



SUBDIVISION

(5 Lots or More)

General Information

A Subdivision is a division of property for the purpose of sale or building development where five or more parcels (of 1 ½ acres or smaller) are created. This may be done by successive land divisions within five years. There are typically three major phases to subdivision.

- The preliminary plat takes a minimum of two months for approval.
- The developer’s agreement can take from several months to several years depending on the amount of public infrastructure that is constructed, such as roads, sanitary sewer, water utilities, or stormwater facilities.
- The final plat takes a minimum of two months for approval.

The subdivision of land is a complicated process requiring complex review from many different departments and jurisdictions. It is required that a licensed engineer or surveyor prepare subdivision plats. The use of advisors that are knowledgeable in subdivision regulations, engineering and land use are strongly encouraged.

This handout is not a substitute for the ordinances.

It your responsibility as the applicant to read and understand the City of New Berlin Municipal Code §235 & §275, Developer’s Handbook, and Wisconsin Statute 236. Applications will not be accepted if they do not meet our submittal requirements.

Fees

Application Fee and Filing Fee (non-refundable). Please make check payable to the City of New Berlin.

Application	Fee	Filing Fee
Voluntary Sketch Plan / Conceptual Review	1/5 of the cost for Preliminary Plat	\$50
Preliminary Plat	\$100/lot	\$50
Developer’s Agreement	\$250	\$50
Final Plat	\$150/lot	\$50

County Review - Rate determined by Waukesha County. Review required for Preliminary and Final Plats. Revision will require additional fees. Make a separate check payable to Waukesha County.

State Review - Rate determined by Wis. Dept. of Administration. Review required for Preliminary and Final Plats. Revision will require additional fees. Make a separate check payable to State of Wisconsin.

Procedure

The Plan Commission and staff shall review the application and shall only approve plans that meet all the requirements set forth in the Subdivision of Land Ordinance.

Voluntary Sketch Plan / Conceptual Subdivision

1. **Pre-application conference.** The applicant is advised to meet with staff for a pre-application conference a minimum of 45 days prior to the submission of a preliminary plat. This is an opportunity for the applicant and staff to discuss the review process schedule and submittal requirements, the scope of the project, and compliance with the subdivision regulations. Staff opinions presented during pre-application meetings are informational only and do not represent a commitment on behalf of the City regarding the acceptability of the development proposal.
2. **Voluntary sketch plan submission / application completeness determination and scheduling of site visit.** Completeness determination by DCD staff within 2 days of filing. 45-day review process begins only when the application is determined to be complete. Conceptual review of the subdivision is recommended for subdivisions that require a rezoning. This part of the optional pre-application stage is perhaps the most critical of the entire subdivision design and review process, because it enables the applicant, staff, and City officials to work together to fully understand the site and its potential for carefully designing full-density development around a potential open space network.
3. **Staff review and report.** Prior to the Plan Commission meeting where the completed application and voluntary sketch plan are scheduled for review, staff reviews the development application and prepares a staff report.
4. **Plan Commission recommendation on voluntary sketch plan.** The Plan Commission shall hold a public meeting to review and to endorse, conditionally endorse, or decline to endorse such plan.

Preliminary Plat

5. **Preliminary plat submission / application completeness determination.** Completeness determination by DCD staff within 2 days of filing. 90-day review process begins only when the application is determined to be complete. The purpose of the preliminary plat is to show all of the facts that may enable the Plan Commission to determine whether the proposed layout of the land and improvements are satisfactory from the standpoint of the public interest. The preliminary plat shall be clearly and legibly drawn and shall include all information and supporting materials. The applicant shall prepare and file the preliminary plat with the City Clerk. The City Clerk will require additional copies of the preliminary plat according to Chapter 236, Wisconsin Statutes, Chapter TRANS 233, Wisconsin Administrative Code, and the Waukesha County Department of Parks and Land Use, as well as forms and fees.
6. **Staff review and report.** Prior to the Plan Commission meeting where the completed application and plat are scheduled for review, staff reviews the development application and prepares a staff report.
7. **Plan Commission recommendation on preliminary plat.** Prior to final action by Common Council, the Plan Commission shall review a completed application and recommend approval, conditional approval, or rejection of the preliminary plat. The Plan Commission notifies the Common Council of any recommendation at the next regularly scheduled meeting.
8. **Common Council action on preliminary plat.** Within 90 days of Step 5 completeness determination, the Common Council shall act on the plat and instruct the City Clerk of its approval or rejection. The City Clerk communicates to the owner the action of the Common Council. Approval of a preliminary plat shall not be an acceptance by the City or public of the dedication of any street, highway or other public way shown on the plat.

Developer's Agreement

9. **Infrastructure design/plat compliance review.** Review and approval by engineering and planning staff within approximately 90 days of plan submission. No construction shall begin, improvements made, or development/improvement agreements are drafted until all construction plans have been reviewed and approved by the Department of Community Development. Design documents and planning documents shall be provided for all improvements outlined in Article IV of the Developer's Handbook. All improvements shall be designed equal or better than those standards of quality set forth in the Developer's Handbook. The decision of the Director shall be final; however, the Director may seek recommendation from the Board of Public Works where necessary.
10. **Filing of development/improvement agreement and staff review and recommendation of the development/improvement agreement.** Staff review and recommendation to the Board of Public Works within 60 days of submittal. Upon approval of the infrastructure design and plat compliance, the applicant shall work with staff in drafting a development/ improvement agreement. Development/improvement agreements are intended to provide the City the public infrastructure and amenities necessary to serve the proposed development and that they will be provided for according to an agreed-upon schedule and at a level of quality consistent with current City standards adopted by the Board of Public Works. Public benefits arising from a development/improvement agreement may include, but are not limited to, provision of public facilities such as streets, sewerage, parks/ open space, transportation, schools, drainage, stormwater facilities, and utility facilities. The establishment of vested rights through use of a development/improvement agreement can thereby ensure reasonable certainty, ensure stability and fairness in the land development approval process, secure the reasonable investment-backed expectations of landowners, provide for a more efficient use of resources, and foster cooperation between the public and private sectors in the area of land use planning. Accordingly, these provisions establish uniform procedures and standards for the preparation, review, and adoption of development/improvement agreements. The Director shall review the draft development/improvement agreement and shall make a recommendation to the Board of Public Works.
11. **Board of Public Works review and recommendation on development/improvement agreement.** Prior to final action by Common Council, the Board of Public Works shall review the draft development/improvement agreement and make a recommendation to the Common Council. The minutes shall reflect all recommended modifications, changes, or conditions of approval or reasons for denial.
12. **Common Council action on development / improvement agreement.** At the next Common Council meeting after BPW approval, the Common Council shall review and approve or deny the development/improvement agreement.
13. **Construction and approval of improvements if required as part of the development/improvement agreement.** Prior to filing of final plat. Upon execution of the development/improvement agreement, the applicant may commence with the construction of improvements in accordance with said agreement. The applicant shall provide adequate documentation per the City standards on the location of the public improvements as defined in the development/improvement agreement. The Director shall make a written recommendation to the Board of Public Works for acceptance of improvements based on the developer's compliance with the development/improvement agreement. The City of New Berlin holds the right to deny acceptance of any public improvements if the Director or Board of Public Works finds that the public improvements have not been constructed per the approved plans, accepted City of New Berlin standards and practices, or accepted engineering practices. The developer's engineer shall certify that all plans and specification prepared by the engineer meet all written City specifications. The developer's contractor shall also certify that all construction performed by the contractor has been installed according to plans and specification previously approved by the Director.

Final Plat

14. **Final plat submission / application completeness determination.** Final plat must be filed within 24 months of approval of preliminary plat. Completeness determination by DCD staff within 2 days of filing. No final plat will be accepted as complete until the applicant provides adequate documentation that the required improvements have been completed. The final plat or CSM shall be clearly and legibly drawn and shall include all components defined in Chapter 236, Wisconsin Statutes, and supporting materials. The applicant shall prepare and file the final plat on forms provided by the City with the City Clerk, and all applicable fees shall have been paid. The City Clerk shall require additional copies of the final plat according to Chapter 236, Wisconsin Statutes, Chapter TRANS 233, Wisconsin Administrative Code, and the Waukesha County Department of Parks and Land Use.
15. **Staff review and report.** Prior to the Plan Commission meeting where the completed application and plat are scheduled for review, staff shall review the development application and prepares a staff report.
16. **Plan Commission review and recommendation on final plat.** Prior to final action by Common Council, the Plan Commission shall review a completed application and recommend approval, conditional approval, or rejection of the final plat. The Plan Commission notifies the Common Council of any recommendation at the next regularly scheduled meeting.
17. **Common Council action on final plat.** Within 60 days of Step 14 completeness determination. If the final plat is satisfactory to the Council, it shall so certify in writing. Once the development/ improvement agreement is recorded, the final plat is approved, all approval criteria are satisfied, and all applicable fees are paid, the City Clerk shall endorse the plat as specified in Chapter 236, Wisconsin Statutes, and return it to the applicant for recording purposes. When a final plat of a subdivision has been approved by the City and all other required approvals are obtained and the plat is recorded, that approval shall constitute acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public including street dedications.
18. **Post-development acceptance and inspection.** No building permit shall be issued until the final plat has been approved and recorded and public improvements are installed, inspected, and accepted by the Common Council, and all applicable requirements of the development/improvement agreement have been met.

Approval Criteria

Preliminary Plat

A preliminary plat will be approved only if:

- The preliminary plat meets all requirements of Chapter 236, Wisconsin Statutes.
- The preliminary plat meets the requirements of all applicable plans, ordinances, and standards of the City of New Berlin, including, but not limited to, Chapter 235; Chapter 275, Zoning; the City of New Berlin Master Plan; and the Developer's Handbook.
- Where public sewer service is not available, adequate lot sizes and elevations shall be provided for on-site sewage systems and all lots shall meet soil requirements as set forth in applicable state statutes and county ordinances.
- All rules of the Wis. Dept. of Transportation relating to the provisions for safety of entrance upon and departure from the abutting state trunk highways or connecting highways, and for the preservation of the public interest, and investment in such highways.
- All rules of the Waukesha County Dept. of Transportation relating to the provision for the safety of entrance upon and departure from the abutting county trunk highways, and for the preservation of the public interest, and investment in such highways.

Developer's Agreement

A developer's agreement will be approved only if:

- The development/improvement agreement is consistent with the purposes and intent of the subdivision regulations, and with the policies, goals, and objectives of the City of New Berlin Master Plan and any other applicable community plans.
- The development/improvement agreement complies with the use regulations as set forth in Article V of Chapter 275, Zoning.
- The development/improvement agreement complies with all applicable development standards set forth in Article VIII of Chapter 275, Zoning, and the Developer's Handbook except to the extent modifications, variances, or waivers have been expressly allowed by the Board of Public Works.
- The financial benefits of the development to the City outweigh its costs.
- The development/improvement agreement and developer provide adequate financial and other assurances to the City that the development will go forward as planned and/or as required.
- The development/improvement agreement complies with all applicable federal, state, or local development regulations, standards, and requirements, or plans including but not limited to wetlands, City of New Berlin Stormwater Management Standards, water quality, and wastewater regulation.

Final Plat

A final plat will be approved only if:

- Improvements have been completed or guaranteed to the satisfaction of the City Engineer;
- A development agreement has been approved and signed;
- Substantial compliance with the preliminary plat;
- Compliance with conditions of the preliminary plat approval;
- Compliance with Chapter 235; and
- Compliance with Chapter 236, Wisconsin Statutes.

Application Checklist

Voluntary Sketch Plan / Conceptual Subdivision

Sketch plans are required as part of the subdivision process. These plans are to be simple conceptual drawings/illustrations showing the layouts of house lots, outlots, streets, and conservation areas. These plans are meant to help the applicant identify and address community concerns prior to becoming irreversibly committed to their first layout largely because it had cost too much to produce with all the engineering. These plans are to be drawn to scale showing potential development areas in relation to natural resource areas.

The sketch plan should show relatively little engineering detail and be fairly inexpensive to produce. An appropriate level of detail would be scale drawings accurate to the nearest foot showing the proposed locations of house lots and streets, in relation to the site features previously shown on the Existing Resources and Site Analysis Plan.

12 full size copies required.

Preliminary Plat

§235-14A Development Application

Completed Application

- Signed by owner
- The owner shall identify the specific person who will be the point-of-contact for their application to the City.
- The owner shall identify the registered professional engineer in the State of Wisconsin or a registered land surveyor in the State of Wisconsin who shall prepare the plats

§235-14C Fees

Paid Fees

§235-15E Technical Requirements

Preliminary Plat (**12 full size copies required**). Applicant to send copies to Waukesha County Park & Land Use and WI DOA Plat Review for review.

- Plat signed, sealed and dated by Wisconsin Licensed Surveyor
- Referenced in Wisconsin State Plan South NAD 1983.
- Owner's Name
- Boundaries of the subdivision indicated by a heavy line and the approximate acreage.
- Lot lines and approximate dimensions of lots.
- Blocks, if designated, must be consecutively numbered in alphabetical order.
- Lots and outlots in each block must be consecutively numbered.
- Acreage of each lot and outlot.
- Building setback lines with dimensions including building envelopes.
- The right-of-way must be at least 66' wide.
- All lands to be dedicated to public are marked "Dedicated to Public" (except roads and streets).
- Each lot must have access to a public street, unless otherwise provided by local ordinance.
- All existing buildings must be shown.
- Show all watercourses, drainage ditches, other pertinent features.
- Water elevations of adjoining lakes or streams at date of survey, approximate high and low water elevations must be shown and referenced to permanently established datum plane.
- The exact width of all easements, streets, alleys must be shown.
- Locations, widths and names of existing or platted streets, alleys, railroad right-of-ways, easements, fences, parks, permanent buildings and other structures, section and corporate lines within the project boundary and on all adjacent land within 100 feet of the tract.
- Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
- Scale and north arrow

Vicinity Map (**7 full size copies required**)

- Existing or mapped streets within 1,000 feet of the subdivision.
- Proposed streets with connections to existing or mapped streets.
- Proposed direction of flow for storm water in relation to natural drainage channels.
- Municipal boundaries within 1,000 feet of the tract.
- The major water and sewer lines within 1,000 feet of the tract. If connection to site is proposed, only those necessary

___ Natural Resources and Preservation Map & Report Map (**7 full size copies required**)

- Existing and Proposed Zoning Districts
- Primary, secondary environmental corridors and isolated natural resource areas.
- Vegetation features (including mature, woodlands, hedgerows, and prairies)
- Trees over 4" DBH that are located in public ROW, or buildable lots
- Floodplains - designate floodfringe, floodway and base flood elevation
- Wetlands – field verified and surveyed in accordance with ~275-37B(4)(b)
- Natural drainage channels
- Areas with steep slopes over 20%
- Natural areas listed with the Wis. DNR or which support flora or fauna that is known to be threatened or endangered
- Unique or special wildlife habitats
- Historic or cultural features (such as farmhouses, barns, springhouses, stone walls, cellarholes, etc)
- Unusual geologic formations
- Scenic views into and out from the property
- Farmland soils rated prime of statewide importance
- Locations of parks, playgrounds, and other open space areas proposed for dedication or preservation.

___ Grading Plan (**7 full size copies required**)

- Existing contours with intervals of 2 feet. Elevations are to be based on "sea level datum".
- Drainage channels, watercourses, wooded areas, natural features and any other significant items should be shown.
- General drainage plan for stormwater.
- Tentative location of retention/detention ponds.
- Grading plans shall be submitted with preliminary plats or survey map indicating existing and proposed lot grades, building grades, retaining walls, cut and fill calculations, and landscaping.

___ Utility Plan (**7 full size copies required**)

- A map showing proposed and existing utilities.
- The location and sizes of any and all utilities including power transmission poles and lines, sewers, waterlines, telephone, cable, electrical, fire hydrants and gas mains on or within 100 feet of the tract with utility sizes and grades indicated and invert elevations where necessary.
- A plan of the proposed water distribution system, showing pipe sizes and location of valves and fire hydrants or a plan showing the location of individual wells. If emergency water cisterns are to be used, §235-32 shall apply.
- If public sewers are to be available, indicate the source of treatment and disposal. Analysis of existing capacity and proposed flows of project.
- If private disposal systems are to be used, include soil test data and approvals from the appropriate State and/or County agency.
- Explain the effect of this project on mains & laterals, manholes, lift stations, and other related sanitary sewer related infrastructure to all points affected throughout the city to a point or points at the City's boundary. Emphasis to be made on effect to all existing sanitary sewer structures.

___ Transportation Plan (**7 full size copies required**)

- Location and width of all proposed streets, roads, alleys and utility easements.
- Designation of streets, right-of-ways, easements, and other areas proposed to be dedicated or reserved for public use, together with the conditions of such dedications or reservations.
- Proposed street names.
- Tentative cross sections and centerline profiles for each proposed street shown on the preliminary plat, showing type of pavement and curb installations.
- Traffic Impact Analysis Report (**1 copy required**)
 - Identify existing traffic counts and level of service on all adjacent streets.
 - Identify vehicle trips generated by the project and distribution of trips on the local network in five-year increments until build out.
 - Identify level of service on the network with project traffic added in five-year increments until build out.
 - Identify improvements to the network to maintain an adequate level of service.
 - Explain the effect of this development on all streets, signals, turn lanes, and other traffic related infrastructure to all points affected throughout the city to a point or points at the City's boundary.

___ Impact Report (**1 copy required**)

- Phase I Environmental Impact Report
- Evaluation of suitability of soils, including remediation or reclamation plan of any filling that had occurred.
- Description of the natural features that will be removed and what attempts will be made to maintain the natural vegetation.
- Description of the impacts or effects on environmentally sensitive areas such as wetlands or conservancy areas.
- Description of the impacts of proposed construction on any of the above.
- Description of any special conditions or design criteria that will be used in the project.

___ Stormwater Plan (**1 copy required**)

- Quantify pre-development run off in terms of Cubic Feet per Second (CFS) for the entire project site, broken down into individual basins or outlets.
- Explain the effect of this water to all points affected throughout the city to a point or points at the City's boundary. Emphasis to be made on effect to all existing drainage structures.
- Identify existing downstream structures/detention basins and their capacities.
- Quantify post-development run off in terms of CFS.
- Identify improvements to the system needed to accommodate additional runoff if applicable.

___ Other Information

- Statement of the proposed use of lots, stating type of buildings with number of proposed dwelling units
- Homeowners Association structure including Association's covenants, deed restrictions, and by-laws, how the architecture approval is to be handled, enforcement of deed restrictions, and responsibilities of the homeowner's association in relation to open space, stormwater management, and of common areas.
- Indicate the potential school population within the development by the following classification: "Elementary" grades K – 6 ; "Secondary" grades 7 – 12

Developer's Agreement

See the developer's handbook for information regarding the submittal requirements for construction plans and Developer's Agreement. The Developer's Handbook is available at the Department of Community Development counter, or on the web page www.newberlin.org.

Final Plat

§235-14A Development Application

___ Completed Application

- Signed by owner
- The owner shall identify the specific person who will be the point-of-contact for their application to the City.
- The owner shall identify the registered professional engineer in the State of Wisconsin or a registered land surveyor in the State of Wisconsin who shall prepare the plats

§235-14C Fees

___ Paid Application Fees

§235-15N Technical Requirements

___ Final Plat (**12 full size copies required**). Applicant to send copies to Waukesha County Park & Land Use and WI DOA Plat Review for review.

- Referenced in Wisconsin State Plane South NAD 1983.
- The subdivision name is shown in prominent letters, and not a duplicate within county or municipality
- Plats shall be prepared with a 1 ½ " binding margin on left side and 1" margins on other sides. Plats will be drawn at a graphic scale not over 100 feet to 1" on each sheet showing layout features. A scale waiver may be requested.
- All sheets must be numbered as sheet ___ of ___ sheets, if more than one sheet. The subdivision and county name must appear on each sheet.
- For s. 236.12(6) processing (original submittal process), the recordable document shall be muslin-backed white paper, 22" wide x 30" long, with a nonfading black image.
- For s. 236.12 (2) processing (print submittal process), the original is any material capable of clearly legible reproduction. The recordable document is a 22" wide x 30" long photographic silver haloid image reproduction on 4 mil double matte polyester film.
- All exterior boundaries.
- All monuments, corners and other points established in the field (Lot, outlot and meander corners need not be shown).
- A description of the monuments, including the kind of metal, the diameter, length and weight per linear foot.
- The exact length and bearing of all exterior blocks, public grounds, streets, alleys, and lot lines (except where parallel). Easements by center line distance and bearing and widths, or by widths when parallel to other survey lines. Previously recorded bearings and lengths shown "Recorded as _____].
- Blocks, if designated, must be consecutively numbered or lettered in alphabetical order.
- Lots and outlots in each block must be consecutively numbered.
- The Exact width of all easements, streets, alleys.
- Lengths and bearings of all meander lines, with distances between intersections of meander lines and lot lines and ordinary high water mark.
- The center line of all streets included within the plat.

- The North point properly located, referenced to an identifiable direction and related to boundary line of quarter section, government lot, private claim or federal reservation in which plat lies. The lot or outlot area in square feet.
- Curves: Main chords drawn as dotted or dashed lines. Both tangent bearings shown. Arc length, chord bearing and length, radius, and central angle shown for main and sub curves. A circular curve with a radius less than 30', must be tangent to street right-of-way lines. The radius and tangent length is the only curve data required.
- Immediately under the plat name, show government lot, recorded private claim, 1/4-1/4 section, section, township, range and county.
- Tie by lengths and bearings to boundary line of 1/4 section, P.C., Federal Reservation in which subdivision lies; and description of monuments at ends of the line; and bearing and distance between those monuments.
- Small drawing showing section or a government subdivision of section in which subdivision lies, oriented same as main drawing. Plat Review may grant variance if relationship of subdivision to existing streets shown.
- Names of adjoining streets, state highways, subdivisions drawn in their proper location, underscored by dotted/dashed lines.
- Abutting street and state highway right-of-way widths and boundaries drawn with dotted or dashed lines and in their proper location.
- The name of each road and street in plat.
- Lands dedicated to public marked "Dedicated to Public" (except roads and streets).
- Mark clearly all roads not dedicated to the public "Private Road", "Private Street", or "Private Way".
- Each lot must have access to a public street, unless otherwise provided by local ordinance.
- All existing buildings must be shown.
- Show all watercourses, drainage ditches, other pertinent features.
- Water elevations of adjoining lakes or streams at date of survey, approximate high and low water elevations must be shown and referenced to permanently established datum plane.
- The Surveyor' s Certificate must state: (a) Who directed the surveyor to make the survey, subdivision and plat. (b) A clear, concise description, by government lot, recorded private claim, 1/4-1/4 section, section, township, range and county. A metes and bounds description is required, commencing with a corner of the 1/4 section (not center of section), recorded P.C., or Federal Reservation in which the subdivision lies. (c) That the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it. (d) That the surveyor has fully complied with the provisions of Chapter 236.
- The Surveyor' s Certificate must be: Signed, Registration Number, Dated , Sealed
- The owners certificate must be in the following form: "As owner, I hereby certify that I caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat. I also certify that this plat is required by s. 236.10 or s. 236.12 to be submitted to the following for approval or objection: (list governing bodies required to approve or allowed to object to this plat)." The certificate shall be notarized in accordance with s.706.07.
- The Treasurer's Certificates
- The County's Approval Certificate

§235-15N(1) & §235-15P(2)(a) Improvements Completed

___ A letter from the Director stating that all required improvements have been completed in accordance with the Developer's Agreement.

§235-15K(5) Restrictive Covenants or deed restrictions.

___ Copy of restrictive covenants or deed restrictions that to be recorded.

§235-15P(2)(c) & (d) Compliance with Preliminary Plat.

___ A letter stating the Final Plat is in substantial compliance with the preliminary plat and any conditions of the preliminary plat approval. Any deviation from the preliminary plat should be described fully to show how any deviations are in substantial compliance.