

CHAPTER 18

SUBDIVISION AND PLATTING

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- 18.01 PURPOSE AND INTENT. The purpose of this chapter is to regulate and control the division of land within the incorporated area of the City and its extraterritorial plat approval jurisdiction for the following purposes: to promote the public health, safety and general welfare, to further the orderly layout and use of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage and other public requirements; to provide for proper ingress and egress; to promote proper monumenting of subdivided land and conveyancing of accurate legal description and to provide safe and orderly shoreland subdivision layouts.
- 18.02 ABROGATION AND GREATER RESTRICTIONS. This chapter shall not repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall govern.
- 18.03 INTERPRETATION. 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 Wisconsin Statutes.
- 18.04 DEFINITIONS. For the purpose of this chapter, the following definitions shall be used:
- (1) ALLEY. A public or private right of way which provides secondary access to abutting properties.
 - (2) ARTERIAL STREET. A street used or intended to be used primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highways and parkways.
 - (3) BLOCK. A group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number or letter.
 - (4) BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind which is permanently affixed to the land.
 - (5) BUILDING SETBACK LINE. A line parallel to the street defined by the Zoning Code beyond which buildings may not be erected.
 - (6) BUILDING SITE. A parcel of land occupied or intended to be occupied by a structure as permitted under applicable zoning regulations.

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- (7) CERTIFIED SURVEY MAP. A map of a land split prepared in accordance with §236.34, Wis. Stats., and sec. 18.09 of this chapter.
- (8) COLLECTOR STREET. A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including principal entrance streets to residential developments.
- (9) CITY STREET, STANDARD. A standard City street is one which contains all of the following:
 - (a) A roadbed of not less than 37 feet in width, centered on the street right of way.
 - (b) A storm sewer drainage system to adequately drain the street and surrounding area.
 - (c) A 9 inch stone base, as per City specifications.
 - (d) A concrete curb and gutter, as per City specifications.
 - (e) A 2 inch thick AC asphalt wearing surface.
- (10) COMPREHENSIVE PLAN. The extensively developed plan, adopted by the Planning Commission and certified by the Council pursuant to §62.23, Wis. Stats., including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for implementation of these plans such as zoning, official map, land division, building line ordinances and capital improvement program shall also be considered part of the comprehensive plan.
- (11) CUL-DE-SAC STREET. A minor street with only one outlet and having a turnaround for the safe and convenient reversal of traffic movement.
- (12) EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. The unincorporated area within 1-1/2 miles of the corporate limits of the City in accordance with §236.45 or §62.23(6), Wis. Stats.
- (13) FINAL PLAT. The map or plan for a subdivision, and any accompanying material, as described in sec. 18.08 of this chapter.
- (14) FRONTAGE STREET. 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.
- (15) GRADE. The slope of a road, street or other public way specified in percent.

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- (16) IMPROVEMENT, PUBLIC. Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the City may ultimately assume the responsibility for maintenance and operation.
- (17) LOT. A buildable parcel of land represented and identified in a subdivision as defined in sub. (28) below and in accordance with the Zoning Code.
- (18) LOT, CORNER. A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side.
- (19) LOT, THROUGH. A lot which has a pair of opposite lot lines along 2 substantially parallel streets which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- (20) MINOR STREET. A street used or intended to be used primarily for access to abutting properties.
- (21) MINOR SUBDIVISIONS. (Amd. Ord. #1190) The division of land by the owner or subdivider resulting in the creation of 2 to 4 parcels or building sites, any one of which is 5 acres or less in size, or the division of a block, lot or outlot within a recorded subdivision plat into 2 to 4 parcels or building sites without changing the exterior boundaries of the block or outlot.
- (22) OUTLOT. A remnant parcel of land not to be used for building purposes so designated on the plat.
- (23) PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision submitted to the Planning Commission for purposes of preliminary consideration as described in sec. 18.07 of this chapter.
- (24) PUBLIC WAY. Any public road, street, highway, walkway, drainageway or part thereof.
- (25) REPLAT. The process of changing the boundaries of a record subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of the block, lot or outlot is not a replat.
- (26) RURAL STREET. A rural street is one which contains all of the following:
 - (a) A roadbed of not less than 37 feet in width centered on the street right of way.

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- (b) A surface water drainage system which shall consist of either open ditches, storm sewer or a combination of both to adequately drain the street and surrounding area, both present and future.
 - (c) A 9 inch stone base, as per City specifications.
 - (d) A 2 inch thick AC asphalt wearing course surface, not more than 30 feet in width, centered on the street right of way.
- (27) SUBDIVIDER. Any person dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat. Developers shall be considered subdividers.
- (28) SUBDIVISION. (REPEAL. & RECR. ORD. #1047) Is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where:
- (a) The act of division creates 5 or more parcels or building sites of 1 1/2 acres each or less in area; or
 - (b) Five or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions within a period of 5 years.
- (29) SURETY BOND. A bond guaranteeing performance of a contract or obligation through possible forfeiture of bond if such contract or obligation is unfulfilled by the subdivider.

18.05 GENERAL PROVISIONS. (1) JURISDICTION. The jurisdiction of this chapter shall include all incorporated lands within the City and the extraterritorial plat approval jurisdiction area. However, in no instance shall the provisions of this chapter apply to the following:

- (a) Transfers of interests in land by will or pursuant to court order.
 - (b) Leases for a term not to exceed 10 years, mortgages or easements.
 - (c) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the resultant lots are not reduced below the minimum sizes required by these regulations, the Zoning Code or other applicable laws or regulations.
- (2) COMPLIANCE. No subdivider shall divide any land located within the jurisdictional limits of these regulations which results in a-subdivision, minor subdivision or a replat as defined herein; no such subdivision, minor subdivision or replat shall be entitled to record and no improvements shall be made to land without compliance with all requirements of this chapter, duly approved City and comprehensive plans and approved plan components, including the Zoning Code, applicable local regulations and the provisions of Ch. 236, Wis. Stats.

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- (3) LAND SUITABILITY. No land shall be subdivided which is held unsuitable for any proposed use by the Planning Commission. Where the subdivision of a tract of land contains a portion of land unsuitable for development because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community, the procedure shall be as follows:
- (a) Poor Drainage. Land subject to ponding, poor permeability or poor drainage or for other causes determined by the Planning Commission, and if such land is not zoned as a conservancy or flood plain or similar district on the applicable zoning map, it shall be subject to the following requirements:
 - 1. The developer shall cause the land to be carried in a private easement in the individual deeds affected thereby and no permit shall be issued for a building therein. In addition, appropriate notations shall be placed on the face of the final plat, or
 - 2. The developer may, at his own expense, prepare a development proposal for the problem area. It shall be submitted for Planning Commission approval and shall be accompanied by a site plan and adequate engineering data to insure that the public health, safety and welfare will not be violated if approved, and to provide a surety bond to the City to insure that such will be done at a specified time.
 - (b) Floodable Conditions, Drainageways. No development shall be allowed in floodable areas except as permitted in chapter 16 of this Code. In designing plats, drainage easements shall be shown on the plat where conditions warrant as determined by the Board of Zoning Appeals and building permits shall not be issued therein. Provisions of county shoreland ordinances shall also be complied with when subdividing land located outside the City limits.
 - (c) Determination by the Planning Commission. Adverse soil conditions for the contemplated development in a proposed subdivision shall be determined by the Planning Commission from sources available to it. Where soil interpretations determine a tract of land is unsuitable for development under existing conditions, the developer may submit a proposal for development through engineering design indicating how the problem may be overcome. The proposal procedure is identical to sub. (3) (a) 2. above. The Planning Commission, in applying the provisions of this chapter, shall, in writing, cite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing. Thereafter, the Planning Commission may affirm, modify or withdraw its determination of unsuitability.

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- (4) DEDICATION AND RESERVATION OF LAND. (a) Streets and Drainageways. Whenever a tract of land to be subdivided embraces or any part of a street, drainageway or other public way which has been designated in the adopted comprehensive plans, official map or adopted plan components, such public way shall be made a part of the plat by the subdivider in the locations and dimensions indicated on such plan. Such dedications shall become effective upon the approval and recording of the final plat.
- (b) Other Public Sites. Whenever a proposed park or other public land other than streets or drainageways designated in the comprehensive plan, the official map or adopted plan components of the City is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be made a part of the plat and shall be reserved by the subdivider for a period not to exceed 2 years unless released by the City or extended by mutual agreement for acquisition by the City at undeveloped land costs. In the event the subdivider and the City cannot agree on the sale price, the City shall commence condemnation.
- (c) Land Abutting Lakes and Streams. Whenever feasible, all public access to the low watermark of navigable lakes and streams required by §236.16(3), Wis. Stats., shall be at least 100 feet wide and contain land characteristics acceptable to the Planning Commission. The land lying between the meander line established in accordance with §236.20(2)(g), Wis. Stats., 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 requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in §236.16(4), Wis. Stats.
- (5) PUBLIC SITE FEES. All persons subdividing land within the City, including minor subdivisions, shall pay a \$225 per lot public site fee. Payment may be in a lump sum at the time of first application for a final plat or certified survey or 50% may be paid when 20% of the lots are sold and the remaining 50% paid when 1/2, or 50%, of the lots are sold, such deferred payment to be guaranteed by surety bond or other satisfactory financial guarantee to the City. 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.

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- (6) IMPROVEMENTS. The subdivider shall not install any streets or other improvements required by the City until the final plat has been approved by the Planning Commission and other required approving agencies. Before recording the final plat with the applicable county Register of Deeds, the subdivider shall enter into a contract with the City agreeing to install all required improvements and shall file with such contract a surety bond or other satisfactory security meeting the approval of the Council and reviewed by the City Attorney, as a guarantee that such improvements will be completed by the subdivider or his subcontractors within the time limit established by the Council. In order that adequate inspections can be made, the subdivider shall notify, in writing, the Director of Public Works 2 weeks prior to the time each improvement is to be installed and upon completion of the project. (See sec. 18.11 regarding public improvements required)
- (7) FEES. (a) General. The subdivider shall pay the City all fees as hereinafter required and at the specified time.
- (b) Preliminary Plat Review Fee. 1. The subdivider shall pay a fee of \$45 plus \$1.00 for each lot or parcel over 45 in number within the preliminary plat to the Clerk-Treasurer at the time of first application for approval of any preliminary plat to assist in defraying the cost of review.
2. A reapplication fee amounting to \$5 shall be paid to the Clerk-Treasurer at the time of reapplication for approval of any preliminary plat that has been previously reviewed.
- (c) Final Plat Review Fee. 1. The subdivider shall pay a fee of \$15 to the Clerk-Treasurer at the time of first application for approval of the final plat to assist in defraying the cost of review.
2. A reapplication fee amounting to \$5 shall be paid to the Clerk-Treasurer at the time of reapplication for approval of any final plat that has been previously reviewed.
- (d) Minor Subdivision Review Fee. The subdivider shall pay a fee of \$10 to the Clerk-Treasurer at the time of application for approval of such subdivision to assist in defraying the cost of review.
- (8) VARIANCES. In any particular base where the subdivider can show that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this chapter would cause practical difficulty or exceptional and undue hardship, the Planning Commission may relax such requirement to the extent deemed just and proper so as to relieve such difficulty or hardship, provided such relief may be granted without detriment

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to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the City. A 3/4 vote of those present at the Planning Commission meeting shall be required to grant any modification to these regulations, and any modification thus granted shall be entered in the minutes of the Commission, setting forth the reasons which, in the opinion of the Commission, justified the modification.

18.06 PROCEDURE. (1) SUBDIVISION. When it is proposed to divide land into 3 or more parcels or building sites of 5 acres each or less in area, or where the act of division creates 3 or more parcels or building sites of 5 acres each or less in area by successive division within a 5 year period, or where a street is created more than 60 feet long, the subdivider shall proceed with the following:

- (a) Preliminary Consultation. [Amd. Ord. #1321] Prior to filing an application for approval of a preliminary plat, the subdivider shall consult the Zoning Administrator, Director of Public Works and Utility Manager to become informed of the purpose and objectives of these regulations, adopted City comprehensive plans, or adopted plan components and duly adopted plan implementation regulations of the City, the suitability of the site for development, the accessibility of the site, the availability of public facilities, and to otherwise assist the subdivider in planning his development. In so doing, the subdivider will gain a better understanding of the subsequent required procedures. The Director of Public Works shall provide a copy of this chapter and all applicable drawings to the subdivider and obtain a receipt from the subdivider.
- (b) Sketch Plan. As a part of this consultation or thereafter, but prior to filing an application for approval of a preliminary plat, the subdivider shall submit 6 copies of a sketch plan of sufficient scale and reasonable accuracy indicating the following information:
 1. Title, scale, north arrow and date.
 2. Boundaries of the property being considered for platting or development.
 3. Topography.
 4. General soil conditions, seasonally wet areas, rock outcrops and areas with existing slopes of over 12%, including the general direction of the slope.
 5. Proposed filling, grading, lagooning and dredging with a general indication of the finished grade and percentages of slopes over 10%.
 6. Delineation of any periodically flooded areas, shorelines and highwater lines.

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7. Total acreage of subdivision, number of proposed lots, general lot layout showing proposed lot widths and depths in accordance with relative zoning regulations.
 8. Land uses adjacent to proposed subdivision, proposed roads, easements, public access to navigable water, dedications, community facilities and utilities.
 9. A description of all property owned or controlled by the subdivider contiguous to the proposed plat even though only a part of the area is proposed for immediate development.
 10. Name and address of subdivider or his agent.
- (c) Consultation with Planning Commission. When submitting copies of the sketch plan, the subdivider shall file a request for a consultation with the Planning Commission. This request shall be filed at least 15 days prior to the Planning Commission meeting at which it will be discussed. Within 2 days after receiving such a request, the Director of Public Works shall notify the subdivider of the date, time and place of this meeting.
- (d) Review of Sketch Plan. After review of the sketch plan by the Planning Commission or within 35 days thereafter, the subdivider shall be informed of any additions, changes or corrections to his sketch plan necessary to expedite the preliminary plat and final plat procedures. The Director of Public Works shall be responsible to notify the subdivider.
- (2) PRELIMINARY PLAT REVIEW. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat in accordance with sec. 18.07 of this chapter. The subdivider shall file the required number of copies of the preliminary plat as outlined in par. (a) below and a letter of application with the Director of Public Works at least 15 days prior to the meeting of the Planning Commission at which action is desired. The letter of application shall indicate that copies of the plat are on file with the utility companies having jurisdiction over the subject area so that adequate provisions can be made by the utility companies to serve the proposed subdivision. In lieu of this procedure, the subdivider may submit the preliminary plat according to the alternate procedures outlined in par. (c) below.
- (a) Submission of Plans. The Director of Public Works shall, within 2 days after filing, transmit copies of the plat to the following agencies:
1. Four copies to the Planning Commission.
 2. Two copies to the applicable county Zoning Administrator if the subdivision lies outside the corporate boundaries of the City, but within its extraterritorial plat approval jurisdiction.

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3. Two copies to the applicable town board if the subdivision lies outside the corporate boundaries of the City, but inside its extraterritorial plat approval jurisdiction.
 4. Two copies to the head of the Planning Function of the Department of Development.
 5. Two copies to the Division of Highways, Wisconsin Department of Transportation, if the subdivision abuts or adjoins a state trunk highway or connecting street.
 6. Two copies to the Division of Health, Department of Health and Social Services if the subdivision is not served by a public sewer and provision for such service has not been made.
 7. Two copies to the Division of Environmental Protection, Department of Natural Resources if the subdivision is within the Shoreland Jurisdictional Area.
- (b) Approving and Objecting State Agencies. Agencies named in subpars. 1., 2. and 3. in par. (a) above are designated approving agencies and agencies named in subpars. 4., 5., 6. and 7. in par. (a) above are designated objecting agencies.
- (c) Alternate Procedure. In accordance with §236.12 (6), Wis. Stats., the subdivider or his agent shall submit the original drawing or the preliminary plat directly to the head of the Planning Function of the Department of Development who will prepare and forward copies of the original plat to each of the state agencies required to review it. When this procedure is used, it shall be the responsibility of the subdivider or his agent to submit copies of the plat to the approving agencies as specified in par. (a) above.
- (3) PRELIMINARY PLAT APPROVAL. The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of a copy of the plat and shall return that copy to the Planning Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objections to the plat. However, when the plat is submitted under the alternate procedure listed in sub. (2) (c) above, the head of the Planning Function shall have 30 days in which to object to the plat as provided in §236.11(1) (a), Wis. Stats.
- (a) Time and Place of Planning Commission Meeting. The Director of Public Works shall inform the Clerk-Treasurer not less than 10 days in advance of the date, time and place of the Planning Commission meeting at which the plat shall be reviewed.

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- (b) Planning Commission Review. The Planning Commission shall review the plat for conformance with this chapter and all other chapters, rules, regulations and adopted City comprehensive plans for adopted plan components which affect the plat.
 - (c) Planning Commission Approval. The Planning Commission, within 90 days of the date of filing of preliminary plat with the Director of Public Works shall approve, approve conditionally or reject such plat unless the time is extended by agreement with the subdivider. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy of the plat and letter shall be placed in the Planning Commission's permanent file.
 - (d) Default Approval. Failure of the Planning Commission to act within 90 days, if such time is not extended, shall constitute an approval.
 - (e) Reserved Approval, Except for Layout. 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 6 months of the preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in §236.11(1) (b), Wis. Stats., the final plat shall be entitled to approval with respect to such layout.
 - (f) Revocation of Preliminary Plat Approval. The approval of the preliminary plat or any extension thereof may be revoked upon written notice where the Planning Commission finds that a material change in conditions has occurred affecting the proposed subdivision which would adversely affect to a substantial degree public health, safety and welfare.
- (4) FINAL PLAT REVIEW. The subdivider shall prepare a final plat in accordance with sec. 18.08 of this chapter and shall file the required number of copies of the final plat, as outlined in sub. (2) (a) above, and a letter of application with the Director of Public Works at least 15 days prior to the meeting of the Planning Commission at which action is desired.
- (a) Submission of Plans. The Director of Public Works shall, within 2 days after filing, transmit copies of the plat to the agencies identified in sub. (2) (a) above which are required to review the plat. See sub. (4) (b) above for alternate procedure. A copy shall also be submitted to the Clerk—Treasurer for review by the Council.

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- (b) Alternate Procedure. The subdivider or his agent may submit the original drawing of the final plat directly to the head of the Planning Function of the Department of Development as provided in sub. (2) (c) above.
 - (c) Partial Platting. The final plat may, if permitted by the Planning Commission, constitute only that portion of the approved preliminary plat which the subdivider proposed to record at that time.
- (5) FINAL PLAT APPROVAL. The objecting 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. If there are no objections, they shall so certify on the face of a copy of the plat and shall return that copy to the Planning Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objections to the plat. However, when the plat is submitted under the alternate procedure listed in sub. (4) (b) above, the head of the Planning Function shall have 30 days in which to object to the plat.
- (a) Meeting Time and Place. The Director of Public Works shall inform the Clerk-Treasurer not less than 20 days in advance of the date, time and place of the Planning Commission meeting at which the plat will be reviewed.
 - (b) Planning Commission Review. The Planning 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 chapters, rules, regulations and adopted comprehensive plans or adopted plan components which may affect the plat.
 - (c) Planning Commission Approval. The Planning Commission shall, within 60 days of the date of filing of the final plat with the Director of Public Works, approve, approve conditionally or reject the plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and written statement of the reasons forwarded to the subdivider. If the plat is approved, the Planning Commission shall not inscribe its approval on the face of the original final plat until the Director of Public Works certifies on the face of the original final plat that copies were forwarded as required by sub. (4) (a) above, the date thereof and that no objections have been filed within 20 days, or if filed, have been satisfied. If the plat was submitted under the alternate procedure outlined in sub. (4) (b) above, certification of no objections on the face of the final plat shall be signed by the head of the Planning Function rather than the Director of Public Works.
 - (d) Default Approval. Failure of the Planning Commission to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved as provided in §236.11(1) (a), Wis. Stats.

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- (e) City Council Approval. Final plats dedicating streets, highways or other public lands to the City shall also be approved by Council resolution within 60 days of the date of filing.
 - (f) Preliminary and Final Plat Approval Within the Extraterritorial Jurisdiction of the City Proposed subdivisions located within the extraterritorial jurisdiction of the City shall be reviewed and approved in the same manner as proposed subdivisions within the City limits with the following exception. Such plats shall be filed with the applicable county Zoning Administrator for transmittal to the appropriate review agencies as outlined in the county subdivision ordinance.
- (6) RECORDATION. After the final plat has been approved by the Planning Commission and any other approving agencies, the subdivider shall record the plat with the applicable county Register of Deeds in accordance with §236.25, Wis. Stats.
- (7) REPLAT. 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 desiring to replat shall vacate or alter the recorded plat as provided in §§236.40 through 236.44, Wis. Stats. The subdivider or person desiring to replat shall then proceed as specified in subs. (1) through (6) of this section.
- (a) The Director of Public Works shall schedule a public hearing before the Planning Commission when a preliminary plat of a replat of lands within the City's jurisdiction is filed and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of the proposed replat.
 - (b) The subdivider shall furnish the names of all property owners within 200 feet of the exterior boundaries of the proposed replat to the Director of Public Works. Such names shall be obtained from the approved City tax roll.
- (8) MINOR SUBDIVISION. When it is proposed to divide land into 2 parcels or building sites, any one of which is less than 5 acres in size, or to divide a block, lot or outlot into 2 parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of the block, lot or outlot, the subdivider shall submit a preliminary sketch of the proposed minor subdivision to the Planning Commission for preliminary approval by the Commission. The Planning Commission shall, within 35 days from the date of submittal, approve, approve conditionally or reject the preliminary sketch. Upon receiving preliminary approval, the minor subdivision shall be resubmitted to the Planning Commission for their recommendation of final approval by the Council. The subdivider shall subdivide by use of a Certified Survey Map, prepared in accordance with 18.09 of this chapter and shall file 6 copies of the map and the letter of application with the Director of Public Works at least 25 days prior to the meeting of the Planning Commission at which action is desired.

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- (a) Review by Planning Commission. The Planning Commission shall review the map for conformance with this chapter and all chapters, rules, regulations and adopted plan components which affect it. The Planning Commission shall, within 60 days from the date of filing of the map, approve, approve conditionally or reject the map unless continued 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 Planning Commission shall cause the Director of Public Works to so certify on the face of the original map and return the map to the subdivider.
- (b) Council Approval. When the Certified Survey Map involves the dedication of streets or other public areas to the City, the Council shall also approve the Map.
- (c) Recordation. The subdivider shall record the Map with the applicable county Register of Deeds within 30 days of its approval by the Planning Commission and any other approving agencies. Failure to do so will necessitate reapproval of the Map by the Planning Commission.

18.07 PRELIMINARY PLAT. (1) 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 on reproducible material at a scale of not more than 100 feet to the inch shall be clearly marked "Preliminary Plat" and shall show correctly on its face the following information:

- (a) Title under which the proposed subdivision is to be recorded.
- (b) Legal description and general location of the proposed subdivision.
- (c) Date, scale and north arrow.
- (d) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- (e) 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 the area is proposed for immediate development. The Planning 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.

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- (2) PLAT DATA. All preliminary plats shall show the following:
- (a) Approximate 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.
 - (b) Contours at vertical intervals of not more than 2 feet where the slope of the ground surface is less than 10% and of not more than 5 feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on mean sea level datum or where, in the judgment of the Planning Commission, undue hardship would result because of remoteness of the parcel from a mean sea level reference elevation, another datum may be used. Elevation datum shall be obtained from the Director of Public Works.
 - (c) Water elevations of adjoining lakes and streams at the date of the survey, approximate high and low water elevation, all referring to the same datum used for the contours.
 - (d) Location, right of way width and names of all existing and proposed 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.
 - (e) Location and names of any adjacent subdivisions, parks, schools and cemeteries, and owners of record of abutting unplatted lands.
 - (f) 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, all referring to the datum used for the contours.
 - (g) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of manholes, catch basins, hydrants, power and telephone poles 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 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 their direction and distance from the tract, size and invert elevations.

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- (h) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
 - (i) Approximate dimensions of all lots together with proposed lot and block numbers.
 - (j) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.
 - (k) Approximate radii of all curves.
 - (l) Existing zoning and proposed use on and adjacent to the proposed subdivision.
 - (m) Corporate limits lines.
 - (n) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
 - (o) Any proposed lake and stream improvement or relocation and proposed filling, grading, lagooning and dredging and notice of application for Division of Environmental Protection, Department of Natural Resources approval when applicable and approval from any other agency having jurisdiction over any of the above.
 - (p) Seasonally wet areas.
- (3) STREET PLANS AND PROFILES. The subdivider shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested by the Director of Public Works, and all elevation, plans and profiles shall meet the approval of the Director.
- (4) UTILITY OR DRAINAGE EASEMENT PLANS AND PROFILES. The subdivider shall provide easement plans and profiles showing existing ground surface proposed and established easement grades, including extensions for a reasonable distance beyond the limit of the proposed subdivision when requested by the Director of Public Works or any utility.
- (5) TESTING. The Director of Public Works may require borings and soundings be made in designated areas to ascertain subsurface soil, rock and water conditions, including depth to bed rock and depth to ground water table. Where the subdivision will not be served by public sanitary sewer service, provisions of Wis. Adm. Code H65 shall be complied with and the appropriate data shall be submitted with the preliminary plat.

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- (6) COVENANTS. The Planning Commission shall require submission of a draft of protective covenants when the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.
- (7) 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 division and features and that he has fully complied with the provisions of this chapter.

18.08 FINAL PLAT. (1) 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 §236.20, Wis. Stats.

- (2) ADDITIONAL INFORMATION. The final plat shall show correctly on its face, in addition to the information required by §236.20, Wis. Stats., the following:
 - (a) Exact street width along the line of any obliquely intersecting street.
 - (b) Setbacks or building lines are deemed necessary by the Planning Commission. See sec. 18.10(9) of this chapter.
 - (c) All lands reserved for future public acquisition or reserved by the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance must also be provided with the plat.
 - (d) Special restrictions required by any approving or objecting agency relating to access control along public ways or to the provision of planting strips.
- (3) DEED RESTRICTIONS. Any deed restrictions and utility or drainage easements attached to the subdivision shall be filed with or placed on the face of the final plat.
- (4) SURVEYING AND MONUMENTING. All final plats shall meet all the surveying and monumenting requirements of §236.15, Wis. Stats.
- (5) STATE PLANE COORDINATE SYSTEM. When the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated, 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 Wisconsin 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 Wisconsin Coordinate System.

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- (6) CERTIFICATES. All final plats shall provide all the certificates required by §236.21, Wis. Stats., and in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter and provide a certificate for Planning Commission approval.
- (7) REPRODUCIBLE SUPPLIED. All developers and/or subdividers of land within the City limits shall provide the City with a frosted, white mylar film reproducible tracing at least 3 mil. in thickness. Such reproducible shall be completely legible and capable of reproducing red, blue, black or brown line prints with the white backgrounds. Such reproducible shall be of the final plat which was approved by the Council. This section shall apply to all land divisions coming under the jurisdiction of this chapter and shall include meets and bounds and certified surveys. The above reproducible shall be placed on file in the office of the Director of Public Works.
- (8) PROPOSED GRADES. (a) All developers and/or subdividers of land within the City limits shall provide the City with the following proposed established grades: street centerline, top of both curbs and the private property edge of the public sidewalk. The sidewalk grades shall be provided at the intersection of each side property and the front property lines.
 - (b) The developer and/or subdivider shall provide the City with finished grades on all utility easements where underground electric power or telephone cable is to be installed. Such utility easements shall be finished graded in accordance with the grades provided before utilities are installed.
 - (c) The developer or subdivider shall provide proposed building grades (elevation of the first floor above the earth's surface) for all lots within the subdivision. These grades shall be located at the building setback lines designated in the Zoning Code. All grades shall be in relation to mean sea level datum. Such datum shall be obtained from the Director of Public Works. All grades shall be approved by the Council. The grades shall be shown as follows: B.G. 000.00.

18.09 CERTIFIED SURVEY MAP. (1) GENERAL (Am. Ord. #724; Rep. & Recr. Ord. #860). A Certified Survey Map prepared by a registered land surveyor shall be required for all minor subdivisions. It shall comply in all respects with the requirements of §236.34, Wis. Stats. All certified survey maps required to be prepared pursuant to this section shall be reviewed and approved by the Director of Public

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Works. A certified survey map shall be required by the City when the following conditions exist:

- (a) New home construction.
- (b) Garage construction (left to the discretion of the Building Inspector).
- (c) Addition to houses or garages (left to the discretion of the Building Inspector).
- (d) Construction of and including additions to commercial and industrial buildings.
- (e) Construction of driveways.
- (f) Construction of fences.
- (g) Construction of accessory buildings over 120 square feet.

All certified survey maps (C.S.M.'s) shall comply with sub. (4) below and shall require approval by the City's Mapping Department.

- (2) ADDITIONAL INFORMATION. The map shall show correctly on its face, in addition to the information required by §236.34, Wis. Stats., the following:

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- (a) All existing buildings, watercourses, drainage ditches and other similar significant features pertinent to proper land division.
 - (b) Setbacks or building lines from public rights of way or shorelines as provided in the Zoning Code.
 - (c) All lands reserved for future acquisition.
 - (d) Date of the map.
 - (e) Graphic scale.
 - (f) All streets, sanitary sewers, storm sewers, water, curb and gutter, and all other utilities.
 - (g) Name and address of the owner, subdivider and the surveyor, including his registration number.
- (3) LOTS NOT SERVED BY APPROVED SANITARY SEWER SYSTEMS. If the lots being created will not be served by an approved sanitary sewer system, percolation tests shall be submitted for approval by the Building Inspector. The percolation tests shall be performed in accordance with Wis. Adm. Code H65.06(4).
- (4) STATE PLANE COORDINATE SYSTEM. Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing the distance of such tie shall be determined by field measurements; the material and Wisconsin 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 Wisconsin Coordinate System.
- (5) CERTIFICATES. (a) The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter.
- (b) Dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by §236.21(2) (a), Wis. Stats., and the approval of the Council.
- (6) RECORDATION. The Certified Survey Map shall only be recorded with the applicable county Register of Deeds after the certificates of the Planning Commission, the surveyor and the Council, when applicable, are placed on the face of the map.

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- 18.10 DESIGN STANDARDS. (1) LOCATION OF SITE. (a) General Plan. The location and design of any subdivision or division shall conform to any applicable comprehensive plan or segment thereof prepared and adopted.
- (b) Zoning. The use of land in a subdivision or as described by a Certified Survey Map shall conform to any applicable city, town or county zoning ordinances; however, larger lots may be required where conditions warrant.
 - (c) Objectionable Areas. Land subject to hazards of life, health or property damage as may be caused by fire, floods, disease, noise, falling aircraft or land considered to be uninhabitable for other reasons may not be subdivided for building purposes unless the hazard has been eliminated or the plans show adequate safeguards correcting the hazards.
 - (d) Nearby Development. A subdivision shall be coordinated with existing nearby development or neighborhoods so that the area as a whole shall be developed harmoniously in a coordinated manner.
- (2) NATURAL FEATURES. (a) Preservation of all natural and historical features which will add to the attractiveness and value of the land being divided shall be cared for.
- (b) Hillside development of land which has a slope of more than 10% may require larger lot sizes than are zoned and may reduce setback requirements upon proper appeal to the Planning Commission.
 - (c) Water frontage and surface drainage interferences such as with the natural flow of surface water drainage channel or natural water course.
 - (d) Planting screens may be required along zoning district lines as buffer strips along railroad rights of way; alongside heavily traveled highways where lots are backed into the roadway; or for any such use as may be deemed appropriate and consistent with the total development of the City.
- (3) STREET ARRANGEMENT. The subdivider shall dedicate land for and improve streets as provided herein. Streets shall conform to any applicable official map regulation in effect. In areas for which an official map has not been completed, the street layout shall recognize the functional classification of various street types and shall be developed and located in proper relation to existing and proposed streets, with due regard to topographical conditions, natural features, utilities, land uses and public convenience and safety. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street as provided herein. The following conditions shall apply for street arrangement in all proposed subdivisions:

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- (a) Arterial Streets. Arterial streets shall be arranged so as to provide ready access to centers of employment, high density residential areas, centers of government activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as is practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- (b) Collector Streets. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major streets 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 major streets into which they feed.
- (c) Minor Streets. Minor streets shall be arranged to conform to the topography to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- (d) Street Extension, When Required. 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 Council or Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent land tracts. Such streets shall terminate with a temporary turnaround of 120 feet right of way diameter and a roadway of not less than 90 feet in diameter.
- (e) [Amd. Ord. #1321] Cul-de-sacs. Cul-de-sacs should be avoided to the extent practicable and will be allowed only where physical site features prevent connection with existing or planned future roadways.
- (f) Arterial Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.
- (g) Stream and Lake Shore Access. Stream or lake shores shall have 100 feet of public access platted to the low water mark at intervals of not more than 1/2 mile as required by sec. 18.05(4) (c) of this chapter.
- (h) Reserve Strips Prohibited. Reserve strips controlling access to streets or alleys shall be prohibited except where their control is definitely placed with the City.
- (i) Alleys. Alleys may be required in commercial and industrial districts to provide for off-street loading and service access, but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions. Dead end alleys shall not be approved and alleys shall not connect to a federal, state or county trunk highway.

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- (j) Street Names. Street names shall not duplicate or be similar to existing street names and existing street names shall be projected or continued wherever possible.
- (4) LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT OF WAY TREATMENT. Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right of way, the design shall provide the following treatment:
- (a) When residential lots within the proposed subdivision back upon the right of way of an existing or proposed limited access highway or railroad, the following restriction shall be lettered on the face of the plat: "Direct Vehicular Access to (name of road) from Lots Abutting Such Road is Prohibited."
 - (b) In commercial and industrial districts, the design shall provide on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance, but not less than 150 feet, from such highway or railroad for the appropriate use of the land between such streets and highways or railroad.
 - (c) Streets parallel to a limited access highway or railroad right of way, when intersecting a major street and highway or collector street which crosses such railroad or highway, shall be located at a minimum distance of 250 feet from such highway or railroad 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.
 - (d) Minor streets immediately adjacent and parallel to railroad right of way shall be avoided.
- (5) STREET DESIGN STANDARDS. (a) Minimum Rights of Way. The minimum right of way of all proposed streets shall be as specified on any applicable street plan officially adopted by the City; or, if no width is specified, the minimum right of way width shall be as follows:

Type of Street	Minimum Right of Way
Arterial Street	120 feet
Collector street	80 feet
Minor street	60 feet
Frontage street	60 feet

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- (b) Minimum Roadway Width Compliance. Minimum roadway width and surface width of all new subdivision roads shall comply with the City street standards.
- (c) Cul-de-sac Streets. Cul-de-sac streets designed to have one end permanently closed shall not normally exceed 600 feet in length. Such streets shall terminate in a circular turnaround having a minimum right of way radius of 60 feet and a minimum roadway radius of 45 feet.
- (d) Street Grades Provided to City. All street grades shall be provided to the City by developer and/or subdivider as outlined in sec. 18.08(8) of this chapter.
- (e) Street Grades. Unless necessitated by exceptional topography subject to the approval of the Planning Commission, the maximum centerline grade of any street or public way shall not exceed the following:
 - 1. Arterial streets, 6%.
 - 2. Collector streets, 8%.
 - 3. Minor streets, alleys and frontage streets, 10%.
 - 4. Pedestrian ways, 12% unless steps of acceptable design are provided.
 - 5. The grade of any street shall in no case exceed 10% or be less than 0.5%. 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. 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 arterial streets, and 1/2 this minimum for all other streets.
- (f) Radii of Curvature. When a continuous street centerline deflects at any one point by more than 10°, 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, 500 feet.
 - 2. Collector streets, 300 feet.
 - 3. Minor streets, 100 feet.
- (g) Tangent. A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

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- (h) Half Street Regulations. Half streets shall be prohibited except where:
 - 1. The other half has already been dedicated.
 - 2. Its alignment is shown on the Official Map.

- (6) STREET INTERSECTIONS. Streets shall intersect each other as nearly as possible at right angles and in no instance shall be less than 70°. Not more than 2 streets shall intersect at one point unless approved by the Planning Commission.
 - (a) Number of intersections along major streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,200 feet.
 - (b) Property lines at street intersections shall be rounded with a minimum radius of 15 feet or of a greater radius when required by the Planning Commission.
 - (c) Street jogs with centerline offsets of less than 125 feet shall not be approved.

- (7) BLOCKS. The widths, lengths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography.
 - (a) Length. Blocks in residential areas shall not, as a general rule, be less than 600 feet nor more than 1,200 feet in length unless otherwise dictated.
 - (b) Pedestrian Ways. Pedestrian ways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Planning Commission to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.
 - (c) Width. Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic or where lots abut a lake or stream. 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 provisions for such use.
 - (d) Utility Easements. All utility lines for electric power and telephone service shall be placed on easements provided for by the subdivision along rear lot lines whenever carried on overhead poles except where lots abut a lake or stream. Utility lines within the subdivision shall, where feasible, be placed underground.

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- (8) LOTS. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots shall be designated to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated.
- (a) Side lot lines shall be at right angles to straight street lines or radical to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
 - (b) Double frontage and reversed frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
 - (c) Every lot shall front or abut on a public street for a distance of at least 30 feet. In unique cases, where it is impossible for a lot to abut a public street, a private way shall be used for access purposes provided a statement is included on the face of the plat indicating that the lot is served by a private way and that the City has no responsibility for the maintenance of the private way. Not more than one lot shall use an approved private way for access purposes.
 - (d) Area and dimensions of lots shall conform to the requirements of the Zoning Code and in areas not served by public sewer shall, in addition, conform to the requirements of the State Department of Health and Social Services and/or Department of Natural Resources. Whenever a tract is subdivided into parcels with areas in excess of the zoning requirements, such parcels shall be arranged and dimensioned so as to allow resubdivision of any such parcels into normal lots in accordance with the provisions of this chapter.
 - (e) Lots should be designed with a suitable proportion between width and depth. Neither long, narrow or wide shallow lots are normally desirable. Normal depth should not exceed 2-1/2 times the width, nor be less than 120 feet.
 - (f) Width of lots shall conform to the requirements of the Zoning Code.
 - (g) Corner lots shall be designed with extra width to permit adequate building setback from both streets and in no instance less than 75 feet wide.
 - (h) Lands lying between the meander line 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.

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- (9) **BUILDING SETBACK LINES.** Building setback lines shall conform to the requirements established in the Zoning Code and shall be shown on the final plat on all lots within the subdivision. Such setback lines shall be delineated by a short dashed line and labeled as such. See sec. 18. (2) (b) of this chapter.
- (10) **STORM DRAINAGE.** Storm sewers, culverts and related facilities shall be designed to permit the unimpeded flow of natural water courses, insure the drainage of all low points along the line of streets, provide positive drainage away from on—site sewage disposal facilities.
 - (a) Storm drainage facilities must be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the same drainage basin is fully developed.
 - (b) In the design of storm drainage facilities, special consideration shall be given to preventing excess runoff onto adjacent property.
- (11) **SANITARY SEWERS.** In areas that have a sanitary sewer on or near the proposed subdivision, the agency providing that service shall determine the feasibility of service and the requirements to be followed by the subdivider. In areas not to be served by a sanitary sewer system, on—site sewage disposal systems shall be permitted only where feasibility reports are satisfactory, as regulated by Wis. Adm. Code H65, and the applicable county sanitary code.
- (12) **WATER FACILITIES.** Where there is an existing public water supply system on or near the subdivision, the agency providing that service shall determine the feasibility of connection to this system. Where there is no public water supply system, individual water supply systems shall be permitted only in accordance with the minimum standards contained in the applicable county sanitary code.
- (13) **FILLING.** Where land is to be filled more than 6 inches above an adjacent property, a grading plan shall be approved by the Planning Commission.
- (14) **COMMERCIAL AND INDUSTRIAL AREAS.** In these areas, the land division shall be designed with consideration of site conditions to permit the best possible layout to serve the public. A development plan containing landscape treatment should be transmitted. Consideration shall be given to the following items:

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- (a) Traffic circulation and parking of cars.
- (b) Efficient delivery and pickup.
- (c) Efficient arrangement of space for present use and future expansion.

(15) EASEMENTS. Where a subdivision is traversed by a watercourse, drainageway or stream, an adequate drainageway or easement may be required to handle storm water runoff. The location, width, alignment and improvement of such drainageway or easement shall be approved by the Planning Commission.

18.11 REQUIRED IMPROVEMENTS. As required by sec. 18.05(6) of this chapter, the subdivider shall enter into a contract with the City agreeing to install all public improvements required by the Council and shall file with the contract a surety bond or other satisfactory security meeting the approval of the Council and reviewed by the City Attorney as a guarantee that such improvements shall be completed by the subdivider or his subcontractors within the time limit established by the Council. Such improvements shall include the following:

- (1) GRADING. After installation of temporary block corner monuments by the subdivider and the establishment of street grades, the subdivider shall grade the full width of the right of way of all streets proposed to be dedicated in accordance with the plans and specifications approved by the Council. The subdivider shall grade the roadbeds in the street right of way to subgrade.
- (2) SURFACING. After installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in the street proposed to be dedicated to the widths pre-scribed in these regulations and the comprehensive plan or Official Map, providing such surfacing can be completed prior to October 15 of any given year. If the roadways are not surfaced by October 15, they shall be completed by July 1 of the following year. Building permits may be issued between the dates of October 15 and July 1, providing the roadbed will adequately support traffic. No building permits shall be issued after July 1 of the following year if the street surfacing is not completed by said July 1.
 - (a) [Amd. Ord. #1321] Such surfacing shall be of AC asphalt consisting of a 2" base coat and a 1 ¼" top coat and shall be done in accordance with plans and specifications approved and adopted by the City.
- (3) RURAL STREET SECTIONS. When rural street sections have been approved, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Council.

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- (4) **STORM WATER DRAINAGE FACILITIES.** (a) The developer shall construct storm water drainage facilities which shall include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels as may be required by the Director of Public Works to provide adequate surface drainage for the subdivision.
- (b) Storm drainage facilities where needed shall be designated to permit the unimpeded flow of natural watercourses, insure the drainage of all points along the line of streets, and provide positive drainage away from on-site sewage disposal facilities. In designating storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and preventing excess water runoff on adjacent property. The Planning Commission or the Council may require that easements or drainageways of widths sufficient to accommodate anticipated storm water runoff be provided. All storm water drainage facilities shall be constructed in accordance with plans and standard specifications approved by the Council upon the recommendation of the Director of Public Works.
- (c) [Amd. Ord. #1321] Maintenance of private storm water / detention areas are the responsibility of the owner. In the event the owner fails to maintain any of these areas and that lack of maintenance threatens the functionality of the City's infrastructure, the City may perform the necessary work and bill that work directly to the owner as a special assessment as provided in Sec. 8.02(9)(2) of the Municipal Code.
- (5) **PUBLIC SANITARY SEWERAGE AND PRIVATE SEWERAGE DISPOSAL SYSTEMS.**
- [Amd. Ord. #1321] (a) In areas that have a sanitary sewer system on or near the proposed subdivision, the Council and the Planning Commission shall require the Director of Public Works to perform a feasibility study of service and the procedures to be followed by the subdivider in joining the system. The applicant shall be responsible for all costs related to the feasibility study. If feasible, a public sanitary sewer system adequate to service the subdivision and compatible with the City-wide sanitary sewer development plan shall be provided and include a lateral connection for each lot and a satisfactory connection to the City sanitary sewer system. Each lateral shall be marked in the field by a stake visible above the ground.
- (b) If public sewer facilities are not available, the subdivider shall make provision for adequate private sewerage disposal systems as specified by the State Department of Health and Social Services.
1. In areas that are not to be served by sewer systems, on-site sewage disposal systems utilizing soil absorption fields shall be permitted only when soil tests conducted in accordance with Wis. Adm. Code 1165 indicates the systems will function adequately.
 2. The Planning Commission may prohibit the installation of sewage disposal facilities requiring soil absorption systems where such systems would impair water quality and the Commission may, with approval of the Division of Environmental Protection, Department of Natural Resources, allow alternative methods of waste treatment and disposal including, but not limited to, package treatment plants or incinerator or chemical toilets.

3. Plans for private sewage disposal systems not utilizing soil absorption fields shall be approved in writing by the Department of Health and Social Services and the Planning Commission. The subdivider shall clearly indicate on the face of the plat and in any deed of conveyance that soil absorption fields are not to be used.
- (6) SEWER MAINS TRAVERSING OTHER LANDS AND LIFT STATIONS.
 - (a) If it is necessary to traverse unimproved land with sanitary sewer to serve the subdivision, the City shall install such sanitary main and the subdivider shall pay the cost of such construction. The City will reimburse the subdivider to the extent that special assessments are levied on other property for such construction. In the event such special assessments are deferred, the subdivider shall be reimbursed when the special assessments are paid or when installment payments commence. The Council may authorize the subdivider to construct any sanitary sewer facility as hereinbefore provided. However, in the event such construction benefits land outside the subdivision, authorization will be granted only if the subdivider waives in writing any and all rights to reimbursement from the City.
 - (b) If a sewage lift station is necessary to serve the subdivision, the subdivider shall share in the cost of the lift station and associated force main in the same ratio that the land area of the subdivision bears to the total area served by the lift station. It is assumed that the project will be assessed against the benefiting property and, if assessed, the procedure in par. (a) above will be followed.
 - (7) PUBLIC WATER SUPPLY FACILITIES. [Amd. Ord. #1321] (a) In areas that have a public water system on or near the proposed subdivision, the Council and the Planning Commission shall require the Utility Manager to perform a feasibility study of service and the procedures to be followed by the subdivider in joining the system. The applicant shall be responsible for all costs related to the feasibility study. The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified by applicable codes. The Planning Commission shall require the installation of water laterals to the street lot line. 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 New London Electric and Water Utility. The sub-divider shall assume the cost of installing all water mains 8 inches in diameter or less in size. If greater than 8 inch diameter water mains are required, the excess cost of such mains over and above the cost of an 8 inch main shall be borne by the Utility.
 - (8) ELECTRICAL SERVICE. [Amd. Ord. #1321] (a) In areas that have an electric distribution system on or near the proposed subdivision, the Council and the Planning Commission shall require the Utility Manager to perform a feasibility study of service and the procedures to be followed by the subdivider in joining the system. The applicant shall be responsible for all costs related to the feasibility study. The subdivider shall pay the cost of electrical service pursuant to the rules and regulations of the New London Electric and Water Utility as approved by the Public Service Commission.

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- (9) OTHER UTILITIES. 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. No such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier. The subdivider shall consult with the various utility companies to determine the feasibility of burying utility lines. Whenever underground electric or telephone service is requested by either the developer and/or subdivider or the servicing utility, all easements shall be dedicated by the developer and/or subdivider. Proposed easements shall be 10 feet in width, centered on property lines and finished graded in accordance with sec. 18.08 (8) (b) of this chapter. 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 particular utility having jurisdiction and the Director of Public Works.
- (10) STREET LAMPS. The subdivider may install street lamps of a type acceptable to, and in accordance with, plans and standard specifications set by the Planning Commission and the applicable utility company and only after Council approval.
- (11) STREET SIGNS. Street signs shall be provided and installed by the developer according to specifications and locations provided by the Director of Public Works.
- (12) LOT GRADING. If topographic conditions warrant, the Planning Commission shall require that a grading plan be submitted prior to the approval of a proposed plat.
- (13) SURVEY MONUMENTS. The subdivider shall install survey monuments in accordance with the requirements of §236.15, Wis. Stats.

18.12 LOTS NOT ABUTTING PUBLIC ROADS. No subdivider shall sell any parcel of land of 5 acres or less in size if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser by letter of the fact that the road is not a public road and is not required to be maintained by the City. Copies of this letter shall be sent to the Clerk-Treasurer and the Director of Public Works.

18.13 PHASE DEVELOPMENT. The installation of improvements within a subdivision in phases is permitted. When a subdivider desires to use this method, he shall file with the Planning Commission, through the Director of Public Works, a detailed written and graphic schedule of the proposed development. Such schedule shall include plans showing all improvements to be constructed in each phase, the various phases and a timetable for their completion. The schedule shall be submitted along with the request for final plat review. During final plat review, the Planning Commission shall approve, conditionally approve, alter or reject the proposed phase development. Upon Planning Commission approval, such Commission shall recommend that the Council approve the phase development and schedule, along with the Council approval of the final plat.

and graphic schedule of the proposed development. Such schedule shall include plans showing all improvements to be constructed in each phase, the various phases and a timetable for their completion. The schedule shall be submitted along with the request for final plat review. During final plat review, the Planning Commission shall approve, conditionally approve, alter or reject the proposed phase development. Upon Planning Commission approval, such Commission shall recommend that the Council approve the phase development and schedule, along with the Council approval of the final plat.

- (1) Only those phase areas which are contiguous to other completed phases within the subdivision or other completed subdivisions shall be permitted to proceed with development.
- (2) Building permits shall not be issued for erection of a structure on any lot within any phase area until all the requirements of this chapter have been met, except as provided in sec. 18.11 (2).

18.14 PLANNED RESIDENTIAL UNIT DEVELOPMENT. See sec. 17.07 of the Zoning Code.

18.15 CONSTRUCTION. (1) COMMENCEMENT. No construction or installation of improvements shall commence in a proposed subdivision until the final plat has been approved by the Council and other approving agencies.

- (2) BUILDING PERMITS. No building permits shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met, except as provided in sec. 18.11(2).
- (3) PLANS. The following plans and accompanying construction specifications shall be required by the Planning Commission and the Council before authorization of construction or installation of improvements:
 - (a) Street plans and profiles showing existing and proposed grades! elevations and cross sections of required improvements. See sec. 18.08(8) (a) of this chapter.
 - (b) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (c) Storm sewer plans and profiles showing the locations, grades, sizes, cross sections, elevations and material of required facilities.
 - (d) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.

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- (e) Planting plans showing the locations, age and species of any trees.
 - (f) As-built plans (plans showing both horizontal and vertical locations of all underground utilities as they were actually installed) shall be provided to the City by the subdivider.
 - (g) Additional special plans or information as required.
- (4) **INSPECTION.** The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Director of Public Works to provide for adequate inspection. Such arrangements shall be made in writing. The Director of Public Works shall inspect and approve all completed work prior to the issuance of building permits, release of the sureties or the acceptance of any utility installation. The City shall not perform any maintenance on any utility or accept the responsibility thereof until all utility installation has been accepted by Council resolution. Such resolution shall be passed only after all bonds or other guarantees have been released in accordance with the requirements governing the installation of public utilities. Whenever possible, the City shall supply an inspector to inspect the construction of all items listed in this section. If a City inspector is not available, it shall be the responsibility of the developer and/or subdivider to provide all inspection necessary and to bear the cost thereof. Under no circumstances shall any construction take place without a qualified inspector present. If inspection is being provided by the developer and/or subdivider, all inspectors shall be approved by the City.
- (5) **ENGINEERING COSTS.** All engineering costs shall be provided by the developer and/or the subdivider. Copies of all plans and specifications required to perform any or all required construction shall be submitted to the Council for approval. Any construction requiring Department of Natural Resources approval shall be submitted for approval by the Council after Department of Natural Resources approval has been granted. Three copies of each shall be required. Also, one copy bearing Department of Natural Resources and all applicable agencies' approval shall be provided to be placed on file in the office of the Clerk-Treasurer. All improvement tests (water pressure, sanitary sewer infiltration, concrete, etc.) shall be caused by the subdivider at his expense. The engineer retained by the subdivider shall provide the Director of Public Works and/or the New London Electric and Water Utility Manager with the results thereof in writing.

18.16 **ENFORCEMENT.** The Director of Public Works shall enforce the provisions of this chapter.

18.17 **APPEALS.** Any person aggrieved by an objection to a plat or failure to approve a plat may appeal therefrom as provided in §S236.13(5) and 62.23(3), (7), (10) to (15), Wis. Stats.

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18.18 VIOLATIONS. No person shall build upon, divide, convey record or monument any land in violation of this chapter or the Wisconsin Statutes and no person shall be issued a City building permit authorizing the building on or improvement of any subdivision, minor subdivision or replat within the jurisdiction of this chapter and not of record as of the effective date of this chapter 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 Wisconsin Statutes.

18.19 PENALTIES. Any person who fails to comply with the provisions of this chapter shall upon conviction thereof forfeit not less than \$100 nor more than \$1,000 and the cost of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until payment thereof for a period not to exceed 6 months. Each day a violation exists or continues shall constitute a separate offense.

- (a) Recordation improperly made has penalties as provided in §236.30, Wis. Stats.
- (b) Conveyance of lots in unrecorded plats has penalties as provided for in §236.31, Wis. Stats.
- (c) Monuments disturbed or not placed have penalties as provided for in §236.32, Wis. Stats.
- (d) Assessor's plat may be ordered by the City when a subdivision is created by successive divisions as provided in §236.31(2), Wis. Stats.