Chapter Hy 33

LAND SUBDIVISION PLATS ABUTTING STATE TRUNK HIGHWAYS AND CONNECTING STREETS

Hy 33.01	Purpose	Hy 33.07	Temporary street connections
Hy 33.02	Basic principles	Hy 33.08	Setback requirements
Hy 33.03	Definitions for the purpose of these rules and regulations	Hy 33.09	Physical requirements of access
Hy 33.04	Required information	Hy 33.10	Recommended procedure
Hy 33.05	Direct access to state trunk highway	Hy 33.11	Variances
Hy 33.06	Frequency of street or road connections	Hy 33.12	Performance bond

Hy 33.01 Purpose. (1) PURPOSE OF CHAPTER 236, WIS. STATS. The purpose of chapter 236 is "to regulate the subdivision of land to promote public health, safety and general welfare; to further the orderly layout and use of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, and other public requirements; to provide for proper ingress and egress; and to promote proper monumenting of land subdivided and conveyancing by accurate legal description. The approvals to be obtained by the subdivider as required in this chapter shall be based on requirements designed to accomplish the aforesaid purposes."

(2) PURPOSE OF RULES AND REGULATIONS. Accordingly, the purpose of these rules is to specify minimum standards necessary to meet the requirements of state highway commission review of land subdivision plats abutting the state trunk highway system as provided under section 236.13 (1) (e) as follows:

"(e) The rules of the state highway commission relating to provision for the safety of entrance upon and departure from the abutting state trunk highways or connecting streets and for the preservation of the public interest and investment in such highways or streets."

History: Cr. Register, September, 1956, No. 9, eff. 10-1-56.

Hy 33.02 Basic principles. Land subdivision tends to affect highways by generating traffic, increasing vehicular parking requirements, reducing sight distance, increasing driveways and other access points and, in general, impairing safety and impeding traffic movements. To control these tendencies and to carry out the purposes of chapter 236, Wis. Stats., the commission promulgates the following basic requirements in this section and the specific rules of subsequent sections of these rules and regulations:

(1) Local traffic generated in subdivisions abutting on a state trunk highway shall be served by an internal street system of adequate capacity, intersecting and connecting with state trunk highways at a minimum number of points and in a manner which is safe, convenient, and economical to maintain and regulate.

(2) Subdivisions shall be so laid out that the individual lots or parcels do not require direct vehicular access to the highway.

(3) To accomplish reasonable functional integration and coordination of roadways and private driveways:

(a) The commission, particularly in the absence of a local comprehensive general or master plan or official map, will consider not only the immediate plat before it, but also its relationship to the access requirements of adjacent and contiguous subdivisions and unplatted lands;

(b) These rules and regulations shall be applicable not only to the lands proposed to be subdivided but also to all lands owned by, or under option (formal or informal), contract or lease to the subdivider and which are contiguous to and adjoin the land being subdivided.

(4) Setbacks from the highway shall be provided as hereinafter specified.

(5) The subdivision layout shall include provision for surface drainage in such a manner that the existing highway drainage system is not adversely affected.

History: Cr. Register, September, 1956, No. 9, eff. 10-1-56.

Hy 33.03 Definitions for the purpose of these rules and regulations. (1) "State Trunk Highway" includes connecting streets as defined in section 84.02 (11), Wis. Stats.

(2) "Subdivision" is as defined in section 236.02 (7), Wis. Stats.; provided, however, that where the local unit of government, under section 236.45 (2), Wis. Stats., has adopted an ordinance governing the subdivision or other division of land which is more restrictive than the provisions of chapter 236, and has provided for commission review, these rules and regulations shall also apply to those subdivisions or other divisions of land as specified in the ordinance.

(3) "Subdivision abutting a state trunk highway" means

(a) A subdivision some part of which adjoins or abuts a state trunk highway; or

(b) A subdivision which includes streets one or more of which is to be laid out or dedicated as part of the subdivision, and which is to connect with a state trunk highway; or

(c) A subdivision which is separated from a state trunk highway by unplatted lands which abut the highway and the subdivision and are owned by, or under option (formal or informal), contract or lease to the subdivider.

(4) "Frontage street" or "frontage road" means a local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control of access.

(5) "Street" or "road" includes alleys.

History: Cr. Register, September, 1956, No. 9, eff. 10-1-56.

Hy 33.04 Required information. The subdivider shall show on the face of the preliminary plat or on a separate sketch at a scale of not more than 1,000 feet to the inch, the *approximate* distances and relationships for the following:

(1) The geographic relationship to the proposed subdivision of any unplatted lands which abut any state trunk highway and are contiguous to the proposed subdivision, and the ownership rights in and the subdivider's interest, if any, in these lands.

(2) All existing, proposed, authorized or approved points of access to any state trunk highway from said unplatted lands which abut any state trunk highway and are contiguous to the proposed subdivision.

(3) The classification of each point of access as a public road, private road or other entrance, and whether existing, proposed, authorized or approved.

(4) The principal use of each point of access (other than a public road) as agricultural, commercial, industrial or residential, and as existing under commission permit or otherwise.

(5) The location of the nearest public highway or street on every side of the proposed subdivision.

(6) The location of public highway or street intersections with the state trunk highway on that side of the state trunk highway opposite the subdivision and within 300 feet on each side of the subdivision.

History: Cr. Register, September, 1956, No. 9, eff. 10-1-56.

Hy 33.05 Direct access to state trunk highway. (1) There shall be no direct vehicular access between the state trunk highway and the individual lots or parcels in the subdivision without the express consent of the commission. The following restriction shall be appropriately placed on the face of the plat and shall be executed as a conveyance is executed. (It may be made a part of the owner's certificate required by section 236.21 (2) (a), Wis. Stats.):

As owner I hereby restrict all lots and blocks (except Lot ____, Block ____), in that no owner, possessor, user, nor licensee, nor other person shall have any right of direct vehicular ingress or egress with (U.S.H.) (S.T.H.) _____ or _____ Street, as shown on the plat; it being expressly intended that this restriction shall constitute a restriction for the benefit of the public according to section 236.293, Wis. Stats., and shall be enforceable by the State Highway Commission.

(2) In accordance with the objectives and purposes of these rules and regulations, the commission may require a desirable pattern of access between a state trunk highway and abutting lands which are contiguous to and adjoin the proposed subdivision and which are owned by or under option (formal or informal), contract or lease to the subdivider. A recordable covenant running with the land may be required with respect thereto.

(3) When deemed feasible, frontage roads or a satisfactory alternative will be required.

(4) Before street connections to state trunk highways, as indicated on an approved plat can be constructed, a permit must be obtained as required under section 86.07, Wis. Stats. These permits for street connections will be issued only to the local unit of government and will not be issued prior to favorable commission review of the preliminary or final plat.

History: Cr. Register, September, 1956, No. 9, eff. 10-1-56.

Hy 33.06 Frequency of street or road connections. (1) The subdivision shall be laid out with a minimum number of street connections with abutting state trunk highways.

(2) Dependent upon the character of the state trunk highway abutting the subdivision, the commission will determine a minimum allowable distance between connections with the state trunk highway, whether measured between two subdivision streets or between a subdivision street and an existing or planned street or road. In general, a distance of at least 1,000 feet will be required.

(3) In appropriate cases where existing streets provide access to the state trunk highway deemed reasonable and adequate by the commission, the streets in the subdivision shall not be opened directly into the state trunk highway.

History: Cr. Register, September, 1956, No. 9, eff. 10-1-56.

Hy 33.07 Temporary street connections. (1) The commission may issue temporary street permits for street connections in the case of:

(a) A subdivision which at the time of review cannot provide direct access complying with the provisions of section Hy 33.06 (2) of these rules.

(b) A subdivision layout which might necessitate a point or pattern of access for a future adjacent subdivision, not in accordance with section Hy 33.06 (2) of these rules.

(2) The commission may require that such temporary street connections be altered or closed by the appropriate parties or authorities at a later date in order to achieve a desirable access pattern. The street connection shall be prominently labeled "Temporary Street Connection" on the plat, and the following restriction shall be lettered on the plat:

"The street connection(s) shown on this plat shall be used under a temporary street permit which may be canceled at such time as a feasible alternate means of access to (S.T.H.) (U.S.H.) _____ is provided."

(3) When such a temporary street connection is granted, the subdivider shall dedicate a frontage road or a satisfactory alternative, to provide for a present or future pattern of access in accordance with the requirements of section Hy 33.06 (2) of these rules.

History: Cr. Register, September, 1956, No. 9, eff. 10-1-56.

Hy 33.08 Setback requirements. (1) There shall be a minimum building setback 110 feet from the centerline of the state trunk highway or 50 feet outside the nearer right-of-way line, whichever is more restrictive. However, if the local unit of government has a uniform setback ordinance which requires a minimum building setback for state trunk highways equal to or greater than 100 feet from the centerline or 42 feet from the nearer right-of-way line, whichever is more restrictive, the local ordinance shall govern for the sake of consistency; provided that the local unit of government shall allow no variances or exceptions for platted areas abutting state trunk highways without prior approval of the commission. There shall be no improvements or structures placed between the highway and the set back line.

(2) The setback requirement shall be shown on the plat and shall be a restriction for the benefit of the public under section 236.293, Wis. Stats.

(3) The commission may require that a frontage road be set back from the present highway to allow for future highway improvement. When this is the case, the area between the highway and the frontage road shall be marked "Dedicated for highway purposes," and shall be deemed so dedicated.

History: Cr. Register, September, 1956, No. 9, eff. 10-1-56.

Hy 33.09 Physical requirements of access. Rules governing construction requirements of driveways and street openings will be found in the Wis. Adm. Code, chapter Hy 31. Detailed specifications may be obtained at the district offices of the commission.

History: Cr. Register, September, 1956, No. 9, eff. 10-1-56.

Hy 33.10 Recommended procedure. In accordance with section 236.12 (2) (a), Wis. Stats., the commission recommends the following procedure:

(1) Before the lots are surveyed and staked out, the subdivider or his agent should submit a sketch to the district office of the district in which the land lies. The sketch should indicate roughly the layout of lots and the approximate location of streets, and should include other information required in these rules and regulations.

(2) The subdivider should confer with district office representatives throughout development of the plat.

(3) Prior to the formal submittal of a preliminary or final plat pursuant to section 236.12 (2) (a), Wis. Stats., the subdivider should have the district office review the plat.

History: Cr. Register, September, 1956, No. 9, eff. 10-1-56.

Hy 33.11 Variances. The commission may, in appropriate cases and subject to appropriate conditions and safeguards, authorize variances to the terms of these rules and regulations in special cases where the literal application of these rules and regulations will result in practical difficulty or unnecessary hardship, or will defeat an orderly over-all development plan of a local unit of government; provided that such variance shall not be contrary to the public interest and shall be in harmony with the general purposes and intent of chapter 236, Wis. Stats., and these rules and regulations.

History: Cr. Register, September, 1956, No. 9, eff. 10-1-56.

Hy 33.12 Performance bond. The commission may, in appropriate cases, require that a performance bond be posted to ensure the construction of any improvements in connection with the subdivision which may affect a state trunk highway.