17.081 PARCEL COMBINATION

A. General. A Parcel Combination Affidavit shall be required to accomplish a Parcel Combination as defined in this Ordinance.

B. Required Information. A Parcel Combination Affidavit, as available from the Department of City Development, shall be completed with all required information.

C. Submittal. After completing the Parcel Combination Affidavit, the property owner shall submit the form to the Department of City Development for the City Planner to review for compliance with this Chapter and all other applicable Codes and Ordinances.

D. Recordation. Upon written approval by the City Planner, the property owner shall record the Parcel Combination Affidavit with the Kenosha County Register of Deeds.

17.09 DESIGN STANDARDS FOR LAND DIVISIONS

A. Streets. In any new Land Division, the street layout shall conform to the arrangement, width and location indicated on the Official Map, County Jurisdictional Highway System Plan and Comprehensive Plan. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets. The Land Division shall be designed so as to provide each lot with satisfactory access to a public street. In addition:

1. Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. Arterial streets shall also be properly integrated with and related to the existing and proposed area-wide system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

2. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets to which they connect.

3. Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and water supply systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

4. Proposed streets shall extend to the boundary lines of the Land Division unless prevented by topography or other physical conditions, or as determined by the City Plan Commission. A temporary turnaround may be required on deadend streets over one hundred fifty (150') feet in length. If required, the temporary turnaround must be constructed with an asphalt surface within the boundaries of the Land Division, unless an easement can be obtained by the Subdivider from the adjoining property owner. The temporary turnaround can be removed, with an authorization from the City Planner, when related conditions within the developers agreement have been met.

5. Whenever the proposed Land Division contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.

6. Stream or lake shores shall have an access Platted in accordance with Section 236.16(3) of the Wisconsin Statutes.

7. North-South oriented streets shall be numbered consecutively and shall be called "avenues". East-west oriented streets shall be numbered consecutively and shall be called "streets". North-south oriented streets Platted in between existing consecutively numbered "avenues" shall be called "courts". East-west oriented streets Platted in between existing consecutively numbered "streets" shall be called "places". Diagonal streets shall be named by the Common Council, upon recommendation by the City Plan Commission. Streets extended or projected, whether connected or intermittent, shall use the same name. Street names for noncontiguous streets shall not duplicate or be similar to existing street names located elsewhere in the City.

B. Limited Access Highway and Railway Right-of-Way Treatment. Whenever the proposed Land Division contains or is adjacent to a limited access highway or railway right-of-way, and when

lots within the proposed Land Division back upon the right-of-way of an existing or proposed limited access highway or a railway, a planting strip at least twenty (20') feet in depth shall be provided adjacent to the highway or railway in addition to the normal lot depth. This strip shall be a part of the Platted lots, but shall have the following or equivalent restriction lettered on the face of the Plat: "This strip reserved for the planting of trees and shrubs; the building of structures hereon is prohibited."

C. Street Design Standards. The minimum right-of-way and roadway width of all proposed streets shall be as specified by the Comprehensive Plan or County Jurisdictional Highway System Plan; or if no width is specified therein, the minimum widths shall be designed per City criteria approved by the Public Works Committee (Board of Public Works), and on file in the Department of Public Works.. Cross-sections for freeways, expressways and parkways should be based upon detailed engineering studies. In addition:

1. **Cul-de-Sac Streets.** Cul-de-sac streets designed to have one end permanently closed shall not exceed seven hundred fifty (750') feet in length. Cul-de-sac streets shall terminate in a teardrop turnaround having a minimum right-of-way radius of sixty (60') feet and a minimum outside curb radius of forty-eight (48') feet. If a center island is provided, the island shall be landscaped and maintained by an owners association, and provide a minimum pavement width of twenty-four (24') feet. Detailed dimensions for a typical cul-de-sac are shown in **Illustration Nos. 3** and **4** to this Ordinance. Cul-de-sac streets shall be used only when the existing street layout or exceptional topography does not permit otherwise.

2. **Street Grades.** Unless necessitated by exceptional topography, the maximum centerline grade of any street shall not exceed five (5%) percent, nor be less than five-tenths (0.5) of one (1%) percent. Street grades shall be established, wherever practicable, so as to avoid excessive grading, removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be approved by the City Engineer.

3. **Radii of Curvature.** When a continuous street centerline deflects at any one point by more than ten (10°) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

a. Arterial streets and highways: five hundred (500') feet.

- b. Collector streets: two hundred fifty (250') feet.
- c. Minor streets: one hundred (100') feet.

A tangent at least one hundred (100') feet in length shall be provided between reverse curves on arterial and collector streets.

4. Roadway Elevations. Elevations or roadways passing through floodplain areas shall be designed in the following manner:

- a. Arterial streets shall be designed so that they will not be overtopped by the 50 year recurrence interval flood.
- b. Minor streets shall be designed so that they will not be overtopped by the 10 year recurrence interval flood.

5. Half-Streets. Where an existing dedicated or Platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the Subdivider. The Platting of new half-streets is permitted, but development of property adjacent to half-streets is not permitted until the other half of the street has been dedicated and construction of the full street is completed.

D. Street Intersections. Streets shall intersect each other at as nearly right angles, where possible, as topography and other limiting factors of good design permit. In addition:

- 1. The number of streets converging at one intersection shall be limited to not more than two (2).
- 2. The number of intersections along arterial streets and highways shall be held to a minimum. Whenever practicable, the distance between such intersections shall not be less than one thousand two hundred (1,200') feet.
- 3. If the centerlines of minor streets approach arterial or collector streets from opposite sides within one hundred twenty-five (125') feet of each other, measured along the centerlines of the arterial or collector street, then the location shall be so adjusted that an aligned intersection is created.

E. Blocks. The widths, lengths and shapes of blocks shall be suited to the planned use of the land; zoning requirements, need for convenient access; control and safety of street traffic; and the limitations and opportunities of topography. In addition:

- 1. The length of blocks in residential areas should not be less than five hundred (500') feet, nor more than one thousand (1,000') feet in length, unless otherwise dictated by exceptional

topography or other limiting factors of good design or otherwise approved by the City Plan Commission.

- 2. The width of blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.

- 3. Utility easements shall, where practical, be placed along rear lot lines. All new utilities shall be placed underground.

F. Lots. The size, shape, and orientation of lots shall be appropriate for the location of the Land Division and for the type of development and land use contemplated. In addition:

- 1. Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines, rather than cross them.

- 2. Double frontage and reverse frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

- 3. Every lot shall front or abut a public street for a distance of at least forty (40') feet. Flag lots not meeting the minimum frontage requirement shall be prohibited. The minimum lot width shall be sixty (60') feet at the building setback line.

- 4. The average lot area shall be no less than ten thousand (10,000) square feet in each land division, or within each phase of the land division in a multi-phase development. No individual lot within a land division or within any phase of the land division in a multi-phase development shall be less than eight thousand (8,000) square feet in lot area.

Exceptions to the lot area/lot width standards may be made for land divisions:

- (a) Which are located within existing developed neighborhoods having lesser or greater development standards. In such case, the minimum lot width and minimum lot area shall be determined by taking the average of all lots within a one thousand (1,000') foot radius from the land division perimeter; or,

- (b) Which are located within an area having a duly adopted neighborhood plan having specified development standards.

- 5. Depth of lots shall be a minimum of one hundred twenty (120') feet, unless otherwise stated in the Zoning Ordinance. Excessive depth in

relation to width shall be avoided and a proportion of two to one (2:1) shall generally be considered a desirable ratio of depth to width. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.

6. Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed Land Division and the water's edge shall be included as part of lots, outlots or public dedications in any Plat abutting a lake or stream.

7. Grades of lot line swales shall be a minimum of one (1%) percent, except where exceptional topography exists to create undue hardship, the City Engineer may consider and approve an exception to this standard.

8. Lots whose only street access is the end of a dead end street, shall not have a driveway access, unless a cul-de-sac or public street designed to City standards is constructed on the lot.

9. All corner lots shall be Platted with a radius at the intersection of the street right-of-way lines concentric with the standard curb and gutter radius.

G. Special Restrictions. Special restrictions which are appropriate to the location or design of the Land Division may be required by the Plan Commission and shall be shown on the Final Plat or Certified Survey Map. Examples of the application of this provision include, but are not limited to, access control along Public Ways, required planting or buffering strips, and prohibition of structures and vegetative clearing in environmentally significant lands.

H. Easements. The City Plan Commission may require utility easements of widths and location deemed adequate for providing facilities and utility service. Where a Land Division is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be provided. The location, width, alignment and improvements of such drainageway or easement shall be subject to the approval of the City Engineer and General Manager of Kenosha Water Utility. All easements shall be shown on the face of the Final Plat or Certified Survey Map.

I. Public Sites and Open Spaces. Suitable sites of adequate area shall be dedicated or reserved for schools, parks, environmental corridors, drainageways and other public purposes

as provided in the Development Agreement. If designated on the Comprehensive Plan, such areas shall be made a part of the Plat as stipulated in **Section 17.04 C.** of this Ordinance. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, woodlands, and other environmentally significant lands.

The Subdivider of land in the City of Kenosha shall, at the discretion and direction of the City Plan Commission, either dedicate public and open space lands designated on the Comprehensive Plan or where no public or open space lands are dedicated, pay a public site fee. The City Plan Commission shall, at the time of reviewing the Preliminary Plat or Certified Survey Map, select one of the following options and record such selection in the minutes of the meeting at which the Land Division is presented for approval.

1. Dedication of Site Option. Whenever a proposed park designated on the Comprehensive Plan is encompassed, all or in part, within a tract of land to be Subdivided, the public lands shall be made a part of the Plat and shall be dedicated to the public by the Subdivider. The public site shall be equal to five (5%) percent of the total net area of the Land Division.

2. Public Site Fee Option. If the Land Division does not encompass a public park, a fee for the acquisition of park land to serve the proposed Land Division shall be paid to the City Clerk/Treasurer prior to recording of the Land Division. The public site fee shall be equal to the value of the land that would have otherwise been dedicated. The value of said dedication shall be determined by the Plan Commission, as being its assessed value or its value as determined by an appraiser retained by the Plan Commission. Under no circumstances shall the public site fee be less than Two Hundred Fifty (\$250.00) Dollars for each lot within the Subdivision for park purposes. Public site fees collected by the City Clerk/Treasurer under the provisions of this Ordinance shall be placed in a nonlapsing special fund for City park acquisition and development and shall be separate from the general fund of the City.

3. Environmental Corridors and Natural Areas. The Plan Commission shall require the dedication of primary environmental corridors, secondary environmental corridors, or isolated natural areas designated on the Comprehensive Plan above and beyond the five (5%) percent dedication for public sites.

J. Traditional Neighborhood Development.

The design standards for Land Divisions involving Traditional Neighborhood Development may be altered by the City Plan Commission and Common Council to the extent that the principles and standards of Traditional Neighborhood Development are reasonably applied. Said design standards shall be elaborated in the Development Agreement required for the Land Division.

17.10 REQUIRED IMPROVEMENTS

A. General. All Certified Survey Map or Subdivision Plat required improvements shall be constructed in accordance with plans and standard specifications approved by Director of Public Works of the City of Kenosha and the General Manager of the Kenosha Water Utility.

B. Survey Monuments. The Subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes.

C. Grading. After the installation of the temporary block corner monuments by the Subdivider and establishment of street grades by the City Engineer, the Subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the City Plan Commission, upon the recommendation of the City Engineer. The Subdivider shall grade the roadbeds in the street right-of-ways to subgrade. Cut and filled lands shall be graded to a maximum slope of one on four or the soil's angle of repose, whichever is the less, and covered with permanent vegetation.

D. Surfacing. After the installation of all utility and storm water drainage improvements, the Subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by City Ordinances and the Comprehensive Plan.

E. Curb and Gutter. The Subdivider shall construct concrete curb and gutters in accordance with City Ordinances and standard specifications approved by the City Engineer.

F. Sidewalks. The Subdivider shall construct a concrete sidewalk on both sides of all streets within the Land Division. Sidewalks shall be installed in accordance with the requirements of **Section 5.05** of the Code of General Ordinances.

G. Public Sanitary Sewerage. The Subdivider shall construct sanitary sewerage facilities in accordance with Kenosha Water Utility rules.

H. Storm Water Drainage Facilities.

1. The Subdivider shall construct storm water drainage facilities in conformance with City Ordinances and standards approved by the City Engineer, adequate to serve the Land Division which may include, but are not limited to, curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention/detention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation, and preserve water quality, designed in conformance with City criteria therefor as approved by the Public Works Committee (Board of Public Works).

2. The City Engineer may require the installation of storm water retention/detention facilities at the Subdivider's expense, designed in conformance with City criteria on storm sewers and storm water retention/detention as approved by the Public Works Committee (Board of Public Works), and on file in the Department of Public Works.

I. Water Supply and Distribution Facilities.

The Subdivider shall install water supply and distribution facilities as required by the Kenosha Water Utility in accordance with all Kenosha Water Utility requirements and State laws, rules, regulations and Kenosha Water Utility Rules.

J. Other Utilities. The Subdivider shall accommodate other utilities to be installed in such a manner as to make adequate service available to each lot in the Land Division. Plans indicating the proposed location of all such utilities shall be approved by the City Engineer.

K. Street Lamps. Unless otherwise provided for in the Development Agreement, the Subdivider shall pay Wisconsin Electric Power Company the installation cost for public street lights per the approved lighting plan.

L. Street and Regulatory Signs and Traffic Signals. The Subdivider shall pay the City to install street and regulatory signs and traffic signals of a design approved by the Traffic Engineer and as required in the Development Agreement.

M.

Street Trees. The Subdivider shall plant at least one (1) tree of a species approved by the City Forester and of at least two (2") inches in diameter measured six (6") inches above the ground on all streets to be dedicated according to the following:

1. One (1) tree for 0-119 feet of frontage.
2. Two (2) trees for 120-179 feet of frontage.
3. Three (3) trees for 180-239 feet of frontage.
4. Four (4) trees for 240-300 feet of frontage.
5. Additional trees for each sixty (60') feet of frontage over three hundred (300') feet.

The trees shall be planted within the lawn park area unless otherwise authorized by a Development Agreement. The City Forester shall mark all tree locations prior to planting. The Subdivider shall provide a guarantee to replace at the Subdivider's expense any street tree that is fifty (50%) percent dead or greater within one (1) year of planting.

In lieu of planting street trees, the Subdivider may, at the time of Final Plat approval or Certified Survey Map approval, pay a tree fee to the City Clerk/Treasurer of Four Hundred Fifty (\$450.00) Dollars for each tree to be planted. Monies collected for tree planting shall be kept in a special tree planting fund for that purpose and shall be separate from the general fund of the City. The special funds shall be used exclusively for the acquisition and planting of trees within those Land Divisions where said funds are collected.

N. Erosion Control. The Subdivider shall install all erosion control measures as required by **Chapter 33** of the Code of General Ordinances.

17.11 DEVELOPMENT AGREEMENTS

A. Requirement. The approval of every Subdivision Plat and Certified Survey Map shall be conditioned upon applicant entering into a Development Agreement with the City of Kenosha and Kenosha Water Utility, which shall be recorded with the Kenosha County Register of Deeds. The Subdivider shall pay the review fee therefor established by the Common Council, from time to time, by Resolution. The Development Agreement shall be in a form drafted or approved by the City Attorney. No building or structure shall be constructed or site improvements begun within the Land Division until a Development Agreement has been approved and recorded. The Common Council may waive the Development Agreement when no public improvements are required in conjunction with the Land Division. The Development Agreement shall include, but is not limited to:

1. Responsibility for Improvements. The applicant for approval of every Subdivision Plat and Certified Survey Map shall be responsible for the design, construction, and installation of all required and agreed upon improvements which serve Land Division at their full cost and expense, and for

maintenance thereof unless and until accepted by the City and/or Kenosha Water Utility, in conformance with all State, City and Kenosha Water Utility laws, rules and regulations.

2. Land Dedications and Impact Fees. The Development Agreement shall provide for land dedications required by this Chapter and for such Impact Fees as are imposed under **Chapter 35** of the Code of General Ordinances, with time frames for accomplishment.

3. Acceptance of Public Improvements. Public improvements which serve Land Divisions shall not be deemed dedicated for a public purpose until respectively accepted by the City and Kenosha Water Utility as being fully functional and in conformance with the Development Agreement, applicable plans and specifications, City Ordinances, and compatibility with attached and adjacent systems, facilities and improvements.

4. Assurances. The Development Agreement shall provide for an assurance as defined in **Section 17.02 B.**, which shall guarantee the construction, installation and maintenance of improvements in compliance with the Development Agreement and this Ordinance.

5. Indemnity and Hold Harmless Agreements. With respect to storm and surface water drainage, the Development Agreement shall provide a provision, in a form drafted or approved by the City Attorney, providing that owner/developer indemnify, hold harmless and defend City, its Water Utility and their officers and employees, from and against any and all claims and liability arising out of the design and construction of any storm and surface water drainage system which causes said water to flow in full or part upon any private property.

6. Guarantees and Warranties. The City and Kenosha Water Utility shall require reasonable guarantees and warranties respecting any improvements installed or constructed by or through owner/developer.

7. Enforcement. Occupancy Permits may be withheld with respect to any parcel of property within an approved Subdivision Plat or Certified Survey Map until the Department of City Development certifies to the Department of Neighborhood Services and Inspections that the requirements of this Ordinance have been met. In the event any work specified in the Development Agreement is not completed in accordance with the Development Agreement and this Ordinance, the City and/or Kenosha Water Utility may do or cause

said work to be done, and charge the cost thereof against any posted assurance or charge the benefited property through a special assessment where there is no applicable or insufficient assurance. Any guarantee or warranty shall remain in effect and be enforced to the full extent of the law.

17.12 CONSTRUCTION

A. Commencement. No construction or installation of improvements shall commence in a proposed Land Division until the Final Plat or Certified Survey Map and Development Agreement has been approved by the Common Council, the Development Agreement has been signed, all required assurances have been received and approved, and the City Planner has given written authorization to proceed. Inspection fees shall be required to be paid as specified in the Development Agreement.

B. Plans. The following plans and construction specifications shall be provided by the Subdivider at the Subdivider's expense, and reviewed and approved by the City Engineer and the Kenosha Water Utility General Manager before authorization of construction or installation of improvements.

1. Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.

2. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.

3. Storm sewer and storm water detention/retention plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.

4. Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.

5. Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. The time span that soil will be exposed, and plans to protect existing vegetation (fences, tree wells, etc.) shall be prepared and such plans shall generally follow the guidelines and standards set forth in the Wisconsin Department of Natural Resources (DNR) publication *Wisconsin Construction Site Best Management Practices Handbook*, as amended from time to time.

6. Planting plans showing the locations, age, diameter size six (6") inches above grade, and species of any required grasses, vines, shrubs and trees.

7. Grading/drainage plans showing lot and street drainage.

8. Additional special plans or information as required by the City Planner.

C. Building Permits. No Building Permit shall be issued until the following conditions have all been met:

1. The site must be graded per the approved plan.

2. The Land Division and Development Agreement must be approved, signed and recorded by the County Register of Deeds.

3. All infrastructure, including sanitary and storm sewer and water, including all retention/detention ponds, must be installed and functional. The binder course of asphalt and curb and gutter must be installed.

4. The Subdivider shall provide copies of all of the improvements plans - as built - both in print and in a digital format satisfactory to the Department of City Development, the City Engineer, and the General Manager of the Kenosha Water Utility.

D. Inspection. The Subdivider, prior to commencing any work within the Subdivision, shall notify the City Engineer and the Kenosha Water Utility General Manager of the proposed work and to make arrangements to provide for adequate inspection. The appropriate City and Water Utility officials shall inspect and approve all completed work prior to release of the assurances for the improvements installed by the Subdivider in accordance with a Development Agreement. The Subdivider is responsible for paying all the costs of inspection.

E. As-Built Plans Required. Prior to completion and acceptance by the City and Kenosha Water Utility of all improvements, the Subdivider shall provide a copy of all of the improvement plans, as-built in print and in a digital format satisfactory to the City Engineer and Kenosha Water Utility General Manager.

17.13 FEES

A. Review and Service Fees. The Common Council shall establish fees, from time to time, by

Resolution, for the following reviews and services which are provided by City Departments, Boards, Commissions, Committees, Authorities, and the Common Council:

1. Certified Survey Maps, including concept, application, resubmittals;
2. Development Agreements;
3. Document/Plat/Map/Combination recording;
4. Lot Line Adjustment Survey;
5. Parcel Combination;
6. Subdivision Plats, including concept, Preliminary Plats, Plats and Replats; and,
7. Subdivision Inspection Fees.

B. Recording Fees. It shall be the responsibility of the Subdivider to provide the recording fees in the amount required by the Register of Deeds for the purpose of recording a Subdivision, Certified Survey Map, Parcel Combination or Lot Line Adjustment Survey and any accompanying documentation required by the Review Authority.

ILLUSTRATION NO. 1
CH. 17 LAND DIVISION ORDINANCE
ILLUSTRATION OF TYPICAL CORNER,
DOUBLE FRONTAGE, FLAG, AND INTERIOR LOTS

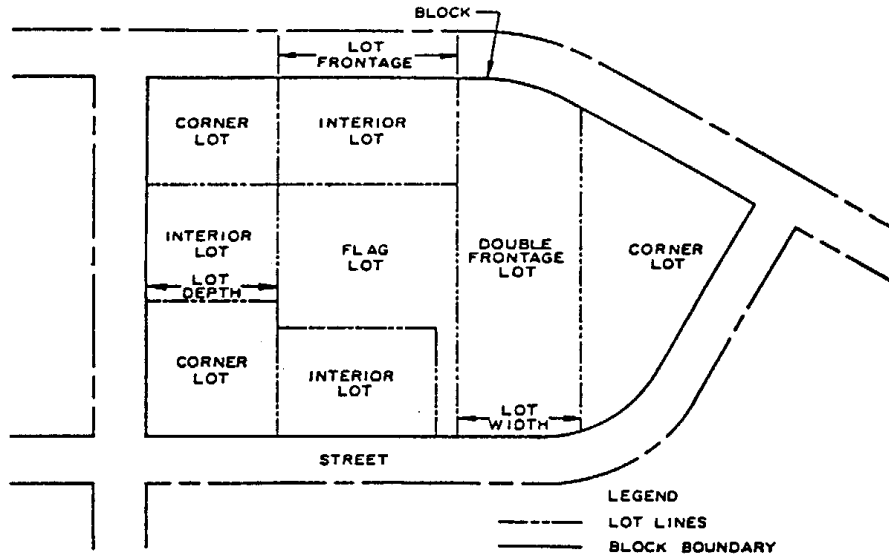


ILLUSTRATION NO. 2
CH. 17 LAND DIVISION ORDINANCE
TYPICAL STREET SYSTEM

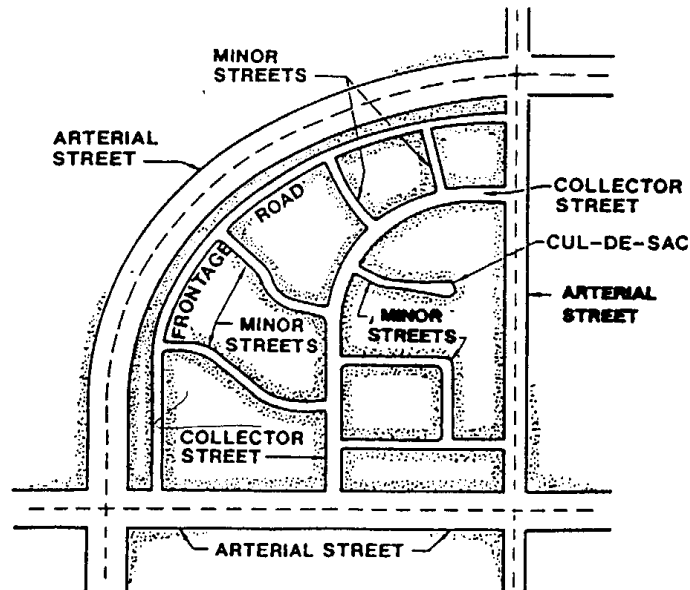


Illustration No. 3
Chapter 17 Land Division Ordinance
Typical Cul-de-Sac Design

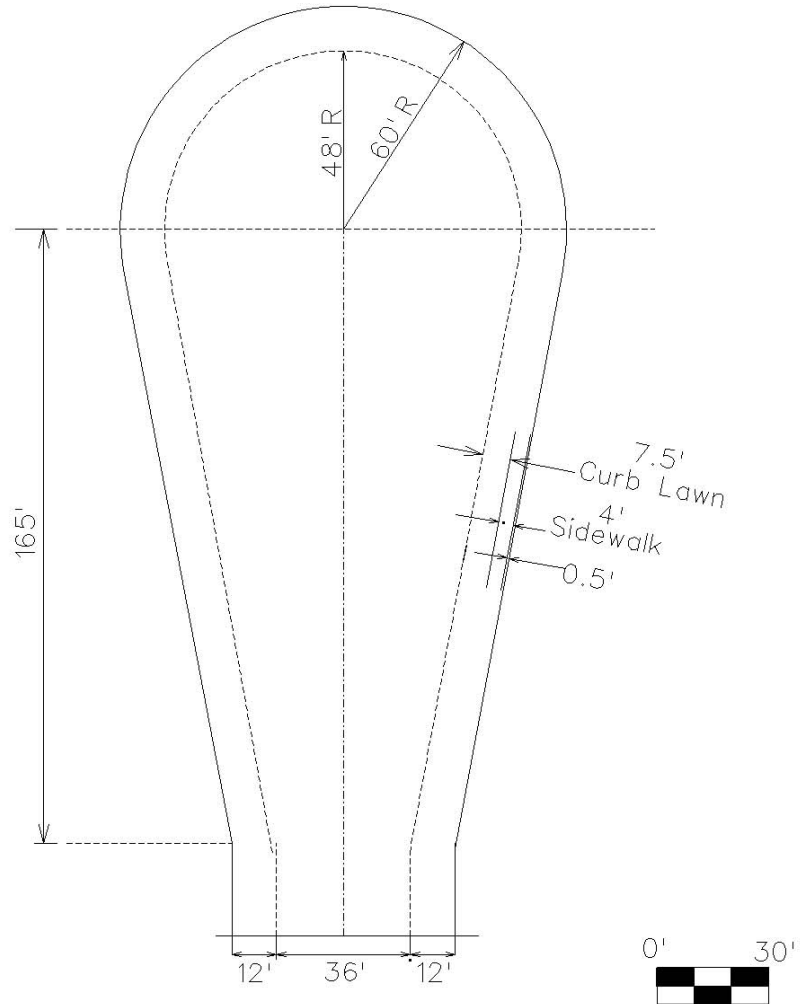


Illustration No. 4
Chapter 17 Land Division Ordinance
Typical Cul-de-Sac Design
With Island

