

Chapter 86 SUBDIVISIONS*

***Cross references:** Buildings and building regulations, ch. 14; floods, ch. 38; mobile homes, ch. 54; planning, ch. 66; streets, sidewalks and other public places, ch. 82; utilities, ch. 98; vegetation, ch. 102; zoning, ch. 106.

State law references: Platting lands generally, Wis. Stats. § 236.01 et seq.

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ARTICLE I. IN GENERAL

Sec. 86-1. 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 right-of-way which normally affords a secondary means of vehicular access to abutting property.

Arterial street means a street which provides for through traffic for a heavy volume of

vehicles, from or within the city. It has a secondary function of providing access to abutting land.

Block means an area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.

Building line means a line parallel to a lot line and at a distance from the lot line to comply with the zoning chapter's yard and setback requirements.

Certified survey map means a map of land division, prepared in accordance with Wis. Stats. § 236.34, and in full compliance with this chapter.

Collector street means a street which shall provide for the ready collection of traffic from commercial and residential areas and conveyance of this traffic to the major street and highway system, and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the arterial street into which they feed. It includes principal entrance streets to residential subdivisions. It provides access to abutting property.

Commission means the plan commission created by the common council pursuant to Wis. Stats. § 62.23.

Comprehensive development plan means a comprehensive plan, also called a master plan, prepared by the city, indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the city, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Condominium development means a real estate development in which a condominium form of ownership pursuant to Wis. Stats. ch. 703 is utilized.

Cul-de-sac means a short street having but one end open to traffic and the other end being permanently terminated in a vehicular turnaround.

Division of land means where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed or a certified survey.

Easement means the area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.

Final plat means the final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the county register of deeds.

Frontage street means a minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

Improvement, public means any sanitary sewer, storm sewer, open channel, curb and gutter, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the city may ultimately assume the responsibility for maintenance and operation.

Local street means local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewer systems and to require the minimum street area necessary to provide safe and convenient access to abutting property. A local street is a street connecting with not more than two local or collector streets.

Lot means a parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter and any applicable zoning ordinance.

Lot, area means the area contained within the exterior boundaries of a lot excluding streets and land under navigable bodies of water.

Lot, corner means a lot abutting intersecting streets at their intersection.

Lot, reversed corner means a corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.

Lot, through means a lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot lines means the peripheral boundaries of a lot.

Lot width means the width of a parcel of land measured along the front building line.

Master plan means the extensively developed plan, adopted by the plan commission and certified to the common council pursuant to Wis. Stats. § 62.23, including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building line ordinances and capital improvement programs shall also be considered a part of the master plan.

Minor subdivision means the division of land by the owner or subdivider resulting in the creation of two, three or four parcels or building sites.

Official map means a map developed pursuant to Wis. Stats. § 62.23(6) which further provides that the common council may establish an official map for the precise designation of the right-of-way lines and site boundaries of streets, highways, parkways, parks and playgrounds, both existing and proposed. The state statutes further provide that the map may be extended to include areas beyond the corporate limits but within the extraterritorial plat approval jurisdiction of the municipality.

Outlot means a parcel of land, other than a lot or block, so designated on the plat.

Owner means the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasipublic corporation, or combination of these.

Pedestrian pathway means a public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only. It may also provide a public right-of-way for utilities.

Planned unit development (or cluster development or PUD) means a form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering buildings, providing common open space, and mixing different types of housing (single-family, duplexes and apartments). Ordinances permitting planned unit development permit planning a project and calculating densities for the entire development rather than on an individual lot-by-lot basis. It is hereby declared that regulating planned unit developments requires greater involvement of public officials in site plan review and development aspects of both zoning and subdivision regulation since such developments require exceptions from both types of regulation.

Plat means the map, drawing or chart on which the subdivider's plat of subdivision is presented to the city for approval.

Preliminary plat means the preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the plan commission and the common council for their consideration as to compliance with the comprehensive development plan zoning code and this chapter, along with required supporting data.

Protective covenants means contracts entered into between private parties or between private parties and public bodies pursuant to Wis. Stats. § 236.293, which constitute a restriction on the use of all private or platted property within a minor land division or subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Replat means the process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat or certified survey map without changing exterior boundaries of such block, lot or outlot is not a replat.

Shorelands means those lands within the following distances: 1,000 feet from the high-water elevation of navigable lakes, ponds and flowages or 300 feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

Subdivider means any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision (certified survey map) or replat.

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:

- (1) The act of division creates five or more parcels or building sites.
- (2) Five or more parcels or building sites of four acres each or less in area are created by successive divisions within a period of five years.
- (3) The act of division or the creation of any parcels or building sites results in the creation or alteration of any street or alley.
- (4) The definitions in this section shall apply with equal effect to the division or creation of parcels or building sites whether or not such tracts shall, at such time, be part of a previously platted subdivision.

Surveyor means a state-registered land surveyor.

Sewer service area means the area expected to be served by public sanitary sewer and water utility within the next 20-year period as mapped in the city comprehensive plan or the city's land use plan.

Wetlands means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (Wis. Stats. § 23.32(l).)

Wisconsin Administrative Code means the rules of administrative agencies having rulemaking authority in the state, published in a loose-leaf, continual revision system, as directed by Wis. Stats. § 35.93 and Wis. Stats. ch. 227, including subsequent amendments to those rules.

Standard specifications means specifications which identify the materials and construction methods that are to be used for the construction of sanitary sewers, water mains, storm sewers and streets.

(Ord. No. 98-12, § I(86-1-10), 5-8-1998)

Cross references: Definitions generally, § 1-2.

Sec. 86-2. Introduction and purpose of chapter.

- (a) *Introduction.* In accordance with the authority granted by Wis. Stats. § 236.45 and for the purposes listed in Wis. Stats. §§ 236.01 and 236.45, the common council does hereby ordain as follows:
- (1) The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the city.
 - (2) This chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on a use.
 - (3) Whenever the public necessity, convenience, general welfare or good zoning/subdivision practice requires, the common council may, by ordinance, change or amend or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendations of the city plan commission.
- (b) *Purpose.* The purpose of this chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations of this chapter are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations of this chapter are made with the reasonable consideration of, but not limited to, the

present character of the city and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, protecting farming and open spaces, and providing for the most appropriate use of land in the city.

(Ord. No. 98-12, § I(86-1-1), 5-8-1998)

State law references: Similar provisions, Wis. Stats. ch. 236.

Sec. 86-3. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(Ord. No. 98-12, § I(86-1-2), 5-8-1998)

Sec. 86-4. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the city, and shall not be deemed a limitation or repeal of any other power granted by the state statutes.

(Ord. No. 98-12, § I(86-1-3), 5-8-1998)

Sec. 86-5. Compliance with chapter provisions.

No person shall divide any land located within the jurisdictional limits of this chapter which results in a subdivision, minor land division or a replat. No such subdivision, minor land division or replat shall be entitled to recording. No street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following:

- (1) The provisions of Wis. Stats. ch. 236 and Wis. Stats. § 80.08, as amended.
- (2) The rules of the division of health, state department of commerce, contained in Wis. Admin. Code, chapter H 85, for minor land divisions and subdivisions not served by public sewer.
- (3) The rules of the division of highways, state department of transportation contained in Wis. Admin. Code chapter hwy. 10 for subdivisions which abut a state trunk highway or connecting street.
- (4) The rules of the state department of natural resources contained in the Wis. Admin. Code for floodplain management program.
- (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the common council.
- (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
- (7) The city comprehensive plan, land use plan or components thereof.

(8) All applicable rules contained in the Wisconsin Administrative Code not listed in this section.

(9) Standard specifications.

(Ord. No. 98-12, § I(86-1-20(A)), 5-8-1998)

Sec. 86-6. Jurisdiction.

Jurisdiction of the regulations of this chapter shall include all lands within the corporate limits of the city. The provisions of this chapter, as they apply to divisions of tracts of land into less than five parcels, 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 years, mortgages or easements.

(3) The sale or exchange of parcels 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 chapter or other applicable laws or ordinances.

(4) Cemetery plats under Wis. Stats. § 157.07.

(5) Assessor's plats made under Wis. Stats. § 70.27, but such assessor's plats shall comply with Wis. Stats. §§ 236.15(l)(a) --(g) and 236.20(l) and (2)(a)--(c).

(Ord. No. 98-12, § I(86-1-20(B)), 5-8-1998)

Sec. 86-7. Certified survey.

Any division of land, other than a subdivision as defined in Wis. Stats. § 236.02(12), shall be surveyed, and a certified survey map prepared as provided in Wis. Stats. § 236.34.

(Ord. No. 98-12, § I(86-1-20(C)), 5-8-1998)

Sec. 86-8. Building permits.

The city shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, land division, replat or certified survey map originally submitted to the city on or after the effective date of the ordinance from which this chapter is derived until the applicant has complied with all of the provisions and requirements of this chapter.

(Ord. No. 98-12, § I(86-1-20(D)), 5-8-1998)

Sec. 86-9. Land suitability.

(a) *Suitability.*

(1) No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the common council, upon the recommendation

of the plan commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community.

- (2) The common council, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for residential, commercial or industrial use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the common council may affirm, modify or withdraw its determination of unsuitability.
- (b) *Existing flora.* The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and rails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.

(Ord. No. 98-12, § I(86-1-21), 5-8-1998)

Sec. 86-10. Condominium developments.

- (a) *Applicability of chapter provisions to condominiums.* This chapter is expressly applicable to condominium developments within the city's jurisdiction, pursuant to Wis. Stats. § 703.27(l). For purposes of this chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.
- (b) *Purpose.*
 - (1) The city hereby finds that certain issues arise in condominium developments that require limited applicability of this chapter to condominium developments. The state legislature has recognized that subdivision ordinances may apply to condominiums, but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
 - (2) The factor that makes this chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate parcels, with each property entity having different ownership and management. The city determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.
 - (3) Thus, the common council hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:

- a. Additional population density.
 - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
 - c. Additional demands upon city area parks, recreation areas, utility facilities and schools.
 - d. Additional traffic and street use.
- (c) *Portions of chapter applicable.* The following sections of this chapter shall apply to condominium developments:
- (1) Section 86-9 relating to land suitability and construction practices.
 - (2) Sections 86-31, 86-51 and 86-52 relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in section 86-136 shall not apply, since condominiums have separate technical standards set forth in Wis. Stats. ch. 703.
 - (3) Section 86-13 relating to fees for review.
 - (4) Article III of this chapter relating to required improvements.
 - (5) Article IV of this chapter relating to design standards for improvements.
 - (6) Article V of this chapter relating to dedication requirements.

This section shall not apply to the following condominiums: Any condominium plat recorded prior to the effective date of the ordinance from which this chapter is derived. Any conversion of a structure or structures in existence on the effective date of the ordinance from which this chapter is derived to a condominium after the effective date of the ordinance from which this chapter is derived.

(Ord. No. 98-12, § I(86-1-20(E)), 86-1-22), 5-8-1998)

Sec. 86-11. Variances and exceptions.

- (a) Where, in the judgment of the common council, it would be inappropriate to apply literally the provisions of this chapter because exceptional or undue hardship would result, the common council may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the plan commission and common council in the analysis of the proposed project.
- (b) The plan commission shall not recommend and the common council shall not grant variances or exceptions to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in

which the property is located.

- (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property.
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations of this chapter were carried out.
 - (4) Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- (c) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this chapter or the desirable general development of the city in accordance with any city comprehensive plan, land use plan or component thereof, this chapter, or the city zoning chapter. A two-thirds majority vote of the entire membership of the common council shall be required to grant any modification of this chapter, and the reasons shall be entered in the minutes of the common council.
- (d) The plan commission may waive the placing of monuments, required under Wis. Stats. § 236.15(1)(b), (c) and (d), for a reasonable time on condition that the subdivider execute a surety bond to ensure the placing of such monuments within the time required by the city.

(Ord. No. 98-12, § I(86-1-90), 5-8-1998)

Sec. 86-12. Enforcement, penalties and remedies.

- (a) *Violations.* It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter or the state statutes, and no person shall be issued a building permit by the city authorizing the building on, or improvement of, any subdivision, minor land division or replat with the jurisdiction of this chapter not of record as of the effective date of the ordinance from which this chapter is derived until the provisions and requirements of this chapter have been fully met. The city may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable state statutes.
- (b) *Penalties.*
- (1) Any person who fails to comply with the provisions of this chapter shall, upon conviction, forfeit no less than \$100.00 nor more than \$1,000.00 and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the county jail until payment thereof, but not exceeding six months. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in Wis. Stats. § 236.30.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in Wis. Stats.

§ 236.31.

- (4) Monuments disturbed or not placed have penalties as provided for in Wis. Stats. § 236.32.
 - (5) Assessor's plat made under Wis. Stats. § 70.27 may be ordered by the city as a remedy at the expense of the subdivider when a subdivision is created by successive divisions.
- (c) *Appeals.* Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Wis. Stats. §§ 236.13(5) and 62.23(7)(c)10, 14 and 15, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat is approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

(Ord. No. 98-12, § I(86-1-91), 5-8-1998)

Sec. 86-13. Administrative and other fees.

- (a) *General.* The subdivider shall pay the city all fees as required in this section and at the times specified before being entitled to recording of a plat or certified survey map.
- (b) *Engineering fee.* The subdivider shall pay a fee equal to the actual cost to the city for all engineering work incurred by the city in connection with the plat or certified survey map, including inspections required by the city. The subdivider shall pay a fee equal to the actual cost to the city for such engineering work and inspection as the city engineer deems necessary to ensure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the city or any other governmental authority. Engineering work shall include the preparation and review of construction plans, standard specifications, inspections and administration of the construction project. Fee to be paid immediately upon completion of the installation of all improvements, excluding street paving.
- (c) *Administrative fee.* The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the city in connection with the plat or certified survey map. The fee shall be paid immediately following the approval of the final plat.
- (d) *Preliminary plat review fee.*
 - (1) A fee of \$25.00 for a preliminary review of a certified survey map of four or fewer lots. The subdivider shall pay a fee of \$50.00 for more than four lots, plus \$5.00 for each lot within the preliminary plat. Such payment shall be to the city clerk/treasurer at the time of first application for approval of any preliminary plats to assist in defraying the cost of review.
 - (2) A reapplication fee of \$25.00 shall be paid to the city clerk/treasurer at the time of reapplication for approval of any preliminary plat which has previously been reviewed.

(e) *Final plat review fee.*

- (1) The subdivider shall pay a fee of \$50.00 plus \$2.00 for each lot within the final plat to the city clerk/treasurer at the time of first application for final plat approval of such plat to assist in defraying the cost of review.
- (2) A reapplication fee of \$25.00 shall be paid to the city clerk/treasurer at the time of a reapplication for approval of any final plat which has previously been reviewed.

(f) *Condominium development review fee.* The developer shall pay a fee of \$25.00 plus \$2.00 for each unit shown on a condominium plat. The fee shall be paid at the time of submittal of the preliminary plat.

(g) *Objecting agency review fees.* All review fees, as required by the state department of development, state department of transportation, state department of commerce and the state department of natural resources, etc., shall be paid by the developer to the proper reviewing agency at the time of application.

(Ord. No. 98-12, § I(86-1-100), 5-8-1998)

Secs. 86-14--86-30. Reserved.

ARTICLE II. PLATS AND CERTIFIED MAPS

DIVISION 1. GENERALLY

Sec. 86-31. Preliminary consultation.

Before filing a preliminary plat or certified survey map (minor land division), the subdivider shall consult with the plan commission for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the clerk/treasurer. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities and a map showing lot and street pattern in the development. This consultation is mandatory and is intended to inform the subdivider of the purpose and objectives of this chapter, the comprehensive plan, land use plan or components and duly adopted plan implementation devices of the city and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and planning agency reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

(Ord. No. 98-12, § I(86-1-30), 5-8-1998)

Secs. 86-32--86-50. Reserved.

DIVISION 2. PRELIMINARY PLAT

Sec. 86-51. Submission.

- (a) *Generally.* Before submitting a final plat for approval, the subdivider shall prepare preliminary plat and a letter of application. The subdivider shall submit 20 copies of the preliminary plat along with applicable fees. The preliminary plat shall be prepared in accordance with this chapter, and the subdivider shall file copies of the plat and the application as required by this section with the city clerk/treasurer at least ten days prior to the meeting of the plan commission at which action is desired. The city clerk/treasurer shall submit a copy of the preliminary plat to the plan commission and to the city engineer for review and written report of their recommendations and reactions to the proposed plat. The developer is responsible for submitting copies to the appropriate reviewing agencies, (i.e. WDNR, ECWRPC, department of commerce, etc.).
- (b) *Public improvements, plans and specifications.* Simultaneously with the filing of the preliminary plat of map, the owner shall file with the city clerk/treasurer 20 complete sets of engineering reports and plans for the construction of any public improvements required by this chapter, specifically addressing sewer and water service feasibility, drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the subdivision.
- (c) *Property owners association; restrictive covenants.* A draft of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the city pursuant to Wis. Stats. § 236.293 and proposed deed restrictions or restrictive covenants shall be submitted at the time of filing the preliminary plat with the city clerk/treasurer.
- (d) *Affidavit.* The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this chapter.
- (e) *Supplementary data to be filed with preliminary plat.* The following shall also be filed with the preliminary plat:
 - (1) *Use statement.* A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population;
 - (2) *Zoning changes.* If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - (3) *Area plan.* Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the plan commission and/or common council may require that the subdivider submit a preliminary plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.

- (f) *Street plans and profiles.* The subdivider shall provide street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.
- (g) *Soil testing.* The subdivider may be required to provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in section 86-9, the common council may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table.
- (h) *Referral to other agencies.* The subdivider or the subdivider's agent shall submit the original plat to the state plat review agency (department of commerce, 1998) which shall forward two copies to each of the agencies authorized to object, a copy of the transmittal shall be sent to the city clerk/treasurer. The department shall have the required number of copies made at the subdivider's expense. Within 20 days of the date of receiving the copies of the plat, any agency having authority to object shall notify the subdivider, and all [other] agencies having the authority to object of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the department of development. After each agency and the department have certified that they have no objection or that their objections have been satisfied, the department shall so certify on the face of the plat. If an agency fails to act within 20 days from the date of the receipt of copies of the plat, and the department fails to act within 30 days of receipt of the original plat, it shall be deemed that there are no objections to the plat, and, upon demand, it shall be so certified on the face of the plat by the department.
- (i) *Drafting standards.* The subdivider shall submit to the city clerk/treasurer an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at an approved scale having two-foot contour intervals, and which identifies the improvements (grading, tree planting, paving, installation of facilities and dedications of land).

(Ord. No. 98-12, § I(86-1-31), 5-8-1998)

Sec. 86-52. Review and approval.

- (a) *Plan commission review.*
 - (1) After review of the preliminary plat and negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the plan commission shall within 40 days of submission make recommendation to the common council to approve conditionally or reject the preliminary plat. Upon receipt of recommendation of the plan commission, the common council shall, within 40 days, approve conditionally or reject the preliminary plat. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection.

- (2) The city administrator shall give notice of the plan commission's review of the preliminary plat by listing it as an agenda item in the commission's meeting notice. The notice shall include the name of the applicant, the address of the property in question and the requested action.
- (b) *Council review; public hearing.* The city clerk/treasurer shall give notice of the city council's review of the preliminary plat or certified survey by listing it as an agenda item in the council's meeting notice which is posted in three public places.
- (c) *Council action.* After receipt of the plan commission's recommendation, the common council shall, within 90 days of the date the plat was filed with the city clerk/treasurer, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the common council to act within 90 days, or an extension of such period, shall constitute an approval of the preliminary plat, unless other authorized agencies object to the plat. The city administrator shall communicate to the subdivider the action of the common council. If the preliminary plat is approved, the city clerk/treasurer shall endorse it for the common council.
- (d) *Effect of approval.* Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six months of preliminary plat approval and conforms substantially to the preliminary plat layout, the final plat shall be entitled to approval. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the plan commission and common council at the time of its submission.
- (e) *Amendment.* Should the subdivider desire to amend the preliminary plat, as approved, he may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the common council, of such scope as to constitute a new plat, in which such case it shall be refiled.
- (f) *Public hearing.* A public hearing may be required if deemed necessary and appropriate by the common council.

(Ord. No. 98-12, § I(86-1-32), 5-8-1998)

Secs. 86-53--86-70. Reserved.

DIVISION 3. FINAL PLAT

Sec. 86-71. Filing requirements.

- (a) The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file 25 copies of the final plat and the application with the city administrator at least 15 days prior to the meeting of the plan commission at which action is desired. The city clerk/treasurer shall give notice of the plan commission's meeting in the manner prescribed in section 86-52(a)(2). The owner or subdivider shall

file 25 copies of the final plat not later than six months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the city. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the city attorney may require showing title or control in the applicant.

- (b) Simultaneously with the filing of the final plat or map, the owner shall file with the city administrator 12 copies of the final plans and specifications of public improvements required by this chapter.
- (c) The city administrator shall refer two copies of the final plat to the plan commission, one copy to the city engineer. The developer is responsible for providing a copy each to the telephone and power and other utility companies. The abstract of title or registered property report may be referred to the city attorney for examination and report. The city administrator shall also refer the final plans and specifications of public improvements to the city engineer to review. The recommendations of the plan commission and city engineer shall be made within 30 days of the filing of the final plat. The city engineer shall examine the plat or map and final plans and specifications of public improvements of technical details and, if he finds them satisfactory, shall so certify in writing to the plan commission. If the plat or map of the plans and specifications are not satisfactory, the city engineer shall return them to the owner and so advise the plan commission.
- (d) The subdivider or the subdivider's agent shall submit the original plat to the department of local affairs and development which shall forward two copies to each of the agencies authorized to object. The department shall have the required number of copies made at the subdivider's expense. Within 20 days of the date of receiving the copies of the plat, any agency having authority to object shall notify the subdivider, and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the department of development. After each agency and the department have certified that they have no objection or that their objections have been satisfied, the department shall so certify on the face of the plat. If an agency fails to act within 20 days from the date of the receipt of copies of the plat, and the department fails to act within 30 days of receipt of the original plat, it shall be deemed that there are no objections to the plat, and, upon demand, it shall be so certified on the face of the plat by the department.

(Ord. No. 98-12, § I(86-1-33(A)), 5-8-1998)

Sec. 86-72. Plan commission review.

- (a) The plan commission shall examine the final plat as to its conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, this chapter and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the plat to the common council.
- (b) The objecting state and county agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting

agencies of any objections, except that the state department of development has 30 days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the city. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

- (c) If the final plat is not submitted within six months of the last required approval of the preliminary plat, the common council shall refuse to approve the final plat.
- (d) The plan commission shall, within 30 days of the date of filing of the final plat with the city administrator, recommend approval, conditional approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the common council. The plan commission may hold the matter in abeyance if there is incomplete or inadequate information.

(Ord. No. 98-12, § I(86-1-33(B)), 5-8-1998)

Sec. 86-73. Council review and approval.

- (a) The common council shall, within 60 days of the date of filing the original final plat with the city administrator, approve or reject such final plat unless the time is extended by agreement with the subdivider. If the final plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider.
- (b) Failure of the common council to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

(Ord. No. 98-12, § I(86-1-33(C)), 5-8-1998)

Sec. 86-74. Recordation.

After the final plat has been approved by the common council and required improvements either installed or a contract and sureties insuring their installation is filed, the city clerk/treasurer, upon receipt of all applicable fees, shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the county register of deeds. The register of deeds cannot record the plat unless it is offered within six months from the date of last approval.

(Ord. No. 98-12, § I(86-1-33(D)), 5-8-1998)

Sec. 86-75. Copies.

The subdivider shall be responsible for filing copies of the recorded final plat with the approving agencies, affected sanitary districts, and other affected agencies for their files. In addition four copies of the record final plat shall be submitted to the city clerk/treasurer for the city's files.

(Ord. No. 98-12, § I(86-1-33(E)), 5-8-1998)

Sec. 86-76. Partial platting.

The final plat may, if permitted by the common council, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at the time.

(Ord. No. 98-12, § I(86-1-33(F)), 5-8-1998)

Secs. 86-77--86-90. Reserved.

DIVISION 4. MINOR LAND DIVISION (CERTIFIED SURVEY MAP)

Sec. 86-91. Use of certified survey map.

When it is proposed to divide land into two, three or four parcels or building sites, the subdivider shall prepare a certified survey map in accordance with this chapter and shall file 20 copies of the map and the letter of application with the city clerk/treasurer at least 15 days prior to the meeting of the plan commission at which action is desired.

(Ord. No. 98-12, § I(86-1-34(A)), 5-8-1998)

Sec. 86-92. Referral to plan commission.

The city administrator shall, within two normal workdays after filing, transmit the copies of the map and letter of application to the plan commission.

(Ord. No. 98-12, § I(86-1-34(B)), 5-8-1998)

Sec. 86-93. Review by other city agencies.

The plan commission shall transmit a copy of the map to any of the affected agencies, (i.e. common council, commissions or departments) for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the plan commission within ten days from the date the map is filed. The map shall be reviewed by the plan commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components and neighborhood plans.

(Ord. No. 98-12, § I(86-1-34(C)), 5-8-1998)

Sec. 86-94. Review and approval.

The plan commission shall, within 30 days from the date of filing of the certified survey map, recommend approval, conditional approval or rejection of the map and shall transmit the map along with its recommendations to the common council. Following public hearing in the manner used for preliminary plats, the common council shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map or reject such certified survey map within 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the common council shall cause the city clerk/treasurer, upon receipt of all applicable fees, to so certify on the face of the original map and return the map to the subdivider.

(Ord. No. 98-12, § I(86-1-34(D)), 5-8-1998)

Sec. 86-95. Resubdivision.

Any resubdivision of a previously recorded minor subdivision shall be prohibited for a period of three years from the date of recording of the initial minor subdivision.

(Ord. No. 98-12, § I(86-1-34(E)), 5-8-1998)

Sec. 86-96. Recordation.

The subdivider shall record the map with the county register of deeds within 30 days of the approval.

(Ord. No. 98-12, § I(86-1-34(F)), 5-8-1998)

Sec. 86-97. Copies.

The subdivider shall file six copies of the recorded certified survey map with the city clerk/treasurer for distribution to the city engineer, building inspector, assessor and other affected departments for their files.

(Ord. No. 98-12, § I(86-1-34(G)), 5-8-1998)

Secs. 86-98--86-115. Reserved.

DIVISION 5. REPLAT

Sec. 86-116. Vacation or alteration of recorded plat.

Except as provided in Wis. Stats. § 70.27(I), when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stats. §§ 236.40--236.44. The subdivider or person wishing to replat shall then proceed, using the procedures for preliminary and final plats.

(Ord. No. 98-12, § I(86-1-35(A)), 5-8-1998)

Sec. 86-117. Meeting before plan commission.

The city administrator shall schedule a meeting before the plan commission when a preliminary plat of a replat of lands within the city is filed.

(Ord. No. 98-12, § I(86-1-35(B)), 5-8-1998)

Sec. 86-118. Subdivision of large parcels.

Where lots are more than double the minimum size required for the applicable zoning district, the plan commission may require that such lots be arranged so as to allow

resubdivision of such parcels into normal lots in accordance with the provisions of the chapter.
(Ord. No. 98-12, § I(86-1-35(C)), 5-8-1998)

Secs. 86-119--86-135. Reserved.

DIVISION 6. TECHNICAL REQUIREMENTS

Sec. 86-136. For preliminary plats.

- (a) *General.* A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:
- (1) Title under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is in addition to a previously recorded plat and is so stated on the plat.
 - (2) Location of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) Date, scale and north point.
 - (4) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
 - (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of such area is proposed for immediate development. The plan commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.
 - (6) General location sketch showing the location of the subdivision within the U.S. Public Land Survey section.
- (b) *Plat data.* All preliminary plats shall show the following:
- (1) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
 - (2) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided, or immediately adjacent thereto.
 - (3) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat, or immediately adjacent thereto.

- (4) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.
- (5) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.
- (6) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of public and private manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the plat, or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations, all to mean sea level (1929 datum).
- (7) Corporate limit lines within the exterior boundaries of the plat, or immediately adjacent thereto.
- (8) Existing zoning on and adjacent to the proposed subdivision.
- (9) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards, based upon mean sea level datum (National Geodetic Datum of 1929) at vertical intervals of not more than two feet. At least two permanent benchmarks shall be located in the immediate vicinity of the plat; the location of the benchmarks shall be indicated on the plat, together with their elevations referenced to mean sea level datum and the monumentation of the benchmarks clearly and completely described. Where, in the judgment of the city engineer, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) High-water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom.
- (11) Water elevation of all ponds, streams, lakes, flowages and wetlands within the boundaries of the survey.
- (12) Floodland boundaries and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood or, where such data is not available, two feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within 100 feet therefrom.
- (13) Location, width and names of all proposed streets and public rights-of-way, such as alleys and easements.
- (14) Approximate dimensions of all lots, together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
- (15) Location and approximate dimensions of any sites to be reserved or dedicated.
- (16) Housing, shopping centers, church sites or other nonpublic uses not requiring

lotting.

- (17) Approximate radii of all curves.
 - (18) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
 - (19) Any proposed lake and stream improvement or relocation, and notice of application for approval by the state division of environmental protection, and or state department of natural resources, when applicable.
 - (20) Where the plan commission or city engineer finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it shall have the authority to request in writing such information from the subdivider.
- (c) *Other information.* The following additional information and data shall be submitted with the preliminary plat, but need not be on the face of the preliminary plat drawing:
- (1) A feasibility plan for use of adjoining vacant lands owned by the developer, in order to demonstrate how the proposed development fits into both existing and planned land uses for the surrounding area.
 - (2) Proposed deed restrictions and protective covenants.
 - (3) Typical cross sections and centerline profiles for each proposed street shown on the preliminary plat, showing the type of pavement and curb installations.
 - (4) 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.
 - a. If the subdivider is a corporation, the full legal name of the corporation as it appears of record in the office of the secretary of state shall be furnished to the plan commission at the time the preliminary plat is submitted, together with the address of the principal officer of such corporation, the name and address of its registered agent, the names and addresses of all officers and directors of such corporation and the names and addresses of all persons, firms or corporations owning stock in such corporation.
 - b. If the subdivider is a partnership, joint venture, limited liability company or other association, the names and addresses of all persons, firms or corporation involved shall be furnished to the plan commission at the time the preliminary plat is submitted.
 - (5) Grading plans shall be submitted with the preliminary plat indicating existing grades, building grades and landscaping. (Show drainage arrows.)
 - (6) The preliminary plat submitted shall be accompanied by an erosion control plan and storm runoff plan which complies with chapter 106. When required by Wis. Stats. § 59.593(10), which covers annexed areas, the developer must comply with the county's stormwater management and erosion requirements.

- (d) *Additional information.* The plan commission may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.
- (e) *Submission to the state.* The developer shall submit the preliminary plat to the state plat review agency.

(Ord. No. 98-12, § I(86-1-40), 5-8-1998)

Sec. 86-137. For final plats.

- (a) *General.* A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stats. § 236.20 and this chapter.
- (b) *Additional information.* The final plat shall show correctly on its face, in addition to the information required by Wis. Stats. § 236.20, the following:
 - (1) Exact length and bearing of the centerline of all streets.
 - (2) Exact street width along the line of any obliquely intersecting street.
 - (3) Exact location and description of lighting utility easements, as determined by the utilities serving the area.
 - (4) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
 - (5) Special restrictions required by the plan commission relating to access control along public ways or to the provision of planting strips.
 - (6) Setback or building lines required by the plan commission or other city codes and ordinances.
 - (7) Utility and/or drainage easements.
- (c) *Deed restrictions.* Restrictive covenants and deed restrictions for the proposed subdivision shall be filed with the final plat.
- (d) *Property owners association.* The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the final plat.
- (e) *Survey accuracy.*
 - (1) *Examination.* The common council or, at its direction, the city engineer, or designee, shall examine all final plats within the city and may make, or cause to be made by a registered land surveyor under the supervision or direction of the city engineer, field checks for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
 - (2) *Maximum error of closure.* Maximum error of closure shall be as prescribed by law.

- (3) *Plat location.* Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the city, the tie required by Wis. Stats. § 236.20(3)(b) shall be expressed in terms of grid bearing and distance. The material and state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a close survey meeting the error of closure specified in this section for the survey of the exterior boundaries of the subdivision. The common council shall receive the results of the city engineer's examination prior to approving the final plat.
- (f) *Surveying and monumenting.* All final plats shall meet all the surveying and monumenting requirements of Wis. Stats. § 236.15. T-shaped steel fenceposts at least five feet long shall be placed adjacent to the survey monuments.
- (g) *State plane coordinate system.* Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the city, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the state coordinate system, south zone, and adjusted to the city's control survey.
- (h) *Certificates.* All final plats shall provide all the certificates required by Wis. Stats. § 236.21 and section 86-74; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter.
- (i) *Recording.* The final plat shall only be recorded with the county register of deeds after the certificates from the director of the planning function in the state department of commerce, certificates from the common council, or certificates from the surveyor and those certificates required by Wis. Stats. § 236.21 are placed on the face of the plat. The plat shall be recorded within 30 days of its approval by the common council.

(Ord. No. 98-12, § I(86-1-41), 5-8-1998)

Sec. 86-138. For certified survey map land divisions; review and approval.

- (a) *General.* A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Wis. Stats. § 236.34.
- (b) *Additional information.* The certified survey map shall show correctly on its face, in addition to the information required by Wis. Stats. § 236.34, the following:
- (1) All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division.
 - (2) Setbacks or building lines required by the plan commission or city codes and ordinances.

- (3) All lands reserved for future acquisition.
 - (4) Date of the map.
 - (5) Graphic scale and north arrow.
 - (6) Name and address of the owner, subdivider and surveyor.
 - (7) Square footage of each parcel.
 - (8) Present zoning for the parcels.
 - (9) Utility and/or drainage easements. A separate drainage plan must be submitted.
 - (10) A master grading plan shall show vertical intervals of not more than two feet where the slope of the ground surface is less than ten percent and of not more than five feet where the slope of the ground surface is ten percent or more. Proposed elevations shall also include the estimated first floor elevations of the principal structure for each lot shown. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may be waived if the parcels created are fully developed and no grade changes are intended.
 - (11) The entire area contiguous to the proposed certified survey map owned or controlled by the subdivider shall not be included on the certified survey map. If the remnant portion exceeds five acres, the area shall not need to be surveyed.
- (c) *State plane coordinate system.* Where the map is located within a U.S. Public Land Survey quarter section, the corners of which have been relocated, monumented and coordinated by the city or county, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the state coordinate system, south zone, and adjusted to the city's control survey.
- (d) *Certificates.* The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this chapter. The common council, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- (e) *Street dedication.* Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Wis. Stats. § 236.21(2)(a).
- (f) *Recordation.* The subdivider shall record the map with the county register of deeds within 30 days of its approval by the common council and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the map by the common council.
- (g) *Requirements.* The certified survey map shall comply with the provisions of this chapter relating to general requirements, design standards and required improvements.

(Ord. No. 98-12, § I(86-1-42), 5-8-1998)

Sec. 86-139. Conformance with policies.

Land divisions and subdivisions shall be consistent with the following land use objectives and polices:

- (1) Approach new development within a large framework, with the basic unit being the neighborhood or district, and the conventional subdivision plat forming a part of a neighborhood or district;
- (2) Stage new growth concurrent with public improvements in transportation and urban service facilities;
- (3) Minimize new development outside the urban service area;
- (4) Locate new multifamily development and local commercial development convenient to each other and adjacent to arterials;
- (5) Develop a system of interior open spaces to provide for separation of neighborhoods, stormwater drainage and for secondary circulation of pedestrian and bicycle traffic;
- (6) Use environmental corridors provided by other units of government and interior open space systems as guidance tools for the location and form of future development;
- (7) Encourage the use of clustering of residential development to assist in the development of the policy set forth to provide an interior open space system;
- (8) Avoid the wasteful use of land for urban purposes and to maintain economic balance in the community through flexible use of the regional urban land demand standards; and
- (9) Continue to develop a system of parks and open spaces for the recreational needs of the city.

(Ord. No. 98-12, § I(86-1-43), 5-8-1998)

Sec. 86-140. Automated mapping.

Whenever an automated, computer-aided design system is used in the development of subdivision maps, a digital copy of the final map shall be submitted to the city clerk/treasurer in a format specified by the city clerk/treasurer.

(Ord. No. 98-12, § I(86-1-44), 5-8-1998)

Secs. 86-141--86-160. Reserved.

ARTICLE III. REQUIRED IMPROVEMENTS

Sec. 86-161. Payment, general standards and additional conditions.

- (a) *Payment.* The improvements prescribed in this chapter are required as a condition of approval of a land division. The required improvements described in this chapter shall be installed, furnished and financed at the sole expense of the subdivider unless otherwise specified in this section or in the developer's agreement. However, in the case of required improvements in a commercial, institutional or industrial area, the cost of such improvements may, at the sole discretion of the common council, be financed through special assessments.
- (b) *General standards.* The following required improvements in this chapter shall be installed in accordance with the engineering standards and specifications which have been adopted by the common council. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the city engineer.
- (c) *Additional conditions.* As further conditions of approval, the common council shall require any or all of the following:
 - (1) The subdivider make and install any public improvements reasonably necessary or that the subdivider execute a surety bond or provide other security to ensure that he will make those improvements within a reasonable time.
 - (2) As a condition for accepting the dedication of public streets, alleys or other ways, or for permitting private streets, alleys or other public ways to be placed on the official map, designated facilities shall have been previously provided without cost to the municipality, but which are constructed according to municipal specifications and under municipal inspection, such as, without limitation because of enumeration, sewerage, water mains and laterals, grading and improvements of streets, alleys, sidewalks and other public ways, street lighting, street trees or other facilities designated by the common council, or that a specified portion of such costs be paid in advance as provided in Wis. Stats. § 66.54(3).
 - (3) The subdivider is responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the plat or the certified survey map, fall within the public right-of-way.
 - (4) The subdivider shall dedicate easements for the purpose of ensuring the unobstructed flow of solar energy across adjacent lots in the subdivision of land.

(Ord. No. 98-12, § I(86-1-50), 5-8-1998)

Sec. 86-162. Agreement providing for proper installation.

- (a) *Contract.* Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a written contract, developer agreement, with the city requiring the subdivider to furnish and construct such improvements in accordance with this article, with plans and specifications and usual contract conditions, which shall include provision for an onsite inspection of construction by the city

engineer.

(b) *Financial guarantees.*

- (1) The agreement shall require the subdivider to furnish a performance bond or a letter of credit, in a form acceptable to the city. The penal amount of the bond or the letter of credit shall be equal to the city engineer's estimate of the city's total cost of the project.
- (2) On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the letter of credit or bond shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. If the required improvements are not complete within the specified period, all amounts held under performance bond shall be turned over or application shall be made to the lending institutions providing the letter of credit for the payment then delivered to the city and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The common council at its option, may extend the security period for additional periods not to exceed one year each period.
- (3) The time for completion of the work and the several parts thereof shall be determined by the common council upon recommendation of the city engineer after consultation with the subdivider. The completion date shall be a component of the contract.
- (4) The subdivider shall pay the city for all costs incurred by the city for review and inspection of the subdivision. This would include review and preparation, at the common council's discretion, of plans and specifications by the city engineer and city attorney, as well as other costs of a similar nature.

(Ord. No. 98-12, § I(86-1-51), 5-8-1998; Ord. No. OR00-08, § I, 4-24-2000)

Sec. 86-163. Construction plans; city review; inspections.

- (a) *Engineering reports, construction plans and specifications.* As required by section 86-51, engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the preliminary plat. At the final plat stage, construction plans for the required improvements conforming in all respects with the standards of the city engineer and the ordinances of the city shall be prepared at the subdivider's expense by a professional engineer who is registered in the state, and such plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the city engineer for his approval and for his estimate of the total cost of the required improvements. Upon approval, they shall become a part of the contract required. Simultaneously with the filing of the final plat with the city clerk/treasurer, or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements:

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

- (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (3) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (4) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - (5) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the city's erosion control chapter.
 - (6) Planting plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - (7) Additional special plans or information as required by city officials.
- (b) *Action by the city engineer.* The city engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this chapter and other pertinent city ordinances and design standards recommended by the city engineer, utility commission, the WDNR and other reviewing agencies and approved by the common council. If the city engineer rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications, or both, accordingly. When the plans and specifications are corrected, the city engineer shall approve the plans and specifications for transmittal to the common council. The common council shall approve the plans and specifications before the improvements are installed and construction commenced.
- (c) *Other requirements.*
- (1) *Approval by engineer.* Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work, shall be subject to the approval of the city engineer.
 - (2) *Governmental units.* Governmental units, to which these bond and contract provisions apply, may file, in lieu of such contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
 - (3) *Survey monuments.* Before final approval of any plat within the city limits, the subdivider shall install survey monuments placed in accordance with the requirements of Wis. Stats. § 236.15, and as may be required by the city engineer. After construction of the plat has been completed, all survey monuments must be marked and raised to the surface if the monument is buried more than six inches. All survey monuments shall be marked with steel T-shaped fenceposts.
 - (4) *Other approving agencies.* Submission to other required approving agencies is required (i.e. WDNR, East Central Wisconsin Regional Plan Commission, etc.).

- (d) *Construction and inspection.*
- (1) Prior to starting any of the work covered by the plans approved in this section, written authorization to start the work shall be obtained from the city engineer upon receipt of all necessary permits and in accordance with the construction methods of this chapter. Building permits shall not be issued until all improvements required by this chapter are satisfactorily completed.
 - (2) Construction of all improvements required by this chapter shall be completed within two years from the date of approval of the preliminary plat by the common council, unless good cause can be shown for the common council to grant an extension.
 - (3) During the course of construction, the city engineer shall make, or cause to be made, such inspections as the common council deems necessary to ensure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the city for such inspections. This fee shall be the actual cost to the city of inspectors, engineers and other parties necessary to ensure satisfactory work.
- (e) *Record plans.* After completion of all public improvements and prior to final acceptance of such improvements, the subdivider shall make or cause to be made three copies of record plans showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the city engineer shall require. These plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in the state. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond ensuring their completion. The developer shall provide an AutoCAD disk copy of the plans to the city.

(Ord. No. 98-12, § I(86-1-52), 5-8-1998)

Sec. 86-164. Street improvements.

The subdivider shall construct streets, roads and alleys as outlined on the approved plans based or requirements of this chapter:

- (1) *General considerations.* The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (2) *Construction standards.* Construction of all streets shall conform to the current standards as established by the common council and this chapter, and shall be subject to approval of the city engineer before acceptance.
- (3) *Conformance to official map.* The arrangement, width, grade and location of all streets shall conform to the official map.
- (4) *Street construction.* After sanitary sewer, storm sewer, water and other

necessary utilities have been installed, the subdivider shall construct and dedicate, as part of the subdivision, streets and curbs and gutters. All streets and alleys in new subdivisions shall be constructed as prescribed by city specifications at the cost of the developer. Street grades shall be inspected prior to the city accepting the roadway. The city shall designate the inspector.

(5) *Completion of street and sidewalk construction.*

- a. No building permit shall be issued for the construction of any residential dwelling until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required.
- b. The common council may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (i.e., concrete, asphalt). The issuance of a waiver shall be at the discretion of the common council.
- c. The subdivider requesting a waiver shall do so in writing, presenting such information and documentation as required by the common council. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.
- d. The developer is responsible for 100 percent of the cost to have an onsite inspector, selected by the city, to observe the construction and installment of all infrastructure.

(Ord. No. 98-12, § I(86-1-53), 5-8-1998; Ord. No. OR00-08, § I, 4-24-2000)

Sec. 86-165. Curbs and gutters.

After the installation of all utility and stormwater drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the common council on file with the city clerk/treasurer. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

- (1) Curbs and gutters shall be installed along any street upon order of the common council according to the city's specifications. Curbs and gutters in a new subdivision will be installed by the city and assessed to the property owner pursuant to Wis. Stats. § 66.60.
- (2) Curbs and gutters installed along all streets in the subdivision, shall be built according to city specifications.

(Ord. No. 98-12, § I(86-1-54), 5-8-1998)

Sec. 86-166. Sidewalks.

- (a) Sidewalks are required for all streets within the city. The common council may also require sidewalks for platted areas which the common council determines will significantly increase traffic volume. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the city engineer.

- (b) In addition, wider than standard sidewalks may be required by the common council in the vicinity of schools, commercial areas (Main Street) and other places of public assemblage, and the common council may require the construction of sidewalks in locations other than required under the preceding provisions of this chapter if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.
- (c) Every newly constructed sidewalk, or sidewalk that is in need of complete replacement, hereafter constructed or replaced on all city streets, other than Main Street, shall have a width of 4 1/2 feet and shall have a grade one inch higher than the adjacent curb on the curbside of the sidewalk and pitched one-quarter inch minimum to one-half inch maximum for each foot of sidewalk. All such sidewalks shall be constructed eight inches from the adjacent lot line. In the case of a laydown (rollover) type curb, the pitch shall be one-half of an inch per foot from the curb in the parkway to the sidewalk with a three-inch minimum. Existing substandard sidewalks which are in need of replacement shall have the sections replaced at the substandard width. However, if installed at the substandard width, the property owner will not be eligible for the sidewalk credit if an upgrade or reconstruction of the road right-of-way occurs. Only sidewalks that have been installed according to the specifications of this subsection will be eligible for sidewalk credit. The construction of all sidewalks shall be in accordance with plans and specifications approved by the city engineer. In addition, wider than standard sidewalks may be required by the common council in the vicinity of schools, commercial areas (Main Street) and other places of public assemblage. The common council may require the construction of sidewalks in locations other than required for safe and adequate pedestrian passage.
- (d) No person, whether owner, builder or contractor, shall build any new sidewalks or repair or renew, or cause to be built, repaired or renewed, any existing sidewalk contrary to the provisions of this chapter, unless by petition to the council and having permission therefor granted by the council, or upon the council's own motion, or where such a change in the specifications set forth in this section shall be deemed in the best interest of the city.
- (e) Sidewalks in new subdivisions shall be installed and paid for by the developer or installed by the city and assessed to the property owner pursuant to Wis. Stats. § 66.60, as determined by the council.
- (f) Sidewalks shall not be required in existing permanent cul-de-sacs unless the property owners wish that sidewalks be installed in the area abutting their property. Sidewalks are required in cul-de-sacs of all new developments.

(Ord. No. 98-12, § I(86-1-55), 5-8-1998; Ord. No. 98-17, § I, 7-13-1998)

Sec. 86-167. Sanitary sewer system.

- (a) There shall be provided a sanitary sewer system in conformity with the master plan of sewers, or as required by the utility commission, and as approved by the common council.
- (b) The subdivider shall make adequate sewage disposal systems available to each lot within the subdivision, certified survey map parcel or subdivision.

- (c) Subdivisions and certified survey map parcels shall be served by public sewer facilities. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the city. No land shall be subdivided for residential use where individual lift stations are required for connection to public sewer or where onsite sewage disposal systems are required for the disposal of wastewater. However, onsite sewage disposal systems will be permitted in the extraterritorial area where land is being divided for the construction of housing for members of families of active farmers or for employees of active farmers, unless authorized by the common council.
- (d) The common council shall require the installation of sewer laterals to the street lot line. All utilities, including laterals, laterals defined to include water mains, sanitary sewer mains, and storm sewers, shall be installed to the property line. The subdivider's responsibility to install water main, sewer main and storm main laterals to the property line shall apply to each platted lot in their subdivision.
- (e) The subdivider shall assume the cost of installing all sanitary sewers, eight inches in diameter or less in size, including the bringing of the sanitary sewer from where it exists to the subdivision or minor land division in question, as well as providing all sanitary sewer work within the subdivision or minor land division. If greater than eight-inch diameter sewers are required to handle the contemplated sewage flows, the costs of such larger sewers shall be paid by the city. The subdivider shall pay the entire cost of sanitary laterals. The developer's costs associated with the construction of lift stations and force mains will be determined by the utility commission.
- (f) The subdivider shall install sanitary sewers in accordance with this chapter, the state standard specifications and specifications of the city engineer where it is determined that the proposed subdivision or minor land division lies within a public sanitary sewer service area. All new developments within the city must connect onto the city sanitary system prior to the issuance of an occupancy permit. The city shall be held harmless for any damages or costs incurred to disconnect and abandon any onsite sanitary sewer disposal system then in place and any costs associated with connection to the public sewer mains.
- (g) At the discretion of the common council, the developer shall hire their own contractors to do the work for water, sewerage and streets, with the costs to be paid by the developer as specified in this article.

(Ord. No. 98-12, § I(86-1-56), 5-8-1998)

Sec. 86-168. Water supply facilities.

- (a) The common council shall require the installation of water laterals to the property line.
- (b) The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the common council and city engineer.
- (c) The subdivider shall assume the cost of installing all water mains, water laterals within the proposed subdivision or minor land division, except for the added cost of installing

water mains greater than eight inches in diameter. The city will pay the difference between the eight-inch standard size and the larger pipe diameter. The industrial developer pays for all costs up to and including eight-inch pipe. The developer's cost associated with the development of separate high pressure zone (water booster station), installation and engineering shall be determined by the utility commission.

- (d) The city pays for hydrants and valves. The subdivider shall be responsible for the cost of installation of fire hydrants as part of the city's water distribution system. The actual type, method of construction and installation of the hydrants shall comply with city specifications.

(Ord. No. 98-12, § I(86-1-57), 5-8-1998)

Sec. 86-169. Stormwater drainage facilities.

- (a) Pursuant to section 86-200, the subdivider shall provide stormwater drainage facilities adequate to serve the subdivision or minor land division which may include curb and gutter, catchbasins and inlets, storm sewers, road ditches, open channels and water retention structures and settling basins, as may be required.
- (b) All costs and expenses, including engineering and installation and connection of the storm system, shall be borne by the owners and/or the developers. The owners and/or developers shall indemnify the city council from any loss or damage that may directly or indirectly be occasioned by the installation of the storm system. Storm sewers are to be of adequate size and grade to hydraulically accommodate the ten-year storm. Culverts shall be designed to accommodate the ten-year storm and shall be sized so that the 25-year frequency storms do not cause flooding of the adjacent roadway. Upon the approval of the city engineer, stormwater swales and ditches may be sized for from 25-year to 100-year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all stormwater drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the common council, upon the recommendation of the city engineer. Storm sewers oversized to handle runoff from off-site properties will be installed by the subdivider. However, the cost of oversizing such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed subdivision or minor land division is to the total drainage area to be served by such larger sewer, and the excess cost either borne by the city or assessed against the total tributary drainage area. All costs and expenses, excluding engineering and installation, relating to the connection to the storm sewer system, shall be paid one-half by the developer and one-half by the city. The developer shall pay the cost of engineering and installation. The developer shall indemnify the city council for any loss or damage that may directly or indirectly be occasioned by the installation of the storm system.
- (c) Unpaved road ditches and street gutters may be permitted by the common council and shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four feet per second on soils having a severe or very severe erosion hazard and in excess of six feet per second on soils having moderate, slight or very slight erosion hazard, the subdivider shall install a paved invert or check dams,

flumes or other energy-dissipating devices.

- (d) Drainage facilities shall include water retention/detention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all stormwater drains and sewers and other cross section, invert and erosion control paving check dams, flumes or other energy-dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the city engineer.
- (e) All new development/subdivisions shall be designed with, and have installed, a storm system properly sized to handle that development's/subdivision's surface water drainage.
 - (1) Each right-of-way shall have a storm sewer sized properly to handle all unpolluted drainage for that area.
 - (2) Each lot and or building shall have an independent storm sewer drain connected to the storm system in the right-of-way. An exception may be made by the city were the sump pump hookup is deemed unnecessary by the city, upon review of the master drainage, which will be incorporated into final plat.
 - (3) All buildings in new developments/subdivisions shall make connection with the appropriate storm sewer drain for removal of sources of unpolluted surface runoff or groundwater. Such sources include, but are not limited to, foundation drains, areaway drains and sump pumps.
- (f) Existing buildings shall comply with the following requirements:
 - (1) Owners shall connect their surface water sources to the storm system installed by the city within 60 days of the city providing a lateral for such storm system which extends to the owner's lot and services such lot.
 - (2) Where any storm system lateral, extending to and servicing the owner's lot, is presently installed, and such owner shall connect their clear water sources to such storm system lateral within 60 days.
- (g) Any person failing to comply for more than ten days after notice, in writing, of their failure to make the appropriate connection shall be subject to a forfeiture of not less than \$25.00, nor more than \$50.00 for such violation.
- (h) As an alternative to the penalty, the council may cause the necessary connections to be made and the expense of such work shall be assessed as a special tax against the property in question. The owner may then, within 30 days after the completion of the work, file a written option with the city clerk/treasurer stating that he cannot pay such amount in one sum, and asking that it may be levied not to exceed five equal annual installments and that amount shall be collected with interest at the current municipal rate per annum from the completion of the work. The unpaid balance shall be a special tax lien.
- (i) All connections shall comply with the following requirements: Prior to making connections to the city's storm system the owners/developers shall obtain the approval of the manner of the connection from the city engineer. This will include engineering

drawings which accurately indicate the size, slope, alignment, materials of the storm system and the methods to be used in excavating, placing of pipe, jointing, testing and backfilling trenches.

(Ord. No. 98-12, § I(86-1-58), 5-8-1998)

Sec. 86-170. Other utilities.

- (a) The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision or certified surveyed land division.
- (b) All new electrical distribution television cables and telephone lines from which lots are individually served shall be underground unless the common council specifically allows overhead poles for the following reasons:
 - (1) Topography, soil, water table, solid rock, boulders or other physical conditions which would make underground installation unreasonable or impractical; or
 - (2) The lots to be served by such facilities can be served directly from existing overhead facilities.
- (c) Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the common council and such map shall be filed with the city clerk/treasurer.
- (d) As part of the final plat, all electric power, telephone and cable television utilities shall be located in easements along rear lot lines except as may be approved by a two-thirds majority vote of both the plan commission and the common council.

(Ord. No. 98-12, § I(86-1-59), 5-8-1998)

Sec. 86-171. Streetlamps.

- (a) *Required.* The subdivider shall install streetlamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed, as determined by the city engineer. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the common council upon the recommendation of the city engineer and the utility company. All street lighting will generally be required to be located at or near intersections and at or near fire hydrants. The cost of obtaining and installing the public street lighting shall be the expense of the subdivider.
- (b) *Decorative lighting.* The subdivider may want to install decorative lighting as an option. All costs associated with the initial installation will be paid by the developer. The increased monthly lamp costs would be spread over all lots in the subdivision and billed accordingly on each lot owner's utility bill. The city shall be responsible only for base and regular street lighting costs at intersections and cul-de-sacs, with any excess lighting costs, as requested by the subdivider or property owners, being assessed directly and included as restrictions on the plat prior to it being recorded.
- (c) *Installation requirement.* The common council will not approve the final plat or any

certified survey map requiring, in the discretion of the plan commission and the common council, street lighting until such time as such street lighting is fully installed at the cost to the subdivider or certified survey map property owner.

(Ord. No. 98-12, § I(86-1-60), 5-8-1998)

Sec. 86-172. Street signs.

The subdivider shall be responsible for the installation of street and traffic signs at all intersections within the development. The design and installation shall be as specified by the city engineer and at the developer's cost.

(Ord. No. 98-12, § I(86-1-61), 5-8-1998)

Sec. 86-173. Erosion control.

- (a) Pursuant to the city's construction site erosion control chapter (building chapter) and the city's standard specifications, the subdivider shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to ensure the minimization of erosion problems.
- (b) The common council may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures.
- (c) Tree cutting and shrubbery clearing shall not exceed 40 percent of the lot or tract and shall be so conducted as to prevent erosion and sedimentation, preserve and improve scenic qualities and, during foliage, substantially screen any development from stream or lake users.
- (d) Paths and trails in wooded and wetland areas shall not exceed ten feet in width unless otherwise approved by the plan commission, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.
- (e) Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channeling, clearing, ditching, drain tile laying, dredging and lagooning shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography.
- (f) Review of the conduct of such cutting, clearing and moving may be requested of the county land and water conservation department, the state district fish and game managers and the state district forester by the city engineer or plan commission as they deem appropriate.

(Ord. No. 98-12, § I(86-1-62), 5-8-1998)

Sec. 86-174. Partition fences.

When the land included in a subdivision plat or certified survey map abuts upon or is adjacent to land used for grazing purposes, the subdivider shall erect (at the request of the adjacent property owner), keep and maintain (his portion under state law) partition fences, satisfying the requirements of the state statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for grazing purposes, shall be included upon the face of the final plat or certified survey map.

(Ord. No. 98-12, § I(86-1-63), 5-8-1998)

Sec. 86-175. Easements.

- (a) *Utility easements.* The common council, on the recommendation of appropriate departments and agencies serving the city, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and force mains, lift stations or other utility lines. It is the intent of this chapter to protect all established easements so as to ensure proper grade, ensure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) *Drainage easements.* Where a subdivision is traversed by a watercourse, drainageway, channel or stream:
 - (1) There shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this section.
 - (2) The watercourse, drainageway, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be ensured and the same provided with a stormwater easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this section.
 - (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such watercourse shall be of a minimum width established at the high water mark or, in the absence of such specification, not less than 30 feet. If, in the opinion of the city engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a 100-year frequency storm. If the drainage easement is located in an established floodway area, the entire floodplain area shall be included within the drainage easement.
 - (4) Rear lot line drainage, authorized by section 86-169(c), shall be established and

constructed at the time of subdivision development and will be a requirement for final plat approval.

- (c) *Easement locations.* Such easements shall be at least 12 feet wide, or wider where recommended by the city engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished to the plan commission and common council that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

(Ord. No. 98-12, § I(86-1-64), 5-8-1998)

Sec. 86-176. Bicycle paths and trails.

When required by the common council, the subdivider shall install required bicycle paths and trails in accordance with the plans and specifications approved by the city. The subdivider shall assume the entire cost of such bicycle paths and trails, except in the case of dual bicycle paths and streets. The added cost for streets wider than those required in order to accommodate bicycle paths and trails shall be the responsibility of the municipality charged with the maintenance of proposed facility. If the subdivider wishes to install dual-lane facilities, which may be required by the city, then the total cost of such improvements shall be borne by the divider.

(Ord. No. 98-12, § I(86-1-65), 5-8-1998)

Sec. 86-177. Street trees plan.

- (a) *Submission required.* Prior to recording the final plat, the subdivider may be required to submit a tree and shrub planting plan for parkways, boulevards and cul-de-sacs approved by the city affairs committee. Trees and shrubs shall not be planted in the street terrace area. Trees and shrubs shall be planted at the time and in the manner determined by the common council, with the cost of such plantings to be borne by the subdivider.
- (b) *Deposit required.* Following the approval of the final plat by the common council and prior to the signing of the plat by the mayor and city clerk/treasurer, the subdivider shall deposit sufficient money in the city clerk/treasurer's office to cover the cost of completing the plantings in conformity with the tree and shrub planting plan. The department of public works will then cause the completion of the plantings during the next season, if not completed by the developer, either spring or fall, following acceptance of the plat's required improvements by the city. The amount of such deposit shall be established by the city, based on anticipated actual costs of furnishing and installing such plantings. All such money deposited in the city clerk/treasurer's office shall be kept in a separate account to be used solely for the purposes set forth in this section.
- (c) *Plan unit developments (PUD's).* Planned unit developments require the submission of a tree and shrub planting plan.

- (d) *Guarantee.* The developer shall provide a plantings guarantee for one year.
(Ord. No. 98-12, § I(86-1-66), 5-8-1998)

Sec. 86-178. Improvements extended to limit of parcel.

Any and all improvements or utility services required by this chapter for the subdivision and/or minor land division of lands within the city plat approval jurisdiction shall be extended to the farthest limit of the parcel or lot upon which a building permit is requested, unless the owner is excused by the common council, the plan commission or city utilities officials. If the improvements are required to the end of the parcel, the owner shall be required to post bond with the city if such improvements are not made.

(Ord. No. 98-12, § I(86-1-67), 5-8-1998)

Secs. 86-179--86-195. Reserved.

ARTICLE IV. DESIGN STANDARDS

Sec. 86-196. General standards.

- (a) *Compliance with state statutes.* In laying out a subdivision, the owner shall conform to the provisions of Wis. Stats. ch. 236, and all applicable city regulations. In all cases where the requirements of this chapter are different from the requirements of chapter 236, the more restrictive provision shall apply.
- (b) *Dedication.* The subdivider shall dedicate land and improve streets as provided in this chapter and section 86-164. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the common council. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.
- (c) *Compliance with comprehensive plan.* The arrangement, character, extent, width, grade and location of all streets shall conform to any city comprehensive development plan and to this chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.
- (d) *Areas not covered by official map.* In areas not covered by a city comprehensive plan, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.

- (e) *Street classifications.* Streets shall be classified as follows:
- (1) *Arterial streets.* A street which provides for through traffic for a heavy volume of vehicles, from within the city. It has a secondary function of providing access to abutting land.
 - (2) *Collector streets.* Collector streets shall provide ready collection of traffic from commercial and residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the arterial streets into which they feed.
 - (3) *Local streets.* Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewer systems and to require the minimum street area necessary to provide safe and convenient access to abutting property. A local street is a street connecting with not more than two local or collector streets.
 - (4) *Proposed streets.* Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the common council, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
- (f) *Reserve strips.* Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the city under conditions approved by the common council.
- (g) *Alleys.*
- (1) *Commercial and industrial.* Alleys shall be provided in all commercial and industrial districts for off-street loading and service access, except that the common council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed.
 - (2) *Residential.* Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.
 - (3) *Width.* The width of alleys shall not be less than 24 feet.
 - (4) *Dead-end.* Dead-end alleys are prohibited, and crooked and T alleys shall be discouraged.
- (h) *Continuation.* Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the common council, upon the recommendation of the plan commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing

layout or the most advantageous future development of adjacent tracts. Dead-end streets not over 500 feet in length will be approved when necessitated by the topography.

- (i) *Number of intersections.* The number of intersections of local streets with collector streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements, preferably not more than two.
- (j) *Frontage roads.* Where a subdivision abuts or contains an existing or proposed arterial highway, the common council may require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (k) *Private streets.* Private streets shall not be approved nor shall public improvements be approved for any private street except as part of a condominium development. All streets shall be dedicated for public use.
- (l) *Visibility.* Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. As required by the city engineer, sufficient vision clearance triangles shall be provided at intersections.
- (m) *Tangents.* A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets.
- (n) *Street grades.*
 - (1) Unless necessitated by exceptional topography, subject to the approval of the common council, the maximum centerline grade of any street or public way shall not exceed the following:
 - a. Arterial streets: six percent. Collector streets: seven percent.
 - b. Local streets, alleys and frontage streets: ten percent.
 - c. Pedestrian ways: 12 percent unless steps of acceptable design are provided.
 - d. The grade of any street shall in no case exceed ten percent or be less than one-half of one percent.
 - (2) Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography.
 - (3) All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for major and collector streets and one-half this minimum for all other streets.
- (o) *Radii of curvature.* When a continuous street centerline deflects at any one point by more than ten degrees, a circular curve shall be introduced having a radius of curvature on such centerline of not less than the following:
 - (1) Arterial streets and highways: 300 feet.

(2) Collector streets: 200 feet.

(3) Local streets: 100 feet.

Curves should be provided when centerline deflections exceed one degree in rural areas and in urban areas when deflection exceeds three degrees.

(p) *Half streets.* Where an existing dedicated or platted half street is adjacent to the subdivision, the other half street shall be dedicated by the subdivider. The platting of half streets should be avoided where possible.

(q) *Intersections.*

(1) Property lines at street intersections of major thoroughfares shall be rounded with a radius of 15 feet or of a greater radius where the city engineer considers it necessary.

(2) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

(3) Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.

(4) T intersections will only be authorized by the plan commission and common council.

(r) *Street names.* New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the plan commission and common council.

(s) *Cul-de-sacs.*

(1) *Design specifications.* Cul-de-sac streets designed to have one end permanently closed shall not exceed 800 feet in length unless authorized by the city engineer and the utility commission and shall terminate with a turnaround of not less than 120 feet in diameter of right-of-way and a minimum outside curb radius of 48.5 feet. The use of cul-de-sacs should be avoided where possible. T intersections may only be authorized by the plan commission and common council.

(2) *Temporary termination of streets.* Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth in subsection (s)(1) of this section, or by the construction of a temporary T intersection 33 feet in width and 33 feet in length abutting the right-of-way lines of the access street on each side or a temporary 45-foot diameter turnaround.

(t) *Unlimited access highway right-of-way treatment.* Whenever the proposed subdivision contains or is adjacent to a limited access highway, or arterial street, the design shall provide the following treatment:

(1) *Subdivision lots.* When lots within the proposed subdivision back up on the right-of-way of an existing or proposed limited access highway, a planting strip

at least 30 feet in depth shall be provided adjacent to the highway in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip is reserved for the planting of trees and shrubs. The building of structures hereon is prohibited."

- (2) *Commercial and industrial districts.* Commercial and industrial properties shall have provided, on each side of the limited access highway, an arterial street, streets approximately parallel to and at a suitable distance from such highway for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- (3) *Streets parallel to a limited access highway.* Streets parallel to a limited access highway right-of-way, when intersecting a major street and highway or collector street which crosses such highway, shall be located at a minimum distance of 250 feet from such highway right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) *Minor streets.* Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highway right-of-way shall be avoided in residential areas.
- (u) *Street widths.* The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the master plan, official map or neighborhood development study; or if no width is specified therein, the minimum width shall be as follows:

MINIMUM WIDTHS

TABLE INSET:

Pavement Type of Street	R.O.W. Widths to Be Dedicated (in feet)	Face of Curb to Face of Curb (in feet)
Major arterial streets	80	45
Collector streets	66	41
Other streets	60	37

- (v) *New and replacement bridges and culverts.* All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the 100-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.01 feet above the peak stage for the 100-year recurrence interval flood, as established in the applicable federal flood insurance study. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure. Such bridges and culverts shall be so designed

and constructed as to facilitate the passage of ice flows and other debris. All new and replacement bridges shall be constructed in accordance with all applicable state statutes and codes and shall be submitted to the state department of natural resources to ensure compliance therewith.

(Ord. No. 98-12, § I(86-1-70), 5-8-1998)

Sec. 86-197. Specifications for preparation, construction and dedication of streets and roads.

(a) *General requirements.*

- (1) *Construction standards.* All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the state department of transportation standard specifications for road and bridge construction and its supplements, and this chapter, whichever is more restrictive. The design requirements of this section and section 86-196 shall be applicable to all streets and roads that are to be dedicated to the city, regardless of whether such streets or roads are part of a new subdivision or land division.
- (2) *Project costs.* All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicants. This includes any expense incurred by the city in the preparation of plans and review and inspection of plans and construction.
- (3) *Preliminary consultation.* Prior to the design, preparation and construction of any roadway to be dedicated to the city, the applicant shall notify the city clerk/treasurer. An onsite meeting will then be arranged to be attended by the city engineer and the applicant. Plans must be provided in order for the city engineer to check the design and drainage.
- (4) *Material slips.* Copies of material slips for all materials furnished for the road construction projects shall be delivered to the city before the city approves the final construction.
- (5) *Required inspections.* The city engineer shall be contacted for required inspections after the following phases of construction:
 - a. Subbase grading;
 - b. Crushed aggregate base course;
 - c. Bituminous surface course (if required); and
 - d. Shouldering.Any deficiencies found by the city engineer shall be corrected before proceeding to the next phase of construction.
- (6) *Tests of materials.* The city reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.

- (7) *Pavement samples.* Samples of asphalt and concrete will be taken by the city during pavement construction operations for purposes of determining that the material meets specifications.
- (b) *Specific construction standards.* All streets and highways constructed in the city or to be dedicated to the city shall fully comply with the following construction standards:
- (1) *Grading.*
- a. Prior to the submittal of the final plat, the subdivider shall furnish drawings which indicate the existing and proposed grades of roads, streets and alleys shown on the plat.
 - b. Proposed grades will be reviewed by the city engineer for conformance with city standards and good engineering practice.
 - c. After installation of temporary block corner monuments by the subdivider and the establishment of street grades by the city engineer, the subdivider shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on corner lots, followed by surfacing required by this chapter. After installation of water and sewer facilities, the roadway shall be surfaced.
 - d. In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line.
 - e. The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation.
 - f. The city engineer shall approve all grading within a right-of-way and such grading shall extend for a sufficient distance beyond the right-of-way to ensure that the established grade will be preserved.
 - g. Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within two inches of the final grade by the subdivider, prior to the installation of such facilities. Earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.
 - h. Cut and filled lands shall be graded to a maximum slope of one to four or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.
- (2) *Roadway base thickness.*
- a. Streets shall have a minimum roadway base thickness of 12 inches of compacted in-place crushed aggregate base course of gradation no. 2 in the top layer and gradations no. 1 and no. 2 in the lower level. Roadway base shall include seven inches of 2 1/2-inch stone and in addition five inches of three-quarter-inch stone.
 - b. In the case of commercial, arterial or other heavy-use roads, the

common council may, in the alternative to such standards, have the city engineer provide specifications for such roads after researching the sites and conducting a soil analysis.

- c. In any case, the common council shall have the sole discretion in determining the use and construction classification to be adhered to.
 - d. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.
- (3) *Roadway subbase.* Stable and nonorganic subbase material is required. Unstable and organic material must be subcut, removed and replaced with a suitable granular or breaker-run material or filter fabric approved by the city engineer.
- (4) *Pavement thickness.*
- a. Residential streets shall be constructed with curb and gutter and have a minimum of three inches thick compacted bituminous concrete pavement, placed in two layers: a binder course 1 1/2 inches thick and a surface course of 1 1/2-inch. On commercial, arterial or collector streets, there shall be a minimum of four inches of asphalt paving, placed in two layers: a binder course 2 1/2 inches thick and a surface course of 1 1/2 inches. In the case of commercial, arterial or collector roads, the common council may, in the alternative to such standards, have the city engineer provide specifications for paving such roads after researching the sites and conducting a soil analysis. In any case, the common council shall have the sole discretion in determining the use and construction classification to be adhered to. Occupancy of 75 percent of the subdivision development and all laterals must be installed before asphalt or concrete is laid.
 - b. The surface coat shall be applied as soon as reasonably possible after the application of the binder coat, consistent with sound engineering practices. In no event shall the surface coat be applied more than three weeks after application of the binder coat. If it is not possible to immediately apply the binder course, then the binder course shall be cleaned and a tack coat applied.
 - c. All new streets shall be constructed with curb and gutter as directed by the common council. Every subdivider shall escrow sufficient funds with the city clerk/treasurer prior to final plat approval to cover the cost of such base, curb and gutter.
- (5) *Roadway culverts and bridges.* Roadway culverts and bridges shall be constructed as directed by the city engineer and sized utilizing the methods listed in chapter 13, entitled "Drainage," of the Facilities Development Manual of the state department of transportation. All roadway culverts shall be provided

with concrete or metal apron endways.

- (6) *Topsoil, grass, seed, fertilizer and mulch.* Any disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway with greater than a 2.5 percent slope shall be protected by erosion control materials such as hay bales, sod, erosion control mats, etc. Guarantee of maintenance is required for one year.
- (7) *Drainage improvements.* In the case of all new roads and streets, the common council may require that stormwater retention areas and storm sewers be constructed in order to provide for proper drainage.
- (8) *Street maintenance.* The developer will be responsible for all maintenance costs until the roadway is paved.

(Ord. No. 98-12, § I(8-1-71), 5-8-1998)

Sec. 86-198. Block design standards.

- (a) *Length; arrangement.* The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed 1,500 feet, nor have less than sufficient width to provide for two tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than 400 feet in length.
- (b) *Pedestrian pathways.* Pedestrian pathways, not less than ten feet wide, may be required by the common council, upon the recommendation of the plan commission, through the center of a block more than 900 feet long, where deemed essential to provide circulation or access to schools, parks, churches, playgrounds, shopping centers, transportation and other community facilities.
- (c) *Width.* The width of blocks shall be enough to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
- (d) *Utility easements.* Utility easements for electric power and telephone service shall, where practical, be placed on mid-block easements along rear lot lines.

(Ord. No. 98-12, § I(86-1-72), 5-8-1998)

Sec. 86-199. Lot design standards.

- (a) *Size.* The size, shape and orientation of lots shall be appropriate for the location or topography of the subdivision, the type of sewerage to be utilized, and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the zoning chapter.
- (b) *Commercial lots.* Depth and width of properties reserved or laid out for commercial or

industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the zoning chapter.

- (c) *Lots where abutting major highway.* Residential lots fronting on major streets and highways shall be platted with extra depth or design to alleviate the effect of major street traffic on residential occupancy.
- (d) *Corner lots.* Corner lots for residential use shall have a width sufficient to provide a building setback of at least 25 feet from each street.
- (e) *Access to public streets.* Every lot shall front or abut for a minimum distance of at least 40 feet on a public street. Lots with an access only to private drives or streets shall be permitted only with common council approval.
- (f) *Side lots.* Side lot lines shall be substantially at right angles to or radial to abutting street lines. Lot lines shall follow city boundary lines.
- (g) *Double and reversed frontage lots.* Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (h) *Natural features.* In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, watercourses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- (i) *Land remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (j) *Large lots.* Where lots are created of a size larger than normal for the area, the plan commission may require that the plat be so designed as to allow for the possible future resubdivision of such lots into normal sizes compatible with the area. Utilities will be installed at the time of initial development.
- (k) *Lot area and dimensions.* Area and dimensions of all lots shall conform to the requirements of the city zoning chapter for the subdivisions within the city.
- (l) *Lot depth.* Depth of lots shall be a minimum of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of two to one shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- (m) *Lot width.* Width of lots shall conform to the requirements of the city zoning chapter, or other applicable ordinance, and in no case shall a lot be less than 70 feet in width at the building setback line.

(Ord. No. 98-12, § I(86-1-73), 5-8-1998)

Sec. 86-200. Drainage system.

- (a) *Required.* As required by section 86-169, a drainage system shall be designed and

constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. To ensure compliance with the established drainage plan, a covenant shall be included in the plat, referring to the drainage plan and requiring compliance therewith. A final plat shall not be approved until the subdivider has submitted plans, profiles and specifications as specified in this section, which have been prepared by a registered professional engineer and approved by the common council, upon the recommendations of the plan commission and city engineer. When required by Wis. Stats. § 59.693(10), which covers annexed areas, the developer must comply with the county's stormwater management and erosion requirements.

(b) *Plans.*

(1) The subdivider shall submit to the city at the time of filing a preliminary plat a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:

- a. Estimates of the quantity of stormwater entering the subdivision naturally from areas outside the subdivision.
- b. Quantities of flow at each inlet or culvert.
- c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

(2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.

(3) The design criteria for storm drainage systems shall be as specified in section 86-169.

(4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the city engineer. The developer is responsible to grade the development to the proposed elevations.

(c) *Grading.* Should the approved drainage plan require any grading within any block to ensure stormwater drainage, the subdivider shall cause such grading or other improvements to be installed at his expense at the same time that the subdivision roads are being graded and graveled. The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:

(1) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.

(2) Block grading shall be completed by one or more of the following methods:

- a. A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.
 - b. Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.
 - c. Draining across rear or side lot lines may be permitted, provided that drainage onto adjoining properties is skillfully controlled.
- (3) Subdividers/owners are required to file waivers of special assessment for curb, gutter and sidewalk with the city clerk/treasurer prior to the issuance of a building permit. All lots will be assessed (\$150.00 per lot) for setting grades for new developments prior to the issuance of a building permit. The subdivider/owner will pay 100 percent of the costs.
- (d) *Requirements.* The subdivider shall install all the storm drainage facilities indicated on the plans required in subsection (a) of this section.
- (1) *Street drainage.* All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building stormwater drainage. No stormwater shall be permitted to be run into the sanitary sewer system within the proposed subdivision.
 - (2) *Off-street drainage.* The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement to the city to provide for the future maintenance of such system. Easements shall be a minimum of 20 feet, but the city may require larger easements if more area is needed due to topography, size of watercourse, etc.
 - (3) *Sump pumps.* Each owner of a platted lot where storm sewer laterals have been installed or will be installed in the future pursuant to city ordinance shall be required, at the time of construction or thereafter, to connect the building sump pump outlet directly to the storm sewer lateral as installed at the time of the plat approval by the subdivider or as subsequently installed by the city pursuant to this section or any other ordinance of the city. It shall be the responsibility of the person taking out a building permit to see that the sump pump discharged from the building constructed upon the property is installed underground from the building and connected to the storm sewer laterals. In addition, it shall be the responsibility of the owners of existing buildings where ministorm sewers are installed hereinafter by the city to see that the property owner's sump pump discharge from the building as previously constructed upon the property is installed or reinstalled underground from the building and connected to the ministorm sewer.
- (e) *Storm sewers.* The subdivider shall be required, within each street constructed within the subdivision, to provide stormwater drainage according to the plans and specifications of the city, as approved by the city engineer. Each street within the final

plat shall have an independent storm sewer drain connected to the stormwater system in the right-of-way. All costs and expenses, excluding engineering and installation, relating to the connection to the storm system shall be paid one-half by the developer and one-half by the city. The developer shall pay the total cost of engineering and installation. The cost of the extension of storm sewer laterals from the storm sewer main to the property line of each platted lot shall be borne by the developer. It shall be the responsibility of the person taking out a building permit to see that the sump pump discharge from the building constructed upon the property is installed underground from the building and connected to the storm sewer laterals.

- (f) *Protection.* The subdivider shall adequately protect all ditches to the satisfaction of the common council and city engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to one percent shall be seeded; those with grades up to four percent shall be sodded and those with grades over four percent shall be paved or as deemed appropriate by the design engineer; stone plunge pool, riprap, flat stone, etc.

(Ord. No. 98-12, § I(86-1-74), 5-8-1998)

Sec. 86-201. Nonresidential subdivisions.

- (a) *General.* If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the city may require. A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the city zoning and building chapters. A nonresidential subdivision shall be subject to all the requirements of this chapter, as well as such additional standards required by the city and shall conform to the proposed land use standards established by any city comprehensive plan, land use plan or official map and the city zoning chapter.
- (b) *Standards.* In addition to the principles and standards in this chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the common council that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - (3) Special requirements may be imposed by the common council with respect to street, curb, gutter and sidewalk design and construction.
 - (4) Special requirements may be imposed by the common council with respect to the installation of public utilities, including water, sewer and stormwater drainage.
 - (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the

provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.

- (6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

(Ord. No. 98-12, § I(86-1-75), 5-8-1998)

Secs. 86-202--86-220. Reserved.

ARTICLE V. PARK AND PUBLIC LAND DEDICATIONS

Sec. 86-221. General requirements.

- (a) *Dedication requirement.* In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas such as, but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall be required to reserve land, dedicate land or fees in lieu of land for park or other public uses. Each subdivider of land in the city shall, at the discretion and direction of the common council, upon the recommendation of the plan commission, either dedicate open space lands designated on the city comprehensive plan, land use plan, official map or plan component, or reserve such open space lands and pay a public site fee, or, where no open space lands are directly involved, pay a public site fee. The plan commission shall, at the time of reviewing the preliminary plat or certified survey map, recommend to the common council the land dedication option, fees in lieu of land option, or reservation of additional land option and record such selection in the minutes of the meeting at which the preliminary plat is presented for approval.
- (b) *General design.* In the design of a subdivision, land division, certified survey map, planned unit development or condominium project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainageways and other public purposes. Such sites are to be shown on the preliminary plat and final plat, and shall comply with the city comprehensive plan, land use plan or component of such plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities, as recommended by the city engineer and plan commission, park and recreation commission, and approved by the common council.

(Ord. No. 98-12, § I(86-1-80), 5-8-1998)

Sec. 86-222. Land dedication.

- (a) *Dedication of site option.* Whenever a proposed playground, park or other public open space land designated on the city's comprehensive plan, open space and recreation

plan, neighborhood unit development plan or other comprehensive plan component is encompassed, all or in part, within a tract of land to be subdivided, the public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one acre for each 30 proposed or potential dwelling units. The term "dwelling unit" shall include each individual unit (one unit) of a condominium development.

(b) *Shoreland.*

(1) *Stream shore plats.* All subdivisions abutting on navigable streams shall provide public access at least 60 feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half-mile intervals, as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the state department of natural resources and the state department of development, and excluding shore areas where public parks or open space streets or roads on either side of a stream are provided. No public access established under this chapter may be vacated except by circuit court action. This subsection does not require the city to improve land provided for public access.

(2) *Stream shore plats.* The lands lying between the meander line, established in accordance with Wis. Stats. § 236.20(2)(g) and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge, shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This subsection applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which the subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

(c) *Unknown number of dwelling units.* Where the plat, certified survey or condominium does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the city zoning chapter and this chapter.

(d) *Deeded to the city.* For lands deeded to the city see Wis. Stats. ch. 236, dedications to public.

(e) *Access to dedicated land.* All dedicated land shall have frontage on a public street and shall have unrestricted public access.

(f) *Utility extensions.* The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated lands where such services are to be provided to the adjacent properties.

(Ord. No. 98-12, § I(86-1-81), 5-8-1998)

Sec. 86-223. Reservation of additional land.

When public parks and sites for other public areas, as shown on the master plan, open space and recreation plan or land use plan component, lie within the proposed area for development and are greater in area than required by section 86-222, the owner shall reserve for acquisition by the city, through agreement, purchase or condemnation, the remaining

greater public area for a period of three years of final plat approval, unless extended by mutual agreement.

(Ord. No. 98-12, § I(86-1-82), 5-8-1998)

Sec. 86-224. Development of park area.

- (a) When parklands are dedicated, the subdivider is required to:
 - (1) Properly grade and contour for proper drainage;
 - (2) Provide surface contour suitable for anticipated use of area; and
 - (3) Cover areas to be seeded with a minimum of four inches of quality topsoil, seed as specified by the city engineer, fertilized with 16-6-6 at a rate of seven pounds per 1,000 square feet, and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life. Such topsoil shall be neither excessively acid nor excessively alkaline.
- (b) The common council may require certification of compliance by the city engineer. The cost of such report shall be paid by the subdivider.
- (c) Grading and seeding of parklands is to be completed as soon as ten percent of the planned lots in the subdivision are sold, as determined by the common council.
- (d) If the subdivider fails to satisfy the requirements of this section, the common council may contract such completion and bill such costs to the subdivider, following a public hearing and written notice of noncompliance to the subdivider. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

(Ord. No. 98-12, § I(86-1-83), 5-8-1998)

Sec. 86-225. Fees in lieu of land.

- (a) The plan commission, in its sole discretion, shall determine whether to require dedication of land or payment of money from any subdivider after consultation with the park and recreation commission. If the plan commission has determined to require payment of money in lieu of dedication of land, such money shall be paid to the city clerk/treasurer at the first application for approval of a final plat of such subdivision in the amount of \$300.00 for each dwelling unit within the plat allowed by the zoning chapter. The maximum fee for newly platted lots in multifamily districts shall be \$200.00 for each individual dwelling unit.
- (b) If the value of undeveloped land is disputed, such value shall be determined by the assessor on the basis of full and fair market value of the land as unimproved and unsubdivided land. If the owner is not satisfied with such appraisal, he may appeal such determination, in which case an appraisal board consisting of one appraiser selected by the city at its own expense, one selected by the property owner at his own expense, and a third selected by the two other appraisers, at the city's and property owner's expense, shall determine the value.

- (c) Such fee shall be placed in a nonlapsing fund to be used for park and recreational development.
- (d) No payment shall be required for a lot, created by the division of land under this chapter, on which a residential structure already exists, or which is a residual parcel in excess of ten acres and not intended for immediate sale or other conveyance.
- (e) Where a lot or parcel for which payment has once been made is further divided, payment shall be required only for the additional lots or parcels created.
- (f) The required payment shall be made before the certification or approval may be affixed to the final plat.

(Ord. No. 98-12, § I(86-1-84), 5-8-1998)

Secs. 86-226--86-245. Reserved.

ARTICLE VI. PLANNED UNIT DEVELOPMENTS

Sec. 86-246. PUD district regulations.

- (a) *Intent.* The PUD planned unit development district is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD district under this article will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining, insofar as possible, the land use density and other standards or use requirements set forth in the underlying basic zoning district.
- (b) *Permitted uses.* Uses permitted in a PUD district shall conform to uses generally permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one or more locations within the development.
- (c) *Minimum area requirements.* Areas designated as under corporate ownership or control, and shall contain a minimum development area of:

TABLE INSET:

	Principal Uses	Minimum Area of PUD
(1)	Residential PUD	5 acres
(2)	Commercial PUD	5 acres

	Principal Uses	Minimum Area of PUD
(3)	Industrial PUD	20 acres
(4)	Mixed compatible use	20 acres

- (d) *Procedural requirements.* Prepetition conference. Prior to the official submission of the petition for the approval of a PUD district, the owner or his agent making such petition shall meet with the city plan commission or its staff to discuss the scope and proposed nature of the contemplated development.
- (e) *Petition.* Following the prepetition conference, the owner or his agent may file a petition with the city clerk/treasurer for approval of a PUD district. Such petition shall be accompanied by a review fee of \$200.00, as required by the city council pursuant to this article, and the following information:
- (1) *Relationship of proposed PUD to comprehensive plan and other regulations.* A statement which sets forth the relationship of the proposed PUD to the city's adopted comprehensive plan, land use plan or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:
- a. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to comprehensive evaluation of the proposed development.
 - b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - c. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
 - d. Any proposed departures from the standards of development as set forth in the city zoning regulations, other city regulations or administrative rules, or other universal guidelines.
 - e. The expected date of commencement of physical development as set forth in the proposal.
- (2) *Development plan; contents.* A general development plan including:
- a. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
 - b. The location of public and private roads, driveways and parking facilities.
 - c. The size, arrangement and location of any individual building sites and proposed building groups on each individual site.
 - d. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.

- e. The type, size and location of all structures.
 - f. General landscape treatment.
 - g. Architectural plans, elevation and perspective drawings and sketches illustrating the design and character of proposed structures.
 - h. The existing and proposed location of public sanitary sewer and water supply facilities.
 - i. The existing and proposed location of all private utilities or other easements.
 - j. Characteristics of soils related to contemplated specific uses, when applicable.
 - k. Existing topography on the site with contours at no greater than two-foot intervals.
 - l. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
 - m. Proposed drainage plan.
- (3) *Referral to plan commission.* The petition for a PUD district shall be referred to the city plan commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate.
- (4) *Public hearing.* The common council may hold a public hearing pursuant to the requirements of this article. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested PUD district. As soon as is practical following the hearing, the common council shall report its findings and recommendations to the plan commission.

(Ord. No. 98-12, § I(86-1-200), 5-8-1998)

Sec. 86-247. Requirements, changes and amendments.

Whenever the public necessity, convenience, general welfare or good zoning practice require, the common council may, by article, change the district boundaries or amend, change or supplement the regulations established by this article or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the city plan commission.

- (1) *Initiation.* A change or amendment may be initiated by the common council or city plan commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- (2) *Petitions.* Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the city administrator, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:
 - a. Plot plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and

classification of adjacent zoning districts and the location and existing use of all properties within 500 feet of the area proposed to be rezoned.

- b. Owners' names and addresses of all properties lying within 500 feet of the area proposed to be rezoned.
 - c. Additional information required by the city plan commission or common council.
- (3) *Review and recommendations.* The city plan commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified and granted, or denied.
- (4) *Hearings.* The common council shall hold a public hearing upon each petition giving public notice thereof as specified in subsection (6) of this section, listing the time, place and the changes or amendments proposed. The common council shall also give at least ten days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.
- (5) *City council's action.* As soon as possible after such public hearing, and after careful consideration of the city plan commission's recommendations, the common council shall act on the petition either approving, modifying and approving, or disapproving the petition.
- (6) *Public hearings.* Notice of any public hearing which the common council, city plan commission or zoning board of appeals may hold under the terms of this article shall specify the date, time and place of hearing, and the matter to be presented at the hearing. Pursuant to Wis. Stats. ch. 985, the notice shall be published as a class 2 notice, as follows:
- a. The notice of public hearing shall be published in a newspaper of general circulation in the city at least once each week for two consecutive weeks, the last publication of which shall be at least one week before the public hearing.
 - b. Notice of the public hearing shall be mailed to all parties in interest at least ten days before the hearing. Parties in interest shall be defined as the petitioner, the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition, and the owners of all lands included in the petition and all lands lying within 500 feet of lands included in the petition. The failure to give any notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.
- (7) *Basis for approval of the petition.*
- a. The city plan commission in making its recommendation and the common council in making its determination shall consider that:
 - 1. The petitioners for the proposed PUD district have indicated that they intend to begin the physical development of the PUD within

nine months following the approval of the petition, and the development will be carried out according to a reasonable construction schedule satisfactory to the city.

2. The proposed PUD district is consistent in all respects to the purpose of this section and to the spirit and intent of this article, is in conformity with the adopted master plan, or any adopted component thereof, and the development would not be contrary to the general welfare and economic prosperity of the community.
- b. The city plan commission in making its recommendations and the common council in making its determination shall further find that:
1. The proposed site shall be provided with adequate drainage facilities for surface water and stormwater.
 2. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
 3. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance and maintenance of public areas by the proposed development.
 4. The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable articles or administrative regulations of the city.
 5. Centralized water and sewer facilities shall be provided.
 6. The entire tract or parcel of land to be included in a planned unit development district shall be held under single ownership, or if there is more than one owner, the petition for such PUD district shall be considered as one tract, lot or parcel, and the legal description must define such PUD as a single parcel, lot or tract and be so recorded with the county register of deeds.

(8) *Proposed residential PUD district.*

- a. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.
- b. The total net residential density within the PUD district will be consistent with and not exceed the average intensity and density of development permitted in the underlying basic use district.
- c. Where a parcel zoned PUD is located partially within a floodplain or conservancy district (CD), the floodplain or CD district lands may be used to fulfill the area requirements set forth in subsection (8)b of this

section, provided that at least two-thirds of the land utilized in the calculation of density is located outside of the floodplain or CD district.

- d. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
- e. Adequate, continuing fire and police protection is available.
- f. The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
- g. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.

(9) *Proposed commercial planned unit development district.*

- a. The proposed development will be adequately served by off-street parking and truck service facilities.
- b. The proposed development shall be adequately provided with and shall not impose any undue burden upon public services and facilities such as fire and police protection, street maintenance and maintenance of public areas.
- c. The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
- d. The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

(10) *Proposed industrial planned unit development district.*

- a. The operational character, physical plant arrangement and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effect upon the property values of the surrounding neighborhood.
- b. The proposed development shall be adequately provided with and shall not impose any undue burden upon public services and facilities, such as fire and police protection, street maintenance and maintenance of public areas.
- c. The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.

- d. The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
 - e. No residential structures shall be permitted in an industrial PUD.
- (11) *Mixed use planned unit development district.*
- a. The proposed mixture of uses produces a unified composite which is compatible within the underlying districts and which, as a total development entity, is compatible with the surrounding neighborhood.
 - b. The various types of uses conform to the general requirements as hereinbefore set forth in this section, applicable to projects of such use and character.
 - c. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance and maintenance of public areas.
- (12) *Determination.* The common council, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a PUD shall be based upon, and include as conditions thereto, the building, site and operational plans for the development as approved by the common council.
- (13) *Changes and additions.* Any subsequent change or addition to the plans or uses shall first be submitted for approval to the city plan commission, and, if in the opinion of the city plan commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the city plan commission shall be required. Notice shall be given pursuant to the provisions of this section, and such proposed alterations shall be submitted to the common council for approval.
- (14) *Subsequent land division.* The division of any land or lands within a planned unit development district for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the city and when such division is contemplated, a preliminary plat of the lands to be divided shall accompany the petition for PUD approval.