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SUBDIVISION REGULATIONS

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12.01 General Provisions. (1) Purpose. Wis. Stat. § 236.45 enables Counties with an established planning agency to adopt ordinances governing subdivision or other division of land. The following regulations are adopted for the purpose of promoting the public health, safety, and general welfare, and are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further resubdivision of larger tracts into smaller parcels of land; and to encourage the most appropriate use of land throughout the County.

(2) Official Title. The name of this Ordinance shall be known and cited as “Chapter 12, Subdivision Regulations for Manitowoc County, Manitowoc County Code.”

(3) Applicability. These regulations shall apply to the following:

(a) Subdivision. Any division of land within the unincorporated area of Manitowoc County which results in a subdivision as defined herein shall be, and any other division may be surveyed, and a plat thereof approved and recorded as required by this Ordinance and Wis. Stat. Ch. 236.

(b) Lot Split. Any division of land other than a subdivision within the unincorporated area of Manitowoc County, of which a plat has not been approved and recorded, shall be surveyed and a certified survey map of such division approved and

recorded as required by MCC § 12.07 and by the provisions of Wis. Stat. Ch. 236.

(c) Condominiums. If such condominiums result in a subdivision or lot split as defined in MCC § 12.02 and as regulated by MCC § 12.01(3)(a) or (b).

(d) Exceptions. The provisions of this Ordinance shall not apply to:

1. Transfers of interests in land by will or pursuant to court order.

2. Leases for a term not to exceed ten (10) years, mortgages, or easements.

3. The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Ordinance or other applicable laws or ordinances.

4. The division of land into parcels greater than fifteen (15) acres.

(4) Administration. These regulations shall be administered by the Manitowoc County Planning and Park Commission, hereinafter referred to as the “Commission.”

(5) Land Suitability. No land shall be subdivided or split which is held unsuitable for the proposed use by the Manitowoc County Planning and Park Commission for reason of flooding, inadequate drainage, rock formation, unfavorable topography, inadequate sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the subdivision. The Manitowoc County Planning

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and Park Commission in applying the provisions of this section shall, in writing, indicate the particular facts upon which it bases its conclusions that the land is not suitable for development and afford the subdivider an opportunity to present evidence regarding such suitability if he so desires at a public hearing called by the Commission. Thereafter, the Manitowoc County Planning and Park Commission may affirm, modify, or withdraw its determination of unsuitability.

12.02 Definitions. For the purpose of these regulations the following terms are defined:

(1) "Alley" means a public or private way which provides secondary access to property.

(2) "Block" means a parcel of land bounded on at least one (1) side by a street but may be bounded on the other sides by natural or man-made barriers or unplatted land.

(3) "Building Line" means a line shown on a map which shall indicate the distance from the boundaries of a lot within which buildings shall not be erected.

(4) "Certified Survey Map" means a map of a lot split prepared in accordance with Wis. Stat. § 236.34.

(5) "Commission" means Manitowoc County Planning and Park Commission.

(6) "Crosswalk" means a public right-of-way traversing a block for the purpose of providing pedestrian access.

(7) "Cul-de-Sac" means a short minor street having one (1) end open to motor traffic and the other end terminated by a vehicular turn-around.

(8) "Dead-End Street" means a street having only one (1) outlet for vehicular traffic and no vehicular turn-around.

(9) "Driveway" means a private way for vehicle traffic which does not exceed one hundred fifty (150) feet in length and which serves only one (1) parcel or lot.

(10) "Lot Split" means a division of land other

than a subdivision.

(11) "Plat" means a map of a subdivision.

(12) "Right-of-Way" means the width between property lines of a street, alley, crosswalk, or easement.

(13) "Set Back" means the minimum horizontal distance from the lot line along a street and the nearest point of a building or proposed building, or any projection thereof, excluding uncovered steps; or when specified between the centerline of the road and the nearest point of the building.

(14) "Street" means a way for vehicular traffic.

(15) "Subdivision" means a division of a lot, parcel, or tract of land by the owner thereof or his agent for the purpose of sale or of building development, where:

(a) The act of division creates five (5) or more parcels or building sites of 1.5 acres each or less in area; or

(b) Five (5) or more parcels or building sites of 1.5 acres each or less in area are created by successive divisions within a period of five (5) years.

12.03 Procedure.

(1) Preliminary Consultation. Before filing a Preliminary Plat for approval, the subdivider shall consult the County Planning and Park Commission and its staff for advice and assistance and submit plans and data as specified in MCC § 12.06(1).

(2) Procedure for Approval of Preliminary Plat.

(a) After preliminary consultation and before submitting a plat for final approval, the subdivider shall submit four (4) copies of the Preliminary Plat and data as specified in MCC § 12.06(2) to the Commission at least one (1) week prior to the meeting at which it is to be considered.

(b) Following a review of the Preliminary Plat and data, and after negotiations with the subdivider on changes deemed advisable, including the kind and extent of improvements to be made by him or her, the County Planning and Park Commission shall,

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within forty (40) days of its submission, express its approval and state the conditions of such approval, and if disapproved, shall express its disapproval and state its reasons for rejection.

(c) Approval of the Preliminary Plat shall entitle the subdivider to final approval of the layout shown by such plat if the final plat is submitted within six (6) months of the date of approval of the Preliminary Plat and conforms to such layout and conditions of the Preliminary Plat.

(3) Procedure for Approval of Final Plat.

(a) The Final Plat as specified in MCC § 12.06(3) and four (4) copies shall be submitted within six (6) months of the approval of the Preliminary Plat.

(b) The County Planning and Park Commission shall take action on the Final Plat within thirty (30) days after the plat has been officially submitted. If disapproved or conditionally approved, the reasons or conditions shall be stated on the record of the Commission. The Final Plat shall be recorded in the Office of the Register of Deeds of Manitowoc County, Wisconsin, within sixty (60) days after the date of final approval.

12.04 Design Standards.

(1) General Requirements. The proposed subdivision shall conform to all the provisions of Wis. Stat. Ch. 236; the rules and regulations of the State Department of Transportation and the Department of Industry, Labor, and Human Relations, and all applicable plans officially adopted by the Commission.

(2) Streets. (a) The arrangement, character, extent, width, grade, and location of all streets shall conform to all applicable plans officially adopted by the Commission and shall be related to existing and planned streets, topographic conditions, existing natural features, public convenience and safety, and the existing and proposed uses of the land that is to be served by such streets.

(b) The arrangement of streets in a subdivision shall provide, where possible, for the continuation or appropriate projection of existing collector and major streets in the area.

(c) Minor streets shall be laid out so as to discourage their use by through traffic.

(d) Where a subdivision abuts or contains an existing or proposed arterial street, the Commission may require marginal access streets, reverse frontage lots with screen planting contained in a non-access reservation along the rear of the property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(e) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with regard for the requirements of approach grades and future grade separations.

(f) Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be avoided.

(g) A tangent at least one hundred feet (100') shall be introduced between reverse curves on major and collector streets.

(h) Streets shall be laid out so as to intersect as nearly as possible at right angles and no streets shall intersect any other street at less than sixty degrees (60°), and more than two (2) streets intersecting at one point shall be discouraged.

(i) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the County under conditions approved by the Commission.

(j) All street right-of-ways shall be of the width specified on applicable street plans officially adopted by the Commission, or, if not specified there, they shall not be less than the width specified below:

Street Type	Minimum Width in Feet
Major	120
Collector	80
Minor	60

(k) Clear visibility, measured along the

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centerline, shall be not less than specified below:

Street Type	Minimum Sight Distance in Feet
Major	500
Collector	350
Minor	200

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

Street Type	Minimum Radius in Feet
Major	300
Collector	200
Minor	100

(m) Cul-de-Sacs. Streets designed to have one end permanently closed, shall not exceed five hundred feet (500') in length and shall provide a turn-around with a minimum right-of-way radius of sixty feet (60').

(n) Half streets shall be discouraged, but where a half street has been dedicated adjacent to a subdivision, the remaining half of the street shall be dedicated by the subdivider. Where no half street adjacent to a subdivision exists, dedication of a half street shall not be approved unless the remaining portion shall appear as a mapped street on the Official Map.

(o) Street grades shall conform to the following specifications:

Street Type	Maximum grade
Major	6%
Collector	7%
Minor	10%
Streets shorter than 500 feet	12%

(p) Street Names. 1. Any street which is the reasonable continuation of an existing street shall bear the same name.

2. The Commission may disapprove the name of any street shown on the plat which has already been used elsewhere in the area, or because of similarity may cause confusion, or which is

unsuitable because of connotation, or which is difficult to spell or pronounce.

3. The following table shall be considered in nomenclature:

Type	Curving	Straight
Short Streets	Lane, Crescent Way, or Circle	Lane, Court, Place, Terrace, or Row
Long Streets	Drive or Road	Street or Avenue

(3) Alleys. (a) Alleys shall not be approved in residential areas unless necessary because of exceptional circumstances.

(b) Alleys shall be provided in commercial and industrial districts, except that the Commission may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading, unloading and parking consistent with, and adequate for, the uses proposed.

(c) The width of alleys shall not be less than twenty feet (20') and dead end alleys shall be prohibited.

(4) Easements and Restrictions.

(a) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten feet (10') wide on each side of the lot line.

(b) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction or both, as will be adequate for the purpose.

(c) Residential lots, including corner lots, in a subdivision shall have a minimum setback of twenty-five feet (25') from the right-of-way line.

(5) Blocks. (a) The lengths, widths, and shapes

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of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 1,500 feet between right-of-way lines.

(b) Pedestrians crosswalks, not less than twenty feet (20') wide shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

(6) Lots. (a) The lot size, width, depth, shape, and orientation and the minimum building lines shall be appropriate for the location of the subdivision and for the type of development and use proposed, and said building lines shall be shown on the plat.

(b) Minimum lot dimensions shall be as follows:

1. Residential lots where served by public sewer shall be not less than sixty-five feet (65') wide at the building setback line, nor less than 7,800 square feet in area.

2. Residential lots where not served by public sewers shall comply with the rules and regulations of the State Department of Industry, Labor and Human Relations, ILHR85. Depth and width of properties laid out for commercial or industrial purposes shall be adequate to provide for off-street parking and service facilities.

(c) Corner lots for residential use shall have extra width of at least ten feet (10') to permit appropriate building setback from both streets.

(d) Every lot in a subdivision shall abut on a driveway or a public street with a minimum of one hundred feet (100') of road frontage except on a cul-de-sac or street with an acute angle curve where a minimum of fifty feet (50') of road frontage is required. Private roads, however, which provide access to no more than two (2) lots or parcels may be permitted if approved by the Commission. Such private roads shall meet the design requirements for minor street in these regulations.

(e) Side lot lines shall be substantially at right angles or radial to street lines.

(f) Double frontage, or reverse frontage lots, shall be avoided except where essential to provide

separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet (10') shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

(7) Public Sites and Open Spaces. (a) Where a subdivision of a tract of land contains a portion of land unsuitable for development because of poor drainage, floodable conditions, soil conditions, or for any other reasons, such portion shall be dedicated to Manitowoc County or appropriate municipality, or in lieu thereof, the subdivider shall, at his expense, prepare and submit for the Commission's approval, engineering plans and proposals which will insure the public health, safety, and general welfare and carry out such plans and proposals or provide a performance bond to insure that such will be done at a specified time.

(b) Where a subdivision contains land indicated in whole or in part as a site for a public park, school, recreation, or other public use on an Official Plan of the Commission, but is otherwise suitable for development, said land shall be dedicated to Manitowoc County or other appropriate municipality. However, where such Official Plans call for a larger amount of public open space than one (1) acre for every twenty-five (25) lots in the subdivision, the subdivider may, in lieu of dedicating such land, reserve for acquisition by Manitowoc County or an appropriate municipality, said land for a period of five (5) years from the date of final plan approval.

12.05 Required Improvements.

(1) Monuments. The subdivision shall be monumented as required in Wis. Stat. § 236.15.

(2) Utility and Street Improvements. (a) All streets, roads, highways, and other open ways shall be designed and constructed in accordance with these regulations, state statutes and codes, and town or county specifications.

(b) Curbs and gutters, when required, shall be installed to grades and design approved by the town that has jurisdiction or the County Highway Department.

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(c) Adequate facilities to provide storm water drainage, including culverts; improved open water courses, graded, constructed, and landscaped, storm sewers or other drainage structures shall be designed and installed in accordance with state codes, these regulations and town or county specifications and the work must be approved the town that has jurisdiction or by the County Highway Department.

(d) The improvements above specified shall be installed at the expense of the subdivider and the Commission will consider approval of the final plat only after the work has been completed or there shall have been filed with the County Clerk one of the following:

1. A duly completed and executed surety bond in an amount sufficient to complete the work and with surety satisfactory to the Commission.

2. A certified check, in amount sufficient to complete the work drawn on an approved bank and available to the Commission. As the work progresses, the Commission may permit progress payments to be made to the subdivider by returning the certified check to him in return for another certified check of sufficient amount to complete the remaining improvements agreed upon.

(e) If the improvements are not completed within the specified time, the Commission may use the bond, the certified check, or any necessary portion thereof to complete same.

12.06 Plats and Data. (1) Preliminary Consultation Data. The following information shall be provided at the time of the preliminary consultation:

(a) General Subdivision Information shall describe or outline the existing conditions of the site and the proposed development necessary to supplement the drawings required as specified below. This information should include data on existing covenants, land characteristics, and available community facilities and utilities; a description of the subdivision proposal such as the number of residential lots, typical lot width, and depth, business areas, playgrounds, parks, and other public areas, proposed protective covenants and proposed street and utilities improvements.

(b) A Location Map shall show the relationship

of the proposed subdivision to existing community facilities which serve or influence it, including main traffic arteries, public transportation lines, shopping centers, elementary and high schools, parks and playgrounds, places of major employment, and other community features such as airports, hospitals, and churches. The map shall also show title, development name, location, scale, north arrow, and date.

(c) A Sketch Plan on topographic survey print, in pencil, shall show in simple freehand form the proposed layout of streets, lots, and other features in relation to existing conditions.

(2) Plats and Data for Preliminary Approval. The preliminary plat shall be drawn at a scale of not more than one hundred feet (100') to an inch, and shall show:

(a) Title, scale, north arrow, date, and development name.

(b) Name and address of owner, subdivider, and registered surveyor preparing the plat.

(c) Location of subdivision by government lots, quarter-quarter section, section, township, range, and County.

(d) Small scale drawing of the section or government subdivision of the section in which the subdivision lies, with the location of the subdivision indicated.

(e) The exact length and bearing of the exterior boundaries of the subdivision.

(f) The location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.

(g) Location, widths, gradients, and names of all existing platted or dedicated streets, alleys, easements, railroads, utility rights-of-way, parks, cemeteries, water courses, drainage ditches, bridges, buildings, and other pertinent data as determined by the Commission.

(h) Water elevations of adjoining lakes or streams at the date of the survey and approximate high and low water elevations of such lakes or streams.

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(i) A meander line established not less than twenty feet (20') back from the ordinary high watermark, if the subdivision borders on a lake or stream.

(j) Layout and width of all new streets, rights-of-way, alleys, crosswalks, and easements.

(k) Approximate dimensions and areas and proposed building lines of lots.

(l) Direction and distance to nearest water and sewer mains.

(m) Approximate radii of all curves and lengths of tangents.

(n) Location and area of any property proposed to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision including any conditions of such dedication or reservation.

(o) A description of the improvements including grading, paving, tree planting, and utility installation which the subdivider proposes to make, and the time he proposes to make them, and plans and profiles of all street work required to be done.

(p) A brief description of any deed restrictions which are proposed for the plat.

(3) Plats and Data Required for Final Approval. The final plat of the subdivision shall comply with the requirements of Wis. Stat. Ch. 236, which is hereby adopted by reference and incorporated herein as though fully set out.

12.07 Lot Splits. (1) Procedure. The divider shall file a certified survey map with the Commission. The Commission shall, within thirty (30) days, approve, approve conditionally, or reject the map. The divider shall be notified, in writing, of any conditions of approval or the reason for rejection.

(2) Requirements. (a) To the extent reasonably practicable, the division shall comply with the provisions of this Ordinance relating to general requirements, design standards, and required improvements. All required improvements shall be designed, furnished, and installed at the expense of the applicant before a certified survey will be

considered for approval or in lieu of construction, a surety bond, certified check, escrow account, or other financial assurance may be provided in accordance with MCC §§ 12.05(2)(d) 1 and 2, and 12.05(2)(e).

(b) All corners shall be monumented in accordance with Wis. Stat. §§ 236.15(1)(c) and (d).

(c) The map shall be prepared in accordance with Wis. Stat. §§ 236.20(2)(a) - (c) and (e) - (l), and 236.20(3)(a), (b), and (e), on durable white paper, 8.5 inches wide by 14 inches long. All lines shall be made with non-fading black ink at a scale of not more than five hundred feet (500') to an inch.

(3) Certificates and Affidavits. (a) The map shall include the affidavit of the surveyor who surveyed and mapped the parcel, typed, lettered, or reproduced legibly with non-fading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U. S. Public Land Survey or some corner providing reference to a corner marked and established in the U. S. Public Land Survey. Such affidavit shall including the certificate of the surveyor to the effect that he has fully complied with the requirements of this section.

(b) The certificate of approval of the Commission shall be typed, lettered, or reproduced legibly with non-fading black ink on the face of the map in substantially the following form:

1. For certified surveys that did not require Commission action on a variance, modification, or condition of approval, the certificate shall read, "This certified survey map has been submitted to and approved by the Manitowoc County Planning and Park Commission as complying with Subdivision Regulations for Manitowoc County and Wis. Stat. Chapter 236."

Date _____ Signed _____.

2. For certified surveys that required Commission action on a variance, modification, or condition of approval, the certificate shall read, "This certified survey map has been submitted to and approved by the Manitowoc County Planning and Park Commission as complying with the Subdivision Regulations for Manitowoc County and Wis. Stat. Ch. 236. All variances, modifications, or conditions

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of approval for this certified survey map are contained in the minutes of the _____ [Date] _____ meeting of the Manitowoc County Planning and Park Commission.”

Date _____ Signed _____.

3. A certificate by the owner of the land in substantially the following form: “As owner, I hereby certify that I caused the land described on this map to be surveyed, divided, mapped, and dedicated as represented on this map.” This certificate shall be signed by the owner, his wife or her husband, and all persons holding an interest in the fee or record or by being in possession, and, if the land is mortgaged, by the mortgagees of record.

(4) Map. The map shall be filed by the divider for record with the Register of Deeds of Manitowoc County and a copy of said map shall be filed with the Manitowoc County Planning and Park Commission.

(5) Development Plan. (a) A Development Plan shall be submitted to the Commission after any division of a lot, parcel, or tract of land by the owner thereof or his agent for other than a subdivision where the act of division creates five (5) or more parcels which are five (5) acres in size or less, or where five (5) or more such parcels are created by successive divisions within a period of five (5) years.

(b) The Development Plan Map and supporting information shall provide at least the requirements contained in MCC § 12.06 except certain map and data requirements may be waived by the Commission for a land division which involves ten (10) lots or less.

(c) A development plan shall include all of the owner’s or applicant’s lands which are contiguous and which are bounded by private property lines, public rights-of-way, navigable streams, lakes, ponds, or other water courses which serve to define the contiguous area.

(d) Developments shall, insofar as practicable, conform to the requirements of MCC § 12.04 and to all other related town and county ordinances.

12.08 Subdivisions Created by Successive Divisions. Where it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this Ordinance,

the County Board or Town Board may, in lieu thereof, order an assessor’s plat to be made under Wis. Stats. § 70.27.

12.09 Variances and Appeals. (1) Where the Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of the regulations.

(2) The standards and requirements of these regulations may be modified by the Commission in the case of a plan and program for a new town, a complete community, or a neighborhood unit which, in the judgment of the Commission, provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated.

(3) Any modification or variance thus granted shall be entered in the minutes of the County Planning and Park Commission setting forth the reasons which, in the judgment of the Commission, justified the variance.

12.10 Violations and Penalties. Any person, firm, or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, forfeit not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) and the cost of prosecution for each violation, and in default of payment of such forfeiture and the cost, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense. Compliance therewith may also be enforced by injunctive order at the suit of the County or the owner or owners of real estate within the district affected by the regulations of this Ordinance, as provided by law.

12.11 Effective Date. These regulations shall be effective following adoption by the Manitowoc County Board of Supervisors, and publication.

12.12 Severability. The provisions of this Ordinance are severable, and if for any reason, a clause, sentence, paragraph, section, or other part of

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this Ordinance should be decided by a court of competent jurisdiction to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision.

History

11/04/60: Adopted.

08/06/68: Amended.

12/11/68: Amended.

02/28/78: Amended.

10/06/81: Amended.