

TOMAHAWK MUNICIPAL CODE

Chapter 86

Subdivisions*

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Article I. In General

Section 86-1. Compliance Required.

No plat or subdivision of land within the city or within 1½ miles of the corporate limits thereof shall be approved except in full compliance with the provisions of this chapter.
(Code 1989, § 18.01)

Section 86-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a public way which affords a secondary means of access to abutting property.

Building Setback Line means a line within a lot or other parcel of land, so designated on the plat of the proposed subdivision, between which, and the adjacent boundary of the street upon which the lot abuts, the erection of an enclosed structure or portion thereof is prohibited.

Butt Lots means lots the rear lot lines of which abut the side lot lines of other lots platted in the same block and not separated therefrom by an alley or other open space.

Collector Street means a street 66 feet wide which carries traffic from minor streets to the major street system, including the principal entrance streets of residence development and the primary circulating streets within such a development.

Crosswalk means a public or private right-of-way across a block to be used by pedestrians and/or for underground utilities.

Cul-De-Sac means a minor street having one open end and being terminated at the other by a vehicular turnaround at least 80 feet wide.

Easement means the quantity of land set aside or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

Final Plat means a map or chart of a subdivision which has been accurately surveyed, and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.

Lot Width means the width of the lot measured along the minimum building setback line, except for lots which front on the concave side of a curb or street, where the width of a lot shall be measured 60 feet back from the front lot line.

Major Street means a public thoroughfare with a high degree of traffic continuity having a width established at 66 feet or more by the thoroughfare plan established in the official plan of the city.

Owner includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of any of them.

Preliminary Plat means a map or plan of a proposed land division or subdivision.

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Street means a public or private thoroughfare which affords primary access by pedestrians and vehicles to abutting property.

Subdivision means a division of a lot, tract or parcel of land whether completed at one time or over a period of years, into three or more lots, or other division of land for the purposes, whether immediate or future, except as to those divisions of land into less than five parcels delineated in Wisconsin Statute § 236.45(2) (a) 1.-3., of:

- (1) Transfer of ownership;
- (2) Building development; or
- (3) Redevelopment, including all changes in street or lot lines; provided, however, that divisions of land, in parcels of five acres or more not involving any new street or easement of access or sewer and water shall be exempted.

Tentative Approval means an approval with or without recommended alterations given to a preliminary plat by the planning and zoning commission, and provides the necessary authority to proceed with the preparation and presentation of the final plat.

(Code 1989, § 18.02)

Cross Reference – Definitions Generally, § 1-2.

Section 86-3. Procedure.

Before dividing any tract of land into three or more lots of less than five acres in size, the sub-divider shall:

- (1) File at least ten days before a regular planning and zoning commission meeting, three copies of the preliminary plat to the planning and zoning commission for examination and subsequent recommendation of approval or disapproval. The planning and zoning commission shall, within 15 days from the date of the next regular or special planning and zoning commission meeting following such filing, forward its recommendation for approval or disapproval to the common council.
- (2) Within one year after receiving tentative approval of the preliminary plat by the planning and zoning commission the original and five copies of the final plat shall be submitted to the planning and zoning commission for recommended final approval by the common council.
- (3) Within 90 days after receiving recommended final approval by the planning and zoning commission the original and one copy of the final plat shall be presented to the common council for its final approval.
- (4) Following final approval by the common council, the final plat as approved may be legally recorded in compliance with the laws of the state. Approval of the final plat by the common council shall be void if the plat is not recorded within 90 days after the date of approval, unless application for an extension of time is made in writing during such 90 days' period to the common council and granted.

(Code 1989, § 18.03(4))

Section 86-4. Annexation.

Any areas proposed for annexation to the city shall be studied by the planning and zoning commission and a public hearing held on the proposed use district, prior to the incorporation of the area into the city.
(Code 1989, § 18.12)

Sections 86-5 – 86-40. Reserved.

Article II. Administration and Enforcement*

Section 86-41. Occupancy Permits.

- (a) No land shall be occupied or used and no dwelling hereafter erected or altered shall be occupied or used in whole or in part for any purpose until a certificate has been issued by the building inspector stating that the building complies with all the dwelling and health laws and ordinances, and with the provisions of this chapter. No change or use shall be made in any dwelling or part thereof now or hereafter erected or altered, without a permit having been issued by the building inspector or zoning administrator and no permit shall be issued to make such change unless it is in conformity with the provisions of this chapter or amendments thereto hereafter enacted.
- (b) Nothing in this section shall prevent the continuance of the present occupancy or use of any existing dwelling except as may be necessary for safety of life and property.
- (c) Certificates for occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or alteration of such building shall have been completed. A record of all certificates shall be kept on file in the office of the building inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. A fee of \$2.00 shall be charged for each original certificate and \$1.00 for each copy thereof, which fees shall be collected by the building inspector and by him or her paid over to the city treasurer. No permit for excavation for the erection of any building shall be issued before application has been made for certificate of occupancy and compliance. No building or premises may be occupied until such certificate has been issued.

(Code 1989, § 18.11)

Section 86-42. Fees.

- (a) At the time a preliminary plat is submitted to the planning and zoning commission the sub-divider shall pay a filing fee of \$3.00 per lot to the city treasurer.
- (b) At the time a final plat is submitted to the planning and zoning commission the sub-divider shall pay a fee of \$2.00 per lot to the city treasurer.

(Code 1989, § 8.13)

Section 86-43. Penalty.

Whoever shall violate any provision of this chapter shall be subject to a forfeiture as provided in Section 1-14 of this Code.

(Code 1989, § 18.14)

*Cross Reference – Administration, Chapter 2

Sections 86-44 – 86-70. Reserved.

Article III. Plats

Division 1. Generally

Sections 86-71 – 86-90. Reserved.

Division 2. Preliminary

Section 86-91. Contents; Requirements.

The preliminary plat shall contain the information specified in this section and comply with the following requirements:

(1) *Description and Delineation.*

- a. Proposed name of the subdivision.
- b. Location of the subdivision by section, township, and range, or by other legal description.
- c. Names and addresses of the owner and the designer of the subdivision.
- d. Date of preparation, scale 100 feet to the inch and north point (designated as true north).

(2) *Existing Conditions.*

- a. Boundary line of proposed subdivision indicated by solid heavy line and the total approximate acreage encompassed thereby.
- b. Location, width and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, and section and corporation lines, within and adjacent to the tract.
- c. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least 100 feet beyond the tract boundaries indicating pipe sizes, grades, manholes and exact location.
- d. Boundary lines of adjacent tracts of un-subdivided or subdivided land, showing ownership where possible.
- e. Contour at vertical intervals not more than two feet. High water levels of all watercourses, if any, shall be indicated in same datum used for contour elevations.
- f. Suitability of soil types in proposed subdivision for intended use.

(3) *Proposed Subdivision Plan.*

- a. Layout of streets showing location and widths of streets, crosswalks and easements.
- b. Layout, numbers and typical dimensions of lots.
- c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
- d. Building setback lines showing dimensions.
- e. Easements for public utilities where alleys are not provided.
- f. Typical street cross sections.

(Code 1989, § 18.04)

Sections 86-92 – 86-110. Reserved.

Division 3. Final

Section 86-111. Contents.

The final plat shall meet the state specifications in Wisconsin Statutes §§ 236.01 – 236.50 and shall contain all information required on the preliminary plat, except contours, plus the following description and delineation:

- (1) Accurate angular and linear dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features.
- (2) An identification system for all lots and blocks and names of streets. Lot lines to show dimensions in feet and hundredths.
- (3) True angles and distances to the nearest established street lines or official monuments (not less than three) which shall be accurately described in the plat.
- (4) Radii, internal angles, points and curvatures, tangent bearings and lengths of all arcs.
- (5) Accurate location of all monuments, which shall be concrete six inches by six inches by 30 inches with iron pipe cast in center. Permanent stone or concrete monuments shall be set at each corner or angle on the outside boundary. Pipes or other physical markers shall be placed at each intersection of street centerlines. All United States, state, county or other official bench marks, monuments, or triangulation stations in or adjacent to the property, shall be preserved in precise position.
- (6) Pipes or physical markers shall be placed at each lot corner.
- (7) Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed, covenant for common uses of all property owners.

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- (8) Certification by a licensed surveyor to the effect that the plat represents a survey made by him or her and that monuments and markers shown thereon exist as located and that all dimensional geodetic details are correct.
 - (9) Notarized certification, by owner, or by any mortgage holder on record, of the adoption of the plat and the dedication of the streets and other public areas.
 - (10) Certifications showing that all taxes and special assessments due on the property to be subdivided have been paid in full.
 - (11) Proper form for the approval by the common council with space for signatures.
 - (12) Approval by signature of city, county and state officials concerned with the specification of utility installations.
 - (13) Approval by signature of the planning and zoning commission. This approval of the final plat shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public way or space shown on the plat.
- (Code 1989, § 18.05)

Sections 86-112 – 86-130. Reserved.

Article IV. Design and Layout Standards

Section 86-131. Lot Size and Area.

The minimum depth of lots shall be 100 feet. The minimum lot area in subdivisions lying within the city limits shall be 8,400 square feet and the minimum frontage shall be 70 feet; however, the minimum area of all corner lots in such subdivisions shall be 9,000 square feet and the minimum frontage shall be 75 feet.

(Code 1989, § 18.09)

Sections 86-132 – 86-160. Reserved.

Article V. Required Improvements and Dedications

Section 86-161. Agreements as to Improvements.

The final plat to be placed on record shall be accompanied by a statement signed by the owner and sub-divider, setting forth the following:

- (1) Plans and specifications for such improvements previously approved by the city engineer or city zoning administrator clearly describing the same.
- (2) Agreement executed by the owner and sub-divider wherein they agree to make and install the improvements provided for in Section 86-162 in accordance with the plans and specifications accompanying the final plat; and that all such improvements shall be inspected during the course of construction by an inspector appointed by the common council, salaries and other costs in connection with such inspections to be paid by the owner and sub-divider, such costs to be based on the reasonable, customary charges for such service.

- (3) If the common council, by motion, approves the action of the planning and zoning commission in approving the final plat, it shall withhold its approval of the plat until an agreement signed by the sub-divider, as provided in subsection (2) of this section, is given, supported by a bond executed by an acceptable surety company in an amount equal to the estimated cost of construction of the required improvements (which estimated cost shall be determined by the city engineer). The surety shall be subject to the condition that the improvements will be completed within two years after approval of the final plat. As an alternative, the sub-divider may deposit cash with the city in place of such surety bond.
- (4) A sub-division of more than 20 lots may be developed in stages of ten lots or more, and the surety required in subsection (3) of this section shall be required only for the stage to be developed. The approval of the city planning and zoning commission shall be required before each stage is developed.

(Code 1989, § 18.06)

Section 18-162. Required Land Improvements.

No final plat of sub-division of land shall be approved without receiving a statement signed by the city engineer or zoning administrator certifying that the improvements described in the sub-divider’s plans and specifications, together with agreements, meet the minimum requirements of all ordinances of the city and, as established by the city engineer or zoning administrator, that they comply with the following:

(1) *Sewers and Water.*

- a. Sanitary sewers connected to city sewer mains and city water shall be installed to serve all lots in the subdivision, with sewer and water connections to each lot line.
- b. Unless the planning and zoning commission otherwise permits, storm sewers shall be constructed throughout the entire subdivision to carry off water from all inlets and catch-basins, and be connected to an adequate outfall. The storm-water drainage system shall be separate and independent of the sanitary sewer system.
- c. When approved by the planning and zoning commission, natural drainage may be utilized to carry off storm-waters. Channels constructed for this purpose shall not be part of any lot held for sale or set aside for school or inconsistent public use, and shall be so constructed and surfaced to prevent erosion. When this subsection is utilized plats shall include the course of runoff waters.

(2) *Street Improvements.*

- a. Grades of streets shall not be in excess of three percent on major or collector streets, nor in excess of five percent on other streets except by special permit of the planning and zoning commission.
- b. All streets within the city other than state and county highways shall be improved with pavements bound by integral concrete curbs and gutters, to an overall width in accordance with the following minimum dimensions: the corporate limits of the paved portion shall be the corporate limits of the right-of-way.

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Dedicated Street

<i>Type of Street</i>	<i>Width</i>	<i>Pavement Width</i>
Major	Conform to Thoroughfare Plan	Conform to Thoroughfare Plan
Collector	66 Feet	40 Feet
Cul-De-Sac	66 Feet	40 Feet
Cul-De-Sac Turn-Around	80 Feet	

- c. Pavement shall be six inches thick Portland cement concrete, or be surfaced with bituminous concrete not less than two inches thick over a base of crushed stone or gravel installed in two courses not less than eight inches thick after compaction.
- d. Curbs and gutters on minor residential streets shall be concrete of the integral rolled type unit, not less than 18 inches in overall width, and not less than six inches thick where curb abuts the street pavement.
- e. Storm-water inlets and catch-basins shall be provided within the roadway improvement at points specified by the city engineer or street commissioner. Storm sewers may be omitted by special permission if soil conditions and natural drainage permit.
- f. All curb corners shall have a radius of not less than 15 feet and at intersections involving collector or major streets of not less than 15 feet.
- g. In subdivisions outside the corporate area, but within the 1½ mile area, street improvement shall conform to the standards of improvements as outlined in this article for subdivisions within the corporate area.

(3) *Public Utilities.* All utility lines for telephone and electric service lines shall be placed under ground, placed within an easement or dedicated public way in a manner not to conflict with other underground services. All transformer boxes shall be located so as not to be hazardous to the public or unsightly.

(Code 1989, § 18.07)

Section 86-163. Parks, School Sites and Other Public Areas.

Where a proposed park, playground, school site or other public use area, shown in the city plan and adjacent unincorporated areas, is located in whole or in part in a subdivision, the planning and zoning commission or the common council may require the dedication or reservation of such area, in whole or in part, within the subdivision in those cases in which the planning and zoning commission or the common council deem such requirements to be reasonable. However, in no case shall the total amount of required public areas to be dedicated or reserved, in addition to public streets, exceed ten percent of the total gross acreage controlled by the owner. The acquisition of the additional area needed for parks, playgrounds, schools or other public uses, other than street and alleys, shall be secured by the authority having jurisdiction. Arrangements for securing such area from the owner shall be made within a period not to exceed 90 days from the date the plat is recorded.

(Code 1989, § 18.08)

Section 86-164. Ground Floor Area of Dwellings.

The minimum ground floor habitable area of one-story buildings without basements shall be 1,000 square feet, with basements shall be 1,050 square feet; for 1½ story buildings without basements shall be 950 square feet, and with basements, 900 square feet; and for two-story buildings with or without basements shall be 750 square feet. All dimensions shall be measured outside to outside.

(Code 1989, § 18.10)