



Chapter 117 New Richmond Subdivision Ordinance

Adopted December 8, 2014
Effective January 1, 2015



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Article I. General Provisions

PROCEDURE ICONS:

Look for the procedure icons to navigate the critical steps in your application process.



Recommended meeting with Staff



Public hearing



Prohibited form or function



Permit required



Recommendation by Staff/Commission



Note limitations in Code



Application & Fee required

Sec. 117-1. Purpose.

The purpose of this Ordinance is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to:

- A. Lessen congestion in the highways and streets.
- B. Foster the orderly layout and use of land.
- C. Secure safety from fire, panic and other dangers.
- D. Provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems.
- E. Discourage overcrowding of the land.
- F. Protect the community's agriculture base.
- G. Facilitate adequate provision for transportation, public water and sewage. Schools, parks, playgrounds and other public necessities.
- H. Facilitate the further division of large tracts of land into smaller parcels.

Sec. 117-2. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning; in addition, the definitions in Wisconsin Statutes §236.02 apply to this Ordinance.

Furthermore, the terms and words used in this Ordinance shall be interpreted as follows:

- A. The present tense includes the future tense.
- B. The words "shall" and "must" are mandatory; the word "may" and "should" are permissive.
- C. The singular includes the plural, and the plural includes the singular.
- D. All measured distances expressed in feet shall be to the nearest 1/10 of a foot.

E. For terminology not defined in this Ordinance, or in the Wisconsin State Building Code, Merriam-Webster's Collegiate Dictionary Tenth Edition shall be used to define such terms.

F. If a conflict arises between the graphic illustrations presented in this Ordinance and the text of this Ordinance, the text shall prevail.

As-built plan. The amended final site plans specifying the locations, dimensions, finished grades, capacities, and capabilities of structures or facilities as they have been constructed.

Assessor's plat. A plat as described in Wisconsin State Statutes §70.27.

Block. 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 or building setback line. A line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the Zoning Ordinance, or any restriction on the plat which identifies a line on the plat as a building setback line.

Building permit. The written approval issued in accordance with the provisions of Wisconsin Administrative Code §SPS 320.09, by the City's Office of the Zoning Administrator for any construction, repair, enlargement, improvement or alteration of any building or structure within the City.

Capital costs. The capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the City can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10% of capital costs. "Capital costs" does not include other non-capital costs to construct, expand or improve public facilities or the costs of equipment to construct, expand or improve public facilities.

Certified Survey. A certified survey map is a minor subdivision of land used to create no more than four new parcels in a five year period.

City. The City of New Richmond.

Comprehensive Plan. A comprehensive 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.

Concept plan. A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.

Condominium. A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all owners on a proportional, undivided basis. It is a legal form of ownership of real estate and not a specific building type or style.

Condominium development. A real estate development in which a condominium form of ownership pursuant to Wisconsin Statutes Chapter 703 is utilized.

Cul-de-sac. A short street having but 1 end open to traffic and the other end being terminated in a vehicular turnaround.

Developer. A person or entity that constructs or creates a land development.

Director of Public Works. The person designated by the City Administrator/Utility Manager as the enforcement officer for this ordinance. References to Director of Public Works also include their designee.

Division of land. 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.

Drainageway. An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry stormwater on the ground surface in lieu of an enclosed storm sewer. Drainageways may serve multiple purposes in addition to their principal use including, but not limited to, maintenance, bicycle and pedestrian traffic, sanitary sewers, water mains, storm sewers, stormwater detention, park development, and other related uses. Drainageways may also be referred to as "greenways."

Dwelling unit. A group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one family.

Dwelling, multiple-family. A residential building designed for or occupied by 3 or more families, with the number of families in residence not to exceed the number of dwelling units provided.

Easement. 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.

Environmental analysis. A detailed analysis that evaluates a proposed action or project's effect on the human environment and studies, develops and describes alternatives to the proposed action or project as described by WI Administrative Code NR 150.

Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one-half (1.5) miles of a fourth-class city or a village and within three (3) miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from the

boundaries of each community so that not more than one community exercises extraterritorial powers over any area.

Extraterritorial area. The area outside of the City Limits in which the City of New Richmond exercises extraterritorial powers pursuant to Wisconsin Statute §62.23(7a).

Fee simple. A form of land ownership that includes all property rights, including the right to develop land.

Final plat. 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. All the property abutting on one side of a street between two intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

Impact fee. Cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer by the City of New Richmond.

Land development. The construction or modification of improvements to real property that creates additional residential dwelling units within the City or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the City.

Land division. A division of a parcel of land where the act of division, including by certified survey, creates less than 5 lots, parcels or building sites of 35 acres each or less in area.

Lot. 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 building 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 Ordinance and any applicable Zoning Ordinance.

Lot area. The area of contiguous land bounded by lot lines, exclusive of land designated for public thoroughfares.

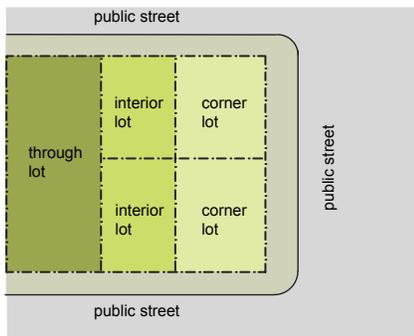
Lot, corner. A lot situated at the intersection of 2 streets.

Lot depth. The shortest horizontal distance between the front lot line and the rear lot line measured at a 90-degree angle from the street right-of-way.

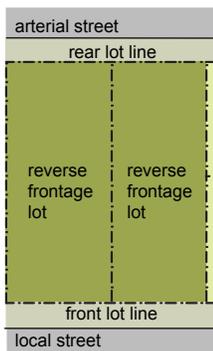
Lot line. Legally established lines dividing 1 lot, plot of land or parcel of land from an adjoining lot or plot of land or parcel of land as defined herein.

Lot, reversed corner. 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, reverse-frontage. A through lot for which the boundary along one of the streets is established as the front lot line and the boundary along the other street



Lot diagram



Reverse frontage lot diagram

is established as the rear lot line. The rear lot line of the lot shall be that boundary abutting a traffic artery or other disadvantageous use.

Lot, through. A lot having a pair of opposite lot lines along 2 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 width. The horizontal distance between the side lot lines at the building setback line.

Major thoroughfare. A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.

Master plan. An extensively developed plan, map, or other document pertaining to planning and adopted by the Common Council or other City agency which may pertain to the division of lands, including the Comprehensive Plan, the official map, comprehensive utility plans, and other planning documents including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, official map, land division, and building development and capital improvement plans shall be considered as planning documents within this definition.

Official map. A map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, and other facilities, as adopted by the Common Council pursuant to Wisconsin Statutes Chapter 62.

Outlot. A parcel of land, other than a lot, so designated on a plat or certified survey and which is not intended for building or structure development, in the proposed land division.

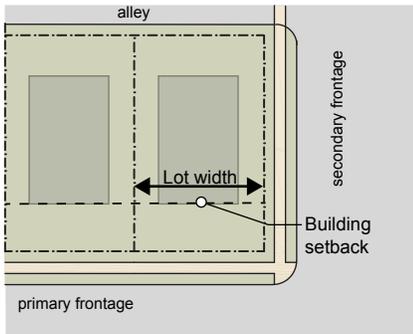
Owner. The holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of their interest. The personal representative of at least one owner shall be considered an owner.

Parcel. Contiguous lands under the control of a subdivider whether or not separated by a combination of streets, exterior subdivision boundary lines, streams, or other water bodies.

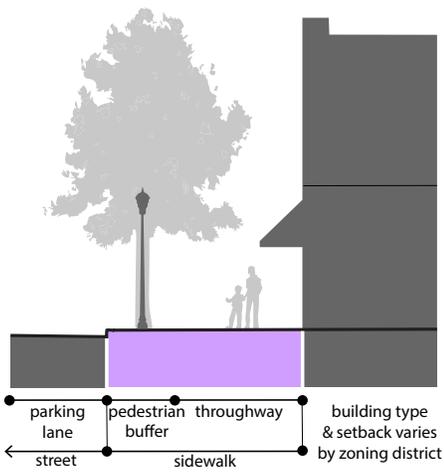
Person. Includes the plural as well as the singular and may mean any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.

Pedestrian buffer. A public way located between the throughway of a sidewalk and the back of curb. The pedestrian buffer may contain street trees in a planting bed, street trees in tree grates, planting beds without trees, and if space allows street furnishings.

Pedestrian pathway. A public way which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.



Lot width diagram



Pedestrian buffer diagram

Plan Commission. The Plan Commission created by the Common Council pursuant to Wisconsin Statutes §62.23.

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

Preliminary plat. The preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission for its consideration as to compliance with the comprehensive development plan and these regulations along with required supporting data.

Protective covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to Wisconsin Statutes §236.293, which constitute a restriction on the use of all private or platted property within a 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. The City does not enforce protective covenants between private parties.

Public facilities. Highways, as defined in Wisconsin Statutes §340.01(22), and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing and distributing water, parks, playgrounds, land for athletic fields, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries except that, with regard to communities, "public facilities" does not include highways, as defined in Wisconsin Statutes §340.01(22), other transportation facilities or traffic control devices. "Public facilities" do not include facilities owned by a school district.

Public improvement. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, pedestrian buffer or other facility for which the City may ultimately assume the responsibility for maintenance and operation.

Replat. 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 without changing exterior boundaries of said block, lot or outlot is not a replat.

Residential dwelling unit or dwelling unit. A single-family dwelling or part of a duplex, apartment, or other multiple-family dwelling occupied by 1 family or 1 distinct set of inhabitants or occupants.

Residential equivalent unit (REU). A unit of measure for impact fees equivalent to 1 residential dwelling unit. The residential equivalent unit is used as a single unit of measurement for all residential, nonresidential, commercial, industrial, and institutional land developments.

Right-of-way. A public way dedicated to the public for its intended use.

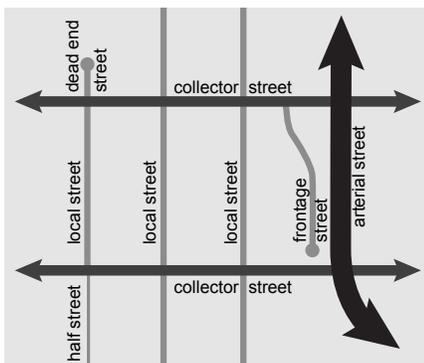
Roadway, dual. A street that is divided by a median.



Shared use path and example signage



Signed shared roadway or signed bike route example



Street types diagram

Service area. A geographical area delineated by the Common Council within which there are public facilities.

Service standard. A certain quantity or quality of public facilities relative to a certain number of persons, parcels or land or other appropriate measure, as specified by the Common Council.

Shared use path. A pedestrian pathway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Shared use paths may also be used by bicyclists, skaters, wheelchair users, joggers and other non-motorized users.

Shorelands. 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.

Sidewalk. The portion of a street or highway right-of-way designed for preferential or exclusive use by pedestrians.

Signed shared roadway (signed bike route). A shared roadway which has been designated by signing as a preferred route for bicycle use.

Street. A public way for pedestrians and vehicular traffic and utility access including but not limited to highways, thoroughfares, parkways, through highways, roads, avenues, boulevards, lanes, places, and courts, and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the right-of-way.

Street, Arterial. A street which provides for the movement of relatively heavy traffic to, from, or within the City. Its purpose is to provide through traffic for a heavy volume of vehicles between neighborhoods and other parts of the City.

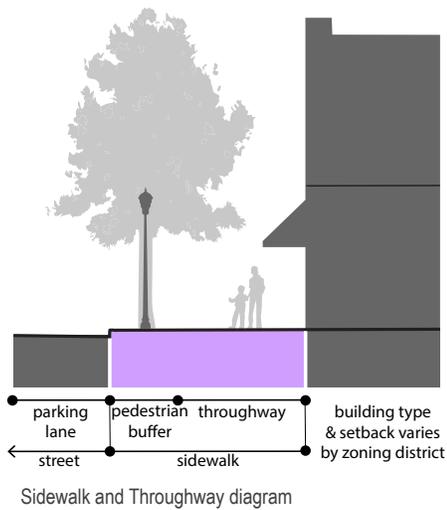
Street, Collector. A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

Street, Dead End. A street permanently or temporarily closed at one end, with or without turnarounds.

Street, Frontage. A local street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

Street, Half. A street, either existing as or proposed to be, half of the required right-of-way width with the intention that the adjoining half will be platted at the time the adjoining lands are subdivided; or an existing street, of which, due to reasons of ownership, only half of the right-of-way is within the boundaries of a proposed land division or annexation.

Street, Local. A street of little or no continuity designed to provide access to abutting property and leading into collector streets.



Structure. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

Subdivider. Any person, firm, corporation, agent, partnership, or entity of any sort, which divides or proposes to divide or replat land in any manner, including such heirs and assigns as may be responsible for the obligations of the subdivider under the provisions of this Ordinance.

Throughway. The ADA accessible portion of a pedestrian pathway.

Urban service area. That portion of the City and the area within its extraterritorial jurisdiction which has been designated by the Common Council as the area to which services required in urban areas shall be provided in a planned and orderly process, particularly those facilities which are placed on or in the land as part of the urban development process. Such services include, but are not limited to, public sanitary and storm sewers, water supply and distribution system, streets and highways.

Variance. A relaxation of the terms of this chapter by the Board of Appeals where the literal enforcement of this chapter would deny to the property owner a use of their property enjoyed as a right by other property owners within the same zoning district.

Wetlands. 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.

Zoning Administrator. The person designated by the City Administrator/Utility Manager as the enforcement officer for this Ordinance.

Sec. 117-3. Relationship to Comprehensive Plan.

It is the policy of the City of New Richmond that the enforcement, amendment, and administration of this Ordinance be accomplished consistent with the City's Comprehensive Plan, as may be amended from time to time. The Common Council recognizes the Comprehensive Plan as the official policy for the regulation of land use and development in accordance with the policies and purpose herein set forth. In accordance with Wisconsin Statutes §62.23, the City will not approve any changes in these regulations that are not consistent with the City's Comprehensive Plan.

Sec. 117-4. Authority and Jurisdiction.

The provisions this Ordinance are adopted under the authority granted by Section §236.45 of the Wisconsin Statutes, relating to the subdivision of land. This Ordinance shall regulate the division of land within the incorporated area of the City of New Richmond.

Sec. 117-5. Abrogation and Greater Restrictions.

It is not intended by this Ordinance 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 Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

Sec. 117-6. Interpretation.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City.

Sec. 117-7. Separability.

It is hereby declared to be the intention of the City that the several provisions of this Ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, such judgment shall not affect the application of said provision to any other property not specifically included in said judgment.

Sec. 117-8. Disclaimers.

- A. The purpose of requiring approvals under this Ordinance is to ensure the health, safety, morale, comfort, prosperity and general welfare of the City. This Ordinance shall not be interpreted as placing any responsibility or liability on any City official, City employee, or the City as a municipal corporation for the granting of approval, or the denial of any approval. All approvals rendered as

part of this Ordinance shall be considered as being approved conditionally based on the information and circumstances apparent at that time.

- B. Approvals issued by the City shall not be construed as an assumption or expression of any responsibility, warranty, or guarantee, for the design or construction of any improvements within the land division.

Sec. 117-9. Enforcement and Violations.

A. Violations.

It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Ordinance 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, land division or replat with the jurisdiction of this Ordinance not of record as of January 1, 2015 until the provisions and requirements of this Ordinance have been fully met. The City may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable State Statutes.

B. Penalties.

1. Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit no less than \$50.00 nor more than \$500.00 and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
2. Assessor's plat made under Wisconsin Statutes §70.27 may be ordered by the City at the expense of the subdivider when a subdivision is created by successive divisions.

C. Revocation of permits and/or approvals.

1. The Director of Public Works or Zoning Administrator may revoke or suspend any permit or approval issued under the regulations of this Ordinance and may stop construction or use of approved materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever applicable ordinances, laws, orders, plans and specifications are not being complied with and that the subdivider or their contractor has refused to conform after written warning or instruction has been issued to them.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.

- d. Whenever, in the opinion of the Director of Public Works or Zoning Administrator, the subdivider has provided inadequate management of the project.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Director of Public Works or Zoning Administrator for the use of all materials, equipment, methods of construction, devices or appliances.
2. The notice revoking a permit or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and their agent, if any, and/or on the person having charge of construction.
 3. A revocation placard shall also be posted upon the premises in question by the Director of Public Works or Zoning Administrator.
 4. After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Ordinance, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Ordinance. However, such work as the Director of Public Works or Zoning Administrator may order as a condition precedent to the reissuance of the building permit may be performed, or such work as they may require for the preservation of life and safety.
 5. Any appeals of such revocations or suspensions must be made in writing and within 7 calendar days to the City Clerk for consideration by the Common Council at its next regularly scheduled meeting, provided the appeal is filed not less than 7 days prior to the meeting date.
 6. The Zoning Administrator is hereby directed to withhold the issuance of building permits within the land division until compliance with the provisions of this Ordinance is obtained.
 7. The Zoning Administrator is hereby directed to withhold the issuance of occupancy permits within the land division if violations of this Ordinance may result in health or safety problems for the occupants.
 8. Initiating the subdivision or land division process gives the Director of Public Works permission to enter the land regulated under the application for the purposes of inspection for application compliance.

Sec. 117-10. Compliance, Scope etc.

A. Conformity with this Ordinance is required.

1. No land shall be divided, subdivided, or re-subdivided in a manner that does not comply with all provisions of this Ordinance
 - a. Issuance of permits. The City shall not recognize, and no building or other permits shall be issued by the City authorizing the building on, occupancy, or improvement of any parcel of land not on record as of January 1, 2015 until the provisions and requirements of this Ordinance have been fully complied with and a resolution approving the land division has been adopted by the Common Council of the City and the documents have been recorded within the County Registrar of Deeds.
 - b. Recording of plats or surveys. Plats and certified surveys, approved by the Common Council of the City, must be recorded together with the adopting resolution, with the County Register of Deeds within 30 days of the date of the last resolution of approval and not later than 6 months following the date of the first resolution of approval. Land divisions shall not be recognized by the City until recorded with the Register of Deeds. The volume, page, and document numbers of the recording, shall be filed with the City Clerk and Zoning Administrator prior to issuance of any permits. The subdivider shall file 1 certified copy of the approved land division with the City Clerk.
 - c. Applicability to condominiums. This Ordinance is expressly applicable to condominium developments within the City's jurisdiction, pursuant to Wisconsin Statutes §703.27(1). For purposes of this Ordinance, 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.



Recommendation
by Staff/Commission

Sec. 117-11. Suitability of Land.

A. Suitability.

No land shall be subdivided for residential, commercial, industrial, or other 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. 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, industrial or other use and afford the subdivider an opportunity to

present evidence regarding such unsuitability if they so desire. Thereafter the Common Council, upon the recommendation of the Plan Commission, may affirm, modify, or withdraw its determination of unsuitability.

Sec. 117-12. Types of Land Divisions

The provisions of this Ordinance shall apply to the following types of land division in the corporate limits of the City of New Richmond and the incorporated areas which the City has elected to approve plats under its extraterritorial plat approval jurisdiction as provided in Wisconsin Statute Chapter 236 and Wisconsin Statute §66.010.

A. Subdivision plat.

Any division of land may be surveyed and a plat thereof approved and recorded pursuant to the provisions of this Chapter and Chapter 236 of the Wisconsin Statutes. However, a platted subdivision shall be required for any land division that creates 5 or more parcels 1 ½ acres or less in area, by division or by successive divisions of any part of the original property within a period of 5 years.

B. Certified survey map.

In lieu of a subdivision plat, any division of land that creates 4 or less parcels or building sites, inclusive of the original remnant parcel, by division or successive divisions of any part of the original property within a period of 5 years, shall be surveyed and a certified survey map of such division approved and recorded pursuant to the provisions of this Ordinance and Chapter 236 of the Wisconsin Statutes.

C. Condominium plat.

Any land division that creates condominiums having 1 or more principle buildings on any parcel shall be regulated pursuant to this Ordinance and Section §703.11 of the Wisconsin Statutes relating to condominiums.

D. Replats.

Any replatting of a recorded subdivision, or part thereof, so as to vacate or alter areas within a plat dedicated to the public, or to change the boundaries of a recorded subdivision, shall be regulated pursuant to this Ordinance and Section §236.40 through Section §236.44 of the Wisconsin Statutes.

Sec. 117-13. Exclusions

The provisions of this Ordinance shall not apply to the following:

A. Transfers of interest in land by will or pursuant to court order.

- B. Cemetery plats under Section §157.07 of the Wisconsin Statutes.
- C. Upon approval from the Zoning Administrator, the sale or exchange of parcels of land between owners of adjoining property if additional parcels are not thereby created and the parcels resulting are not reduced below the minimum sizes required by this Section or other applicable laws or ordinances.
- D. Assessors' plats made under Section 70.27 of the Wisconsin Statutes, but such assessors' plats shall comply with Sections §236.15(1)(a)-(g) and §236.20(1), (2) (a)-(c) of the Wisconsin Statutes.

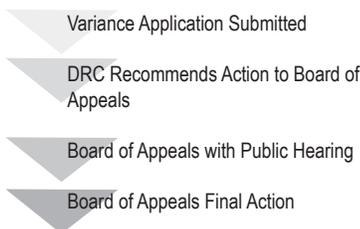
Sec. 117-14. Variance.

A. Where the subdivider alleges that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, the subdivider may request a variance from the regulations.

B. Procedures.

1. Application for any such variance shall be made in writing by the subdivider to the City Clerk at the time when the preliminary plat or certified survey is filed for consideration.
2. The application shall be referred to the Development Review Committee (DRC) which shall submit a report to the Board of Appeals. The petitioner shall appear before the Board of Appeals in order to answer questions.
3. The Board of Appeals shall conduct at least one public hearing on the proposed variation. Notice of such hearing shall be mailed at least 14 days prior to all owners of land within 100 feet of the boundary of the property in question and shall be given not more than 30 days and not less than 10 days before the hearing in one or more of the newspapers in general circulation in the City, the Zoning Administrator and the Board of Appeals.
4. At the hearing the appellant or applicant may appear in person, by agent or by attorney.
5. The Board shall thereafter reach its decision within 30 days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant, Zoning Administrator and the Board of Appeals.
6. Whenever an application for an amendment has been considered and denied, the Board of Appeals shall not consider a similar application for an amendment affecting substantially the same property again for at least 6 months from the date of its denial. A subsequent application affecting substantially the same property shall likewise not be considered again by the Board of Appeals for an additional 6 months from the date of the second denial unless a decision to reconsider such matter is made by the Board of Appeals.

PLAT VARIANCE PROCEDURE



Recommended meeting with Staff



Public hearing



Permit required

- C. Information requirement. Unless waived by the DRC, every application must contain the following written and graphic materials in the number and size as required by the Zoning Administrator:
1. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.
 2. Statement that the applicant is the owner or the authorized agent of the owner of the property.
 3. Address and description of the property.
 4. A site plan showing an accurate depiction of the property.
 5. Additional information required by the Zoning Administrator, DRC, or Board of Appeals.
 6. An application fee, as prescribed by resolution, must be submitted along with the Application for Variance and other required materials.
- D. Evaluation criteria. Action of Board of Appeals shall not grant variances or exceptions to the regulations of this Ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:
1. Failure to grant the variance may 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 were carried out.
 4. There would be no costs (present or future) to the City resulting from the granting of the variance or exception.
- E. Conditions. The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section. Any recommendations for variances or exceptions by the Board of Appeals must be approved by a $\frac{3}{4}$ majority vote and shall instruct the City Clerk to notify the DRC and the subdivider.

Sec. 117-15. Fees Generally.



Fee required

- A. Generally. The subdivider shall pay the City all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map.
- B. Unless otherwise noted, all expenses, fees and costs associated with land division or a subdivision development and related improvements shall be borne by the owner/subdivider.
- C. Engineering. 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 Common Council and/or Director of Public Works deems necessary to assure 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 of construction plans, standard specifications and administration of the engineering work.
- D. Administrative. The subdivider may be required to pay a fee to the City 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.



Fee required

- E. Preliminary plat.
1. A subdivider who submits a preliminary plat for the City Plan Commission and the Common Council shall file said preliminary plat with the City Clerk and shall deposit with the City Clerk a fee to cover the costs of reviewing said application. The fee for a preliminary plat shall be in the amount established in the Schedule of Fees. If the plat is rejected, no part of the fee shall be returned to the petitioner.
 2. A reapplication fee provided for in the Schedule of Fees shall be paid to the City Clerk at the time of reapplication for approval or amendment of any preliminary plat which has previously been reviewed.



Fee required

- F. Final plat review.
1. The subdivider shall pay a fee in the amount established by the Schedule of Fees to the City Clerk at the time of first application for final plat approval of said plat to assist in defraying the cost of review.
 2. A reapplication fee provided for in the Schedule of Fees shall be paid to the City Clerk at the time of a reapplication for approval or amendment of any final plat which has previously been reviewed.

G. Certified survey.



Fee required

1. The subdivider shall pay an application fee in the amount established by the Schedule of Fees for each certified survey.
2. A reapplication fee provided for in the Schedule of Fees shall be paid to the City Clerk at the time of reapplication for approval or amendment of any certified survey which has previously been reviewed.



Fee required

H. Objecting agency review. The subdivider shall transmit all fees required for State agency review to the applicable State agencies at the time of application. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Development, Wisconsin Department of Transportation, Wisconsin Department of Administration and the Wisconsin Department of Natural Resources.

I. Public site. If the subdivision does not contain lands to be dedicated as required in this Ordinance, the City Clerk shall require a fee pursuant to Section 117-174, for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision.

J. Assessments. All outstanding assessments due to the City shall be due prior to the signing of the final plat or certified survey by the City.

Sec. 117-16. Impact Fees.



Fee required

A. Introduction and purpose.

Pursuant to the authority of Wisconsin Statutes §66.0617, the local impact fees enabling legislation, the purpose of this section is to establish impact fees upon new land development to finance the capital costs of acquiring, establishing, upgrading, expanding, and constructing public facilities which are necessary to accommodate land development. This section is intended to assure that new development bears an appropriate share of the cost of capital expenditures necessary to provide public facilities within the City of New Richmond and its service areas, as they are required to serve the needs arising out of land development. The Impact Fee Schedule shall be established by the Common Council.

Article II. Plat Review and Approval

Sec. 117-17. Concept Plan and Preliminary Consultation.



**Recommended meeting
with Staff**

- A. Before filing of an application for the approval of a preliminary plat or certified survey map, the subdivider is encouraged to submit a conceptual plan and to consult with City staff and the Plan Commission for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the City Clerk.
- B. The conceptual plan would show the relationship of the proposed subdivision or certified survey to traffic arteries and existing community facilities.
- C. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the master plan, Comprehensive Plan components and plan implementation devices of the City and to otherwise assist the subdivider in planning their development. The subdivider will gain a better understanding of the subsequent required procedures.
- D. The fee for such concept plan is as prescribed by resolution.

Sec. 117-18. Preliminary Plat Submission.

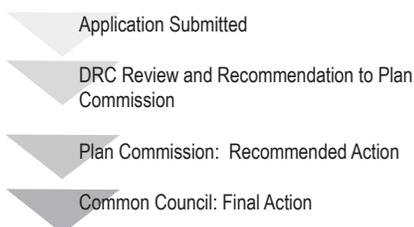
A. Generally.

- 1. Before submitting a final plat for approval, the subdivider shall submit a request for approval of preliminary plat. The request and technical requirements shall be filed with the City Clerk on an official application form.
- 2. The application must be submitted at least 30 days prior to the meeting of the Plan Commission at which action is desired.

B. Referral to objecting agencies and utilities.

- 1. The subdivider shall be responsible for coordinating with electric, gas, and telephone utilities.
- 2. Within 2 days after the filing of the preliminary plat, the City Clerk may transmit copies of the submitted preliminary plat to the following agencies, which shall be hereafter referred to as objecting agencies:

PRELIMINARY PLAT PROCEDURE



- a. The County Planning Agency.
 - b. Wisconsin Department of Transportation. If the subdivision abuts or adjoins a state trunk highway or connecting highway, the department shall transmit a copy or copies of the plat to the department of transportation so that the agency may determine whether it has any objection to the plat on the basis of its rules as provided in Wisconsin State Statutes §236.13.
 - c. Department of Safety and Professional Services. If the subdivision is not served by a public sewer and provision for that service has not been made, the department shall transmit a copy or copies of the plat to the department of safety and professional services so that the agency may determine whether it has any objection to the plat on the basis of its rules as provided in Wisconsin State Statutes §236.13
 - d. Adequate number of copies to the DRC and Plan Commission.
3. Within 20 days after the date of receiving the copies of the plat any agency having authority to object shall notify the subdivider or subdivider's agent 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 that its examination under Chapter §236.12 Sub. (2) of the Wisconsin State Statutes 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. 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 on which it received the copy or copies of the plat, and the department fails to act within 30 days from the date on which it received the copy of the plat, it shall be deemed that there are no objections to the plat and, upon demand, the department shall so certify on the face of the plat. The recommendations of the DRC shall also be transmitted to the Plan Commission within 20 days from the date the plat is filed.

C. Approval process

1. Review by DRC. DRC shall examine the preliminary plat as to its conformance with this Ordinance 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 Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the Zoning Administrator shall return them to the owner and so advise the Plan Commission.
2. Review by Plan Commission. The Plan Commission shall, within 60 days of the date of filing of the preliminary plat with the City Clerk, recommend approval, conditional approval or rejection of the plat and shall transmit the preliminary 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.

3. Review and approval by Common Council. The Common Council must act on a preliminary plat application within 90 days of a complete submission. If the 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.
4. Upon approval of the preliminary plat, the City Clerk shall refer copies of the preliminary plat as approved to the Zoning Administrator. An abstract of title or registered property report may be referred to the City Attorney for their examination and report.

D. Preliminary plat amendment. Should the subdivider desire to amend the preliminary plat as approved, they may resubmit the amended plat which shall follow the same procedure outlined herein and in Wisconsin Statutes §236.11, unless the amendment is, in the opinion of the Plan Commission, of such scope as to constitute a new plat, in which such case it shall be refiled.

E. Technical requirements for preliminary plats.

1. Applicability. A preliminary plat shall be prepared for all land divisions that meet the criteria specified in [Section 117-12 \(A\)](#).
2. Required information to be shown on the preliminary plat. A preliminary plat shall be prepared based on a survey by a Wisconsin registered land surveyor. The preliminary plat shall include the following information, except as may be waived by the Zoning Administrator:
 - a. Submittal documents:
 - (i) Five sets of full size plans drawn to scale of not less than 1" = 100'.
 - (ii) One set of plans reduced to 11x17.
 - (iii) One set electronic plans in .pdf format.
 - b. General information.
 - (iv) Proposed name of the subdivision and location by section, township, and legal description.
 - (v) Name and address of the owner, subdivider, or agent and surveyor.
 - (vi) Location map.
 - (vii) Date, graphic scale, and north arrow.
 - c. Existing conditions.

- (i) The location and names of existing adjacent subdivisions, parks, and cemeteries, and owners of record of abutting property that has not been platted.
 - (ii) Existing zoning on and adjacent to the proposed subdivision.
 - (iii) Location, size, and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of utility holes, 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 proposed plat and/or immediately adjacent to the proposed plat. The nearest such sewer or water mains that might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the proposed plat and their size and invert elevations.
 - (iv) Type, width, and elevation of existing street pavement within the proposed plat and/or immediately adjacent thereto, together with any legally established centerline elevation.
 - (v) Location, right-of-way width, and names of all existing streets, alleys, or other public ways, easements, railroad and utility right-of-ways, and all U.S. Public Land Survey section and quarter section lines within the boundaries of the proposed plat and/or immediately adjacent thereto.
 - (vi) Location, delineated extent, and elevations of all lakes, ponds, streams, flowages, wetlands, and floodplains.
 - (vii) Existing topographic contours.
 - (viii) Existing natural and physical features including structures, driveways, rock outcrops, land cover, vegetation, and similar features that may affect the subdivision.
- d. Proposed conditions.
- (i) All required setbacks including building setbacks/build-to lines and similar required setbacks.
 - (ii) Exact length and bearing of the boundaries of the proposed subdivision.
 - (iii) Location, width, and names of all proposed streets and public right-of-ways, such as alleys and easements.
 - (iv) 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 Zoning Administrator.

- (v) Dimensions and size of each lot together with proposed lot and block numbers.
 - (vi) Location, dimensions, and size of all sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public uses.
 - (vii) Site plan and dimensions of all proposed pedestrian walkways and bicycle routes.
 - (viii) Drainage and stormwater management plans in compliance with Chapter 109 of the New Richmond City Code.
 - (ix) Erosion control plan per Chapter 109 of the New Richmond City Code.
 - (x) Utility plans per Chapter 86 of the New Richmond City Code.
- e. Additional required information.
- (i) Narrative. A narrative shall be submitted with the preliminary plat that describes the existing zoning and any zoning changes that are contemplated. However, the indication of such information shall not constitute an application for rezoning. The narrative shall also describe the proposed use of the parcels, the type of buildings, the number of dwelling units per parcel, the proposed density, and any other information that would assist the Plan Commission in making a decision on the preliminary plat request.
 - (ii) Testing. Testing as required by the Director of Public Works to ascertain subsurface soil, rock, water, and other pertinent conditions affecting the subdivision.
 - (iii) Other related plans. Other related plans as required by this Ordinance or the Plan Commission, including, but not limited to a market analysis plan, or any other plan as may be required to adequately review the proposed subdivision.
 - (iv) Declaration of covenants and easements. The applicant must provide a draft of all proposed declaration of deed restrictions and protective covenants, conservation easements, and homeowner's associations. The City Attorney shall review and approve said instruments as to form. The City shall not enforce any private contracts in deed restrictions.
 - (v) Environmental analysis. An environmental analysis checklist shall be completed by the subdivider. The purpose of this environmental analysis checklist is to provide the basis for an orderly, systematic review of the effects of all new subdivisions upon the community environment in accordance with the principles and procedures of the State statutes set for local subdivision regulation. The environmental assessment checklist shall apply to all reviewable

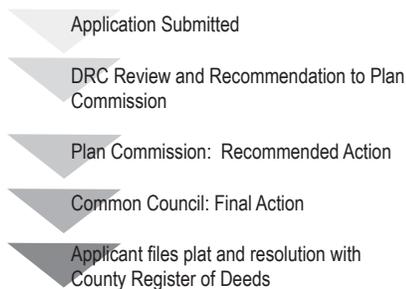
subdivisions, and land divisions by certified survey. The Zoning Administrator may waive the requirement for the filing of an environmental assessment checklist for land divisions by certified survey of less than 5 acres total area.

- (vi) Affidavits. 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 they have fully complied with the provisions of this Ordinance.
- (vii) Staged development plan. Whenever a portion of a tract of land is proposed for subdividing and the balance of the tract is of a size that would allow future subdivision, the Plan Commission may require a tentative plan for such future subdivision.
- (viii) The Plan Commission may require the preliminary plat to include all of the contiguous land owned or controlled by the subdivider , unless subdivision of property contiguous to the subdivision would be premature as defined by this Ordinance. If subdivision of the contiguous property owned by the applicant would be premature, the applicant shall submit a sketch plan with enough detail to demonstrate how that property can be subdivided in the future in a manner consistent with this Ordinance.
- (ix) Area plan. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the subdivider shall 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.

3. Where the Zoning Administrator 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.

F. Additional information. The Zoning Administrator may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

FINAL PLAT PROCEDURE



Sec. 117-19. Review and Approval of Final Plat.

A. Required filings.

1. The subdivider shall prepare a final plat and a letter of application and associated technical requirements in accordance with this Ordinance with

the City Clerk at least 30 days prior to the meeting of the Plan Commission at which action is desired. 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 by the applicant. A written transmittal letter shall identify all substantial changes that have been made to the plat since the preliminary plat. When the subdivider expects the City to act as the transmitting authority in accordance with Wisconsin Statutes § 236.12, the application shall state that transmittal responsibilities lie with the City and shall contain a list of the other authorities to which the plat must be subjected and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.

2. If the City is acting as the transmitting authority, the City Clerk shall perform the functions required in Wisconsin Statutes §236.12(2)(a).
3. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and State laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Wisconsin Statutes §236.12(2).

B. Referral to objecting agencies. The subdivider shall file the final plat as approved with the City Clerk who may distribute it to objecting agencies according to Wisconsin State Statute §236 and [Section 117-18 \(B\)](#) and other affected agencies for their files.

C. 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.

D. Approval Process

1. Review by DRC. DRC shall examine the final plat as to its conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, this Ordinance 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 Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the Zoning Administrator shall return them to the owner and so advise the Plan Commission.
2. Review by Plan Commission. The Plan Commission shall, within 30 days of the date of filing of the final plat with the City Clerk, 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.
3. Review and approval by Common Council. The Common Council must act on a final plat application within 60 days of a complete submission. If the

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. The Common Council may not inscribe its approval on the final plat unless the City Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within 20 days or, if filed, have been met.

4. 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 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 6 months from the date of last approval. Recording fees shall be paid by the subdivider.
- E. Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom as provided in Wisconsin State Statutes §62.23 (7) (e) 10., 14. and 15., within 30 days of notification of the rejection of the plat.
- F. Technical requirements for final plats
1. Final Plat. A final plat shall be submitted within 6 months of the preliminary plat approval.
 2. The applicant shall submit files in the following formats:
 - a. Five sets of full size plans drawn to scale of not less than 1" = 100'.
 - b. One set of plans reduced to 11x17.
 - c. One set electronic plans in .pdf format.
 3. Required information. Unless waived by the DRC, the final plat shall show correctly on its face, in addition to the information required by Wisconsin Statutes §236.20, the following:
 - a. Exact length and bearing of the centerline of all streets.
 - b. Exact street width along the line of any obliquely intersecting street.
 - c. Exact location and description of street lighting and lighting utility easements.
 - d. Railroad rights-of-way within and abutting the plat.
 - e. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
 - f. Special restrictions required by the Common Council, upon the recommendation of the Plan Commission, relating to access control along public ways or to the provision of planting strips.

- g. Drainage flows. The subdivider shall cause to be set upon the final plat arrows indicating the directions of drainage flows for each property line not fronting on a street on all parcels and along each street as will result from the grading of the site, the construction of the required public improvements, or which are existing drainage flows and will remain. The arrows indicating the directions of flows shall be appropriately weighted so as to differentiate between the minor and major (100-year event) drainage components. The arrows shall be accompanied on the plat with the following note: "Arrows indicate the direction of drainage flows in various components resulting from site grading and the construction of required public improvements. The drainage flow components located in easements shall be maintained and preserved by the property owner unless approved by the Director of Public Works."
 - h. Groundwater presence. Where the groundwater table is equal to or less than 9 feet from the proposed street centerline elevation, the subdivider shall place the following note on the plat:

"Subsoil information indicates the presence of groundwater conditions that may require basement elevations on Lot(s) ____ / ____ / ____ to be at elevation _____ or higher, or that a modified structural plan of the structure's foundation shall be submitted to the Zoning Administrator for approval with the application for a Building Permit as required information."
 - i. The elevation of the basement as described in the subsection to be placed on the plat shall be a minimum of 2 feet higher than the elevation of the groundwater table as determined by the Director of Public Works from the soils information.
 - j. Dimensions of lot lines shall be shown in feet and hundredths; no ditto marks shall be permitted. When lot lines are not at right angles to the street right-of-way line, the width of the lot shall be indicated at the building setback line in addition to the width of the lot at the street right-of-way line.
 - k. A numbered identification system for all lots and blocks.
4. Deed restrictions. Restrictive covenants and deed registrations for the proposed subdivision shall be filed with the final plat.
 5. 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.
 6. Accuracy of survey.
 - a. Examination. The DRC shall examine all final plats within the City and may check for the accuracy and closure of the survey, the proper kind

and location of monuments, and legibility and completeness of the drawing.

- b. Maximum error. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of 1:5,000, nor in azimuth, 4 seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
 - c. Street, block and lot dimensions. All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the plat greater than the ratio of 1:3,000, or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed 5 minutes of arc.
 - d. 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 Wisconsin Statutes §236.20(3)(b), may be expressed in terms of grid bearing and distance; 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. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
7. Surveying and monumenting. All final plats shall meet all the surveying and monumenting requirements of Wisconsin Statutes §236.15.
 8. 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 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, South Zone, and adjusted to the City's control survey.

9. Certificates. All final plats shall provide all the certificates required by Wisconsin Statutes §236.21, and in addition, the surveyor shall certify that they have fully complied with all the provisions of this Ordinance.

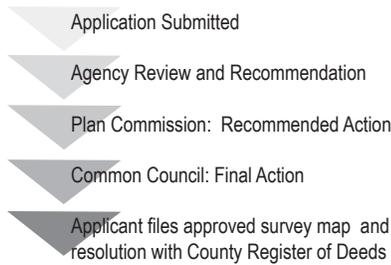
Sec. 117-20. Land Divisions and Consolidations by Certified Survey Map.

A. Requirements. When it is proposed to divide land into not more than 4 parcels or building sites, any one of which is less than 4 acres in size, or when it is proposed to divide a block, lot or outlot into not more than 4 parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of the block, lot or outlot, the subdivider may subdivide by use of a certified survey map, prepared in accordance with Wisconsin Statutes § 236.34 and this Ordinance.

B. Use of certified survey map.

1. A certified survey map, prepared and recorded in accordance with Wisconsin Statutes §236.34, and the requirements of this Ordinance, and having been approved by the Common Council, may be used in lieu of a subdivision plat to divide or consolidate lands, or dedicate lands, provided that one of the following conditions is met:
 - a. The division or consolidation is of any lot, outlot, parcel, or other lands previously approved by the City and recorded with the County Register of Deeds as a subdivision plat, certified survey, or assessor's plat, of any size, which results in not more than 4 lots, outlots, parcels, or mortgage descriptions of 1½ acres each or less in area being created by any division or successive division, being created by any division or successive division, regardless of any changes in ownership, within any 5-year period; or
 - b. The division or consolidation is of any lot, outlot, parcel, or other lands previously recorded with the County Register of Deeds, including those recorded by a metes and bounds description, of 1½ acres each or less in area being created by any division or successive division, which results in not more than 4 lots, outlots, parcels, or mortgage descriptions, regardless of changes of ownership, within any 5-year period.
2. In the event a proposed land division does not meet the above requirements, the proposed land division must be pursued as a subdivision plat.
3. The certified survey map shall include the entire original parcels of land owned or controlled by the subdivider, including those proposed for division or consolidation. The subdivider shall comply with all requirements of this

LAND DIVISION PROCEDURE



Ordinance including, but not limited to, Articles III and IV of this Ordinance when a certified survey map is used. A certification of the approval of the certified survey map by the Common Council shall be inscribed legibly on the face of the map. A certificate of the City Clerk stating that there are no delinquent special assessments or taxes on the lands shall be included on the certified survey map.

4. The applicant for a land division shall file the following with the City Clerk:
 - a. Five sets of full size plans drawn to scale of not less than 1" = 100'.
 - b. One set of plans reduced to 11x17.
 - c. One set electronic plans in .pdf format.
5. Referral to Plan Commission. If the application is complete, the City Clerk shall transmit copies to the Plan Commission and Zoning Administrator one week prior to the Plan Commission meeting.

C. Review by other City agencies. The City Clerk shall transmit a copy of the map to the DRC for their review and recommendations. Their recommendations shall be transmitted to the Plan Commission within 10 days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components and neighborhood plans.

D. 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. 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 to so certify on the face of the original map and return the map to the subdivider.

E. Recordation.

1. The subdivider shall file a copy of the approved certified survey map together with the approving resolution with the County Register of Deeds within 60 days of the date of the last resolution of approval and not later than 6 months following the date of the first resolution of approval. All recording fees shall be paid by the subdivider.
2. No building permits shall be issued and no improvements shall be made until the certified survey is recorded and a document recording number is filed with the Zoning Administrator.

F. Reapprovals. Submittals of previously approved certified survey maps for replatting or reapproval by the Common Council shall be in accordance with [Section 117-21](#).

G. Technical requirements for certified survey land divisions



**Recommended meeting
with Staff**

1. Submission and review. The subdivider is encouraged to first consult with the Zoning Administrator regarding the requirements for certified surveys before submission of the final map. Following consultation, 2 copies of the final map in the form of a certified survey map shall be submitted to the City Clerk. The certified survey shall be reviewed, approved or disapproved by the Plan Commission and Common Council pursuant to the procedures used for preliminary plats in [Sections 117-18](#), including notice and hearing requirements.
2. Additional data. The certified survey map shall show correctly on its face, in addition to the information required by Wisconsin Statutes §236.34, the following:
 - a. All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
 - b. Setbacks or building lines required by the Common Council and the Zoning Ordinance.
 - c. All lands reserved for future acquisition.
 - d. Date of the map.
 - e. Graphic scale.
 - f. Name and address of the owner, subdivider and surveyor.
 - g. Square footage of each parcel.
 - h. Present zoning for the parcels.
3. State plane coordinate system. Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the City, 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 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, South Zone, and adjusted to the City's control survey.
4. Certificates. The surveyor shall certify on the face of the certified survey map that they have fully complied with all the provisions of this Ordinance. The Common Council, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

5. Dedications. 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 Wisconsin Statutes §236.21(2)(a).
6. Requirements. To the extent reasonably practicable, the certified survey shall comply with the provisions of this Ordinance relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot involved is less than 1½ acres or 300 feet in width.

Sec. 117-21. Replat.

- A. Except as provided in Wisconsin Statutes §70.27(1) when it is proposed to replat a recorded subdivision, or part thereof, so as to change the exterior 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 Wisconsin Statutes §236.40 through §236.44. The subdivider or person wishing to replat shall then proceed, using the approval procedures for preliminary and final plats prescribed in this Ordinance.
- B. Whenever a replat is filed, the Plan Commission shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed replat and public hearing shall be published as a Class 3 notice and be mailed at the subdivider's expense, to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the proposed replat.

Sec. 117-22. Determination of Adequacy of Public Facilities and Services.

- A. A preliminary plat, final plat, or certified survey shall not be approved unless the Plan Commission and the Common Council as part of the application review determine that adequate public facilities and public services will be available to meet the needs of the proposed land division in an orderly and cost effective manner and that no public funds other than those already provided in an adopted capital or operating budget are required.
- B. The applicant shall furnish any data requested by the City Clerk. The City Clerk shall act as coordinator of the reports from DRC to the Plan Commission and Common Council on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, transportation facilities and schools.

C. Public facilities and public services for a proposed land division may be found to be adequate only when the following conditions exist:

1. The proposed land division is located in an urban service area where adequate sewer service is presently available for extension, under construction or designated by the Common Council for extension of sewer service within the current capital budget year and funds are specifically provided for such extension either from public or private financing. The Plan Commission and the Common Council shall consider the recommendations of the Director of Public Works and the appropriate committee on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.
2. The proposed land division is located within an urban service area contiguous to an arterial transmission water main of adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction within the current budget year, and funds, either public or private, are available for the program. The Plan Commission and the Common Council shall consider the recommendations from the City's utilities and the Director of Public Works and the appropriate committee on line capacities, water sources and storage facilities, as well as any other information presented.
3. The City Clerk verifies to the Plan Commission and the Common Council that adequate funds, either public or private, are available to ensure the installation of all necessary stormwater management facilities.
4. The Director of Public Works can demonstrate to the Plan Commission and the Common Council that street maintenance and refuse collection services, either public or private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety or general welfare to the future residents of the proposed land division or existing City residents.
5. The Plan Commission verifies that the future residents of the proposed land division can be assured park, recreation and open space facilities and services which meet the standards of the City's master plan.
6. The Police Department, E.M.S. and Fire Department verify that timely and adequate service can be provided to the residents.
7. The proposed land division is accessible by existing or officially mapped, publicly maintained, all-weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division in accordance with the official map and City standards.

D. Where the Plan Commission and the Common Council determine that 1 or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being

adequate, conditional approval may include only such portions or may specify phasing of the development.

- E. No land shall be divided which has been determined by the Common Council to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations for development, severe erosion potential or unfavorable topography, or any other feature likely to be harmful to health, safety or welfare of future residents or landowners in the proposed land division or of the community.
- F. The above requirements shall not apply to those areas outside the corporate limits of the City and within the City's extraterritorial limits. Areas within the City capable of being served by public sewer and water shall be required to connect to the City public water distribution and/or public sewerage system if determined by the Director of Public Works to be feasible. If such connections are not determined feasible, the proposed land division shall provide for adequate on-site systems and such special piping provisions as may be necessary to serve the anticipated development during the interim period until such City public water and/or sewerage systems are determined by the Director of Public Works to be feasibly available for connection. The subdivider, and their heirs and assigns, shall, by written plat restriction, agree to abandon the interim water and sewerage facilities and connect to the City public water and sewerage facilities upon a determination by the Director of Public Works that such facilities are available for feasible connection.

Article III. Required Improvements

Sec. 117-23. In General.

- A. In accordance with the authority granted by Wisconsin Statutes §236.13, the City hereby requires that, as a condition of final plat or certified survey approval, the subdivider agrees to make and install all public improvements required by this Ordinance and that the subdivider shall provide the City with a development contract and security to ensure that the subdivider will make the required improvements. As a further condition of approval, the Common Council hereby requires that the subdivider be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the platting or certified survey map, fall within the public right-of-way.
- B. As a condition for the acceptance of dedication of public rights-of-way, the City requires that the public ways have been previously provided with all necessary facilities constructed to City specifications, including, but not limited to, sewerage, storm drainage, water mains and services, grading and improvement of the streets and other public ways, sidewalks, shared use paths, street signing, street lighting and such other facilities required by the Common Council or that a specific portion of the costs be paid in advance as provided in Wisconsin Statutes §66.0709(2).
- C. Options.
1. The required public improvements shall be installed by the subdivider at their cost.
 2. The subdivider may petition the City for the installation of the required improvements by City contract. The petition must be received by the City prior to August 15 of the year preceding the required installation so that the petition may be considered for inclusion in the City budget. If the Common Council elects to install the petitioned improvements, it shall establish special assessments for the recovery of the costs. The special assessments due from the subdivider for the portion of the petitioned improvements necessary to serve the proposed land division shall be due to the City, together with interest, within 6 months of the date of City acceptance of the improvements.

3. Special assessments.
 - a. The subdivider may petition the City for the installation of the required public improvements through the Special Assessment B Bond process as provided for in Wisconsin Statutes § 66.0713(4), or another acceptable special assessment process with the special assessments being payable at the time of lot sale, payable in a maximum of 7 annual installments together with interest.
 - b. The City may enter into a recapture agreement with the subdivider agreeing to require payment of recapture costs of public improvements from those properties benefiting from the improvements. The City shall prohibit development on those properties until payment has been made. The subdivider may contract directly with adjacent property owners and/or subdividers of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.
 - c. In addition to the above, the City may enter into an agreement to reimburse the subdivider, at the end of the 7-year period, for their cost (at the time of construction) of those oversized improvements constructed within the proposed land division, but which are oversized to serve lands beyond the boundaries of the land division or other lands within the subdivider's control, and which have not, during the 7-year period, been reimbursed to the subdivider. Said payment shall be only for the actual additional cost of constructing the oversized improvements within the boundaries of the land division and shall not provide for payment of any interest. The City shall then establish special assessments against those benefiting properties outside the proposed land division boundaries or the subdivider's control for those costs. To be eligible to proceed under this provision, the land division must occur within areas identified in the City's master plan or other adopted comprehensive development or public facilities plan.
4. Any workable combination of the above determined by the Common Council as acceptable.
5. If the City finds that City construction of such public improvements would not be warranted as a special assessment to the intervening properties, or as a governmental expense until some future time, the developer shall be required, if they wish to proceed with the development, to obtain necessary easements or right-of-way and construct and pay for such public improvement extensions as provided under [Subsection \(C\)\(1\)](#) or [\(2\)](#) of this section;
6. The subdivider shall agree in the development contract to pay all street, sidewalk and shared use path assessments, specifically all area charges for sanitary sewer mains and all water main assessments, including where the land division abuts existing streets which are not improved within the City

standard street improvements (including, but not limited to, curb and gutter, local storm sewer, sidewalks and bituminous pavement).

D. Standards.

The required public improvements 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 established engineering practices, approved prior to the start of construction by the Director of Public Works. When new or revised standards and/or specifications have been adopted by the City, work on public improvements not begun within 5 years of the date of final plat adoption shall be made to the new or revised standards and/or specifications. The Director of Public Works shall review and approve the construction plans, specifications and calculations for the construction of the required public improvements.

E. Project manager.

The subdivider shall designate a project manager who shall be readily available on the project site during the construction of the required public improvements. The project manager shall be granted authority on behalf of the subdivider to make decisions related to the construction of the required public improvements as they may arise during the course of the construction. The project manager shall also be responsible for the scheduling and coordination of the required work to construct the required improvements. Correspondence with or verbal orders to the designated project manager shall have the same authority as with the subdivider directly.

Sec. 117-24. Agreement for Proper Installation of Improvements; Surety.

A. Development contract required.

For subdivisions of 3 or more lots, the subdivider shall be required to enter into a development contract with the City for subdivision improvements agreeing to install improvements as herein provided before final approval of any plat or land division. The development contract shall run with the land and may be recorded against the title of the property. The developer, its successors or assigns agrees to that contract with the City. The contract form shall be provided by the City and may provide for a phasing of public improvements construction, providing such phasing is approved by the Common Council. The City reserves the right to control the phasing through limits, sequence, and/or additional surety so as to provide for continuity of streets, sewers, water mains, and other necessary public improvements within and between the phases.



**Application &
Fee required**

B. Financial guarantees.

1. The subdivider shall file with said contract, subject to the approval of the City Attorney, a bond, a certificate of deposit, irrevocable letter of credit or certified check in an amount equal to 110% of the estimate of the cost prepared by the Director of Public Works as surety to guarantee that such improvements will be completed by the subdivider or their contractors not later than 18 months from the date of recording the plat or certified survey map. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the City. When a letter of credit is posted as security, the City must be the beneficiary. When the security is furnished to ensure the construction of required improvements within the extraterritorial jurisdiction of the City, it may name the town and the County, or either of them, as additional obligees, payees or beneficiaries.
2. When the land is situated within the extraterritorial jurisdiction of the City, the subdivider shall, at the time the contract is entered, furnish a bond, certificate of deposit, irrevocable letter of credit or certified check to the City in an amount equal to 25% of the estimated cost of all required improvements as determined by the Director of Public Works, excepting the costs to be paid through special assessments or by the City.
3. However, the subdivider may elect, with the approval of the City, to install the improvements in construction phases provided that:
 - a. The phases are specified in the contract for subdivision improvements;
 - b. The developer submits surety in an amount equal to 110% of the estimated costs of improvements next required by the installation and construction schedules as determined by the Director of Public Works. Improvements constructed during the first stage and each successive stage of construction shall not be accepted nor shall any building permit be issued for construction within the completed area of the subdivision or comprehensive development until the security required for the next stage of construction has been posted with the City;
 - c. The developer records deed restrictions approved by the City Attorney which specify that the lots which are included in future construction phases of the land division will not be transferred or sold unless the City's approval is obtained;
 - d. The subdivider minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and
 - e. Erosion control plans and measures submitted and approved herein shall address the individual phases of construction.
4. The time limit for completion of a phased improvement program shall take into account the needs and desires of the City and adjacent property owners for street and other improvements to serve lands adjacent to and within the land division.

5. As work progresses on installation of improvements constructed as part of the contract, the Director of Public Works, upon written request from the subdivider from time-to-time, is authorized to recommend a reduction in the amount of surety as hereinafter provided. When portions of construction (water, sanitary sewer, street, sidewalk, greenway or other improvements) are completed by the subdivider and determined acceptable by the Director of Public Works, the City Clerk is authorized, upon submission of lien waivers by the subdivider's contractors, to reduce the amount of surety. The amount of surety remaining shall be equal to 110% of the estimate of the Director of Public Works of costs of work remaining to be completed and accepted and to ensure performance of the one-year guarantee as specified in this section against defects in workmanship and materials on work accepted. When the work on the major components of construction has been substantially completed, except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the Director of Public Works are valid for noncompletion, the City Clerk is authorized to accept a reduction in the amount of surety to an amount in the estimate of the Director of Public Works, sufficient to cover the work remaining to be completed, including performance of the one-year guarantee period against defects in workmanship and materials. As a further guarantee that all obligations under contract for work on the development are satisfied, the contractor and subcontractors who are to be engaged in the construction of utilities or street improvements on the street right-of-way to be dedicated shall be approved for such work by the Director of Public Works prior to commencing construction. The Common Council, at its option, may extend the bond period for additional periods not to exceed one year each.
6. Governmental units to which these bond and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in their behalf, agreeing to comply with the provisions of this section.
7. The subdivider shall agree in the development contract to pay all street and sidewalk assessments, specifically all area charges for sanitary sewer mains and all water main assessments, including where the land division abuts existing streets which are not improved within the City standard street improvements (including, but not limited to curb and gutter, local storm sewer, sidewalks and a bituminous pavement).

C. Special assessment notice and hearing waiver.

The subdivider shall file with said contract, subject to the approval of the City Attorney, a waiver of special assessment notices and hearings such that the subdivider, their heirs and assigns (including purchasers of property from the subdivider), a waiver notice and hearing for and authorize the assessment for any and all of the required public improvements in phases of the land division

intended for future development in accordance with Wisconsin Statutes § 66.0703(7)(b).

D. Improvement guarantees.

The subdivider shall include in said contract an instrument of public improvement guarantee by irrevocable letter of credit, certified check, cash escrow deposit, or performance bond whereby a bonding company (with assets exceeding \$10,000,000.00 and authorized to do business in the State) guarantees maintenance, repair, replacement by the developer of said public improvements which deteriorate or fail to meet performance or operating standards during the bond term, or any penalties which may be incurred as a result thereof, equal to 15% of the Director of Public Works's estimate of the cost of the public improvements. If within one year after the date of final acceptance of any public improvement by the Common Council (or such longer period of time as may be prescribed by laws or regulations or by the terms of any special guarantee required by the terms of said contract as may be necessary due to the phasing of the construction of public improvements), any work on any public improvement is found to be defective, the subdivider shall remove it and replace it with nondefective work in accordance with written instructions given by the Director of Public Works. If the subdivider does not promptly comply with the terms of such instructions, or in an emergency where delay would cause serious risk of loss or damage, the City may cause the removal and replacement of said defective work and charge all direct, indirect and consequential costs of such removal and replacement to the performance bond or improvement guarantee instrument.

E. Survey monumentation.

Before final approval of any plat or certified survey within the corporate limits of the City, the subdivider shall install monuments placed in accordance with the requirements of Wisconsin Statutes Chapter 236, or as may be required by the Director of Public Works. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The Director of Public Works may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider executes a surety to ensure the placing of such monuments within the time required. On behalf of the City, the City Clerk is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the Director of Public Works. Building permits shall not be issued until all survey monumentation for the block of lots in which the lots for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes an established one-half, one-quarter, one quarter one quarter, or other such section monument, the established monument shall be preserved and/or fully restored by the subdivider at their cost.



**Application &
Fee required**

Sec. 117-25. Construction Plans.

A. Generally.

As required by this Ordinance, 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 Director of Public Works 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 said plans shall contain their seal. Such plans, together with the quantities of construction items, shall be submitted to the Director of Public Works for their approval and for their 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 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 standards in Chapter 109.
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 the Director of Public Works.

B. Director of Public Works.

The Director of Public Works shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Ordinance and other pertinent Zoning Ordinances and design standards and approved by the Common Council. If the Director of Public Works rejects the plans and specifications, they shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Director of Public Works 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. Construction and inspection.

1. Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Director of Public Works upon receipt of all necessary permits and in accordance with the construction methods of this Ordinance. Building permits shall not be issued until all improvements required by this Ordinance are satisfactorily completed.
2. During the course of construction, the Director of Public Works shall make such inspections as they or 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.

D. City reimbursement.

The subdivider of land divisions within the City shall reimburse the City for its actual cost of design, inspection, testing, construction and associated legal and real estate fees for the required public improvements for the land division. The City's costs shall be determined as follows:

1. The cost of City employees' time engaged in any way with the required public improvements based on the hourly rate paid to the employee multiplied by a factor determined by the City Clerk to represent the City's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
2. The cost of City equipment employed.
3. The cost of mileage reimbursed to City employees which is attributed to the land division.
4. The actual costs of City materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed 10% of the cost of the materials.
5. All consultant fees associated with the public improvements at the invoiced amount plus administrative costs. Unless the amount totals less than \$50.00, the City shall bill the subdivider monthly for expenses incurred by the City. Statements outstanding for more than 30 days shall accrue interest at the rate of 1½% per month. Bills outstanding for more than 90 days shall be forwarded to the subdivider's surety agency for payment. Amounts less than \$50.00 shall be held for billing by the City until amounts total more than \$50.00 or until the conclusion of project activities.



**Application &
Fee required**

E. As-built plans.

After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made 2 copies of as-built plans showing the actual "as-built" location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Director of Public Works shall require. These plans shall bear the signature and seal of a professional engineer registered in the State. The presentation of the as-built plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

Sec. 117-26. Acceptance of Improvements and Dedications.

A. Inspection and certification.

1. After any of the following increments of the required improvements have been installed and completed, the subdivider shall notify the Director of Public Works, in writing, that the work is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements and shall file lien waivers or affidavits, in a form acceptable to the Director of Public Works and approved by the City Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no moneys are owned to any surveyor, mechanic, contractor, subcontractor, materialman or laborer after all required improvements have been installed. Acceptance of the improvements may be requested in the following increments:
 - a. Sewer mains and services (either storm or sanitary).
 - b. Water mains and services.
 - c. Streets comprised of all grading, gravel, curb and gutter, culverts and paving.
 - d. Other miscellaneous appurtenances to the above increments such as sidewalks, shared use paths, street lighting, street signing, etc.
2. The City Clerk shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the area of acceptance and shall prepare a final billing for engineer, inspection and legal fees and submit it to the subdivider for payment. The Director of Public Works shall conduct any necessary final inspections of the improvements and forward a report to the City Clerk recommending either approval or disapproval. When the engineering, inspection, taxes, special assessments and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, the report of the Director of Public Works, together with

the recommendation of the City Clerk, shall be forwarded to the Common Council for approval and acceptance of the improvements and dedications.

B. Acceptance.

The dedication of any improvements, utilities, streets, parks, easements, rights-of-way or other lands or rights to the City or the public shall not be considered accepted by the City for public ownership until such time as the required public improvements within the intended dedication or necessary because of the intended dedication have been completed and accepted by the Common Council by adoption of a resolution accepting such dedication. The subdivider shall be responsible for and liable for the maintenance, safety and operation of all required public improvements until such time as the improvements are accepted by the Common Council by resolution. In the event the City must take measures to maintain, operate or make safe a public improvement existing or required as a result of the land division but which has not yet been accepted by the City, the costs of such measures shall hereby be determined to be City-incurred costs to be reimbursed to the City by the subdivider in accordance with the provisions of this Ordinance.

Article IV. Design Standards

Sec. 117-27. Generally.

A. All subdivisions, except those exclusively for single and two-family homes, shall also be subject to all the requirements of site plan approval set forth in Chapter 121 of the City Code. These subdivisions shall be subject to all the requirements of this Ordinance, 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 or official map and the Zoning Ordinance.

Sec. 117-28. General Street Design Standards.

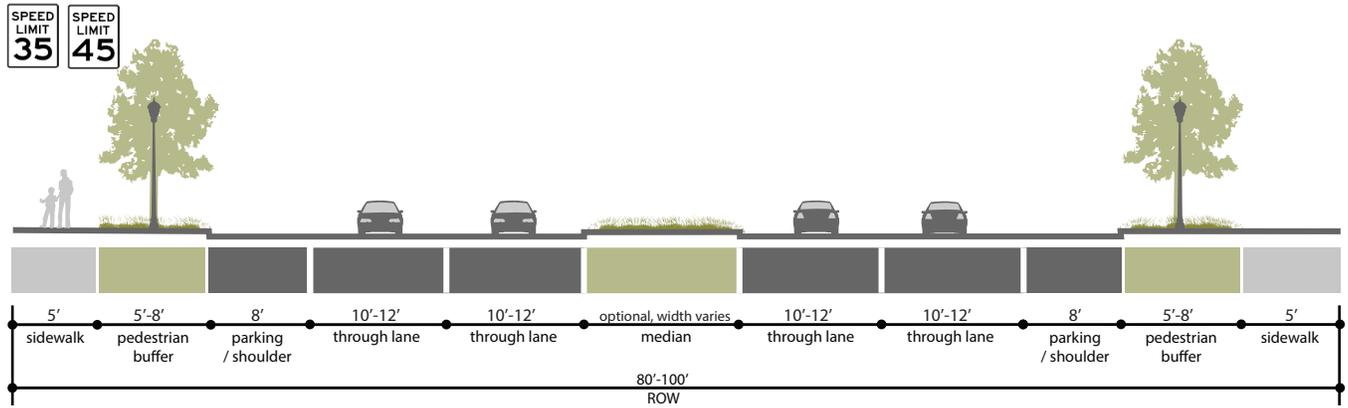
A. Compliance. In laying out a subdivision, the owner shall conform to the provisions of Wisconsin Statutes Chapter 236 and all applicable City regulations. In all cases where the requirements of this Ordinance are different from the requirements of Wisconsin Statutes Chapter 236, the more restrictive provision shall apply.

B. Dedication. The subdivider shall dedicate land and improve streets as provided in this Ordinance. 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 access to a public street or road.

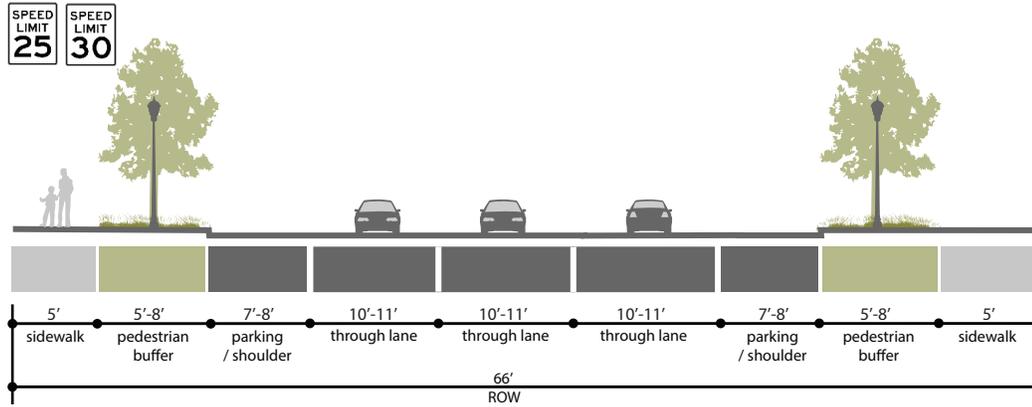
C. Comprehensive plan and ordinances.

1. The arrangement, character, features, and layout of land divisions in the City shall be designed to comply with the standards of this Ordinance, the Comprehensive Plan, the official map, and/or any comprehensive utility plans or other planning documents which may pertain to the standards of design for land divisions and which have been adopted by the Common Council. Where no such planning documents have been adopted, subdivisions shall be designed according to engineering and planning standards approved by the Director of Public Works and applied so as to properly relate the proposed development with adjacent development, the topography, natural features, public safety and convenience, and the most

Arterial



Collector



Local

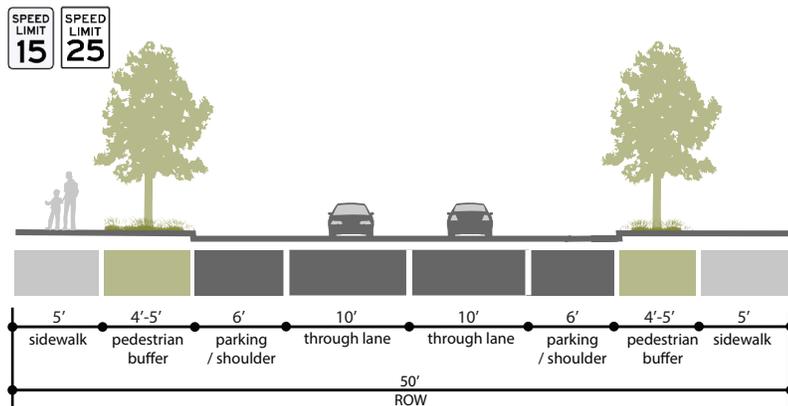


TABLE 1. THOROUGHFARE DESIGN

	Roadway Classifications			Other Roadway Types		
	Arterial	Collector	Local	Alley	Extra-territorial	Cul-de-sac
Purpose	To provide through traffic for a heavy volume of vehicles between neighborhoods and other parts of the City.	To provide ready collection of traffic from individual areas and conveyance of this traffic to the major street and highway system	To provide safe and convenient access to abutting property	To provide access to off-street loading and service areas. Not intended to provide primary access to parcels	Must comply with City standards for dedication	A discouraged design used to provide local access to parcels with limited access
Streetside						
Sidewalk ¹	5 feet	5 feet	5 feet	none	Comply with Town Standards	5 feet
Lighting ²	Pedestrian lighting in Commercial districts. Intersection safety lighting and basic street lighting for all	Pedestrian lighting in Commercial districts. Intersection safety lighting and basic street lighting for all	Intersection safety lighting and minimal street lighting for all	Intersection safety lighting	Comply with Town Standards	Intersection safety lighting and minimal street lighting for all
Pedestrian Buffer ³ (planting strip)	5 feet planting strip or 8 feet wide connected tree wells, tree spacing generally 50 feet on center	5 feet planting strip or 8 feet wide connected tree wells, tree spacing generally 35-50 feet on center	4 feet planting strip, 5 feet required for trees, may require planting easement, tree spacing generally 40 feet on center	none	Comply with Town Standards	4 feet planting strip, 5 feet required for trees, may require planting easement
Traveled Way						
Target Speed	35-45 MPH	25-30 MPH	15-25 MPH	10-15 MPH	Comply with Town Standards	15-25 MPH
Right-of-Way	Divided street - 100 feet Single street - 80 feet	66 feet	50 feet ⁹	Residential - 24 feet Commercial and Industrial - 32 feet.	Within Urban Service Area – 24 feet (without curb and gutter) Outside Urban Service Area – Comply with Town standards	Terminate with a turnaround of not less than 120 feet in diameter and a roadway turnaround of 96 feet in diameter
Access Management ⁴	High	Moderate	Moderate	Low	Within Urban Service Area – Medium	Moderate
Horizontal Curves ⁵	450 feet	250 feet	150 feet	per AASHTO	Comply with Town standards	150 feet
Visibility ⁶	500 feet	200 feet	120 feet	120 feet	Comply with Town standards	To end of Cul-de-sac bulb from intersecting street
Tangents ⁷	100 feet	100 feet	per AASHTO	per AASHTO	Comply with Town standards	per AASHTO
Vertical Curves	Equivalent to 20 times the algebraic difference in the rate of grade for major thoroughfares, and half this minimum for all other streets					
Grade ⁸	6% max.	6% max.	10% max.	10% max.	Comply with Town Standards	10% max.
Through Lanes	3-4	2-3	2	1	Comply with Town Standards	2
Lane Width	10-12 feet, coordinate with DOT	10-11 feet	10 feet	12 feet total pavement width	Comply with Town Standards	10 feet
Parallel On-Street Parking Width	8 feet in Commercial area with high turnover	7 feet, 8 feet in Commercial area with high turnover	6 feet	none	Comply with Town Standards	6 feet
Off Street Parking Access/Location	Rear, Side	Front, Rear, Side	Front, Rear, Side	Rear	Within Urban Service Area - Front, Rear, Side	Front, Rear, Side

Table 4 Notes:

All measurements in this table are expressed as minimums unless otherwise noted.

1. Minimum sidewalk throughway width. Sidewalks shall be on both sides of the street. Throughway must also comply with ADA and Wisconsin access requirements.
2. Higher levels of lighting may be required where increased vehicular and pedestrian traffic are present.
3. Overstory trees should not be planted in strips 4 feet or less unless measures are taken to maximize available soil volume for trees.
4. Involves providing access to land development in such a way as to preserve safety and reasonable traffic flow on public streets. Low, moderate and high designations are used for the level of access restrictions. A high level of access management uses medians, consolidated driveways and controls the spacing of intersections. A low level of access management limits full access of some intersections, but generally uses minimal measures to restrict access.

5. When connecting streetlines deflect from each other at any one point by more than 5 degrees.

6. Along centerline.

7. Between reverse curves.

8. Minimum grade of any street shall be 4/10%.

9. The right-of-way width for local streets may be reduced to 50 feet by the DRC upon the finding that the road would be adequate to accommodate pavement width and other improvements required within the right-of-way and the expected traffic volumes.

advantageous development of undeveloped adjacent lands. The absence of a street being shown on the official map, streets shall be provided in locations determined necessary by the Director of Public Works and to the right-of-way widths required in this Ordinance for the classification of street required.

2. The arrangement, character, extent, width, grade, and location of all streets shall conform to City master plans, the official map, and to this Ordinance, and other City planning documents and shall be considered in their relation to: existing and planned streets, reasonable circulation of traffic, topographical conditions, run-off of stormwater, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
3. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same or greater width of the existing streets in adjoining areas.

D. Areas not covered by official map or plan. In areas not covered by an official map or 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. 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. Streets classifications. Streets shall be required and classified by the Director of Public Works in accordance with the City's Comprehensive Plan and where not identified in said plan, in accordance with sound engineering standards, into the classifications indicated in [Table 1](#).

G. 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.

H. Alleys; cul-de-sac streets.

1. Commercial and industrial. Alleys shall be provided for all commercial and industrial use, except that the Common Council, upon the Plan Commission's recommendation, 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. Cul-de-sac. Cul-de-sac streets designed to have one end permanently closed are discouraged. Where allowed, they shall not exceed 500 feet in length.
3. Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. The use of cul-de-sacs shall be held to a minimum and permanently dead ended streets shall be prohibited. Provisions 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.
 - I. Frontage roads. Where a land division abuts or contains an existing or proposed arterial highway, or railroad right-of-way, the subdivider shall provide a frontage road, platted access restriction along the property contiguous to such highway, or such other treatment as may be determined necessary by the Director of Public Works to ensure safe, efficient traffic flow and adequate protection of residential properties.
 - J. Private streets. Private streets shall not be approved nor shall public improvements be approved for any private street. All streets shall be dedicated for public use.
 - K. Half streets. Half streets shall not be platted unless necessary to provide the full width of an existing street platted to half width. All newly platted streets shall be platted to the required full width. Where a half street exists adjacent to a proposed land division, the subdivider shall endeavor to acquire and dedicate the remaining half street.

TABLE 2.INTERSECTION SPACING

	Arterial	Collector	Local	Frontage
Arterial	1,200 feet	300 feet	250 feet	250 feet
Collector		300 feet	150 feet	150 feet
Local			125 feet	150 feet
Frontage				

L. Intersections.

1. Intersect angle. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. The curved street shall intersect another street with not less than 15 feet of tangent right-of-way between the end of curvature and the right-of-way of the street being intersected.
2. Number of streets converging. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than 2. Cross-type intersections on local streets shall be avoided whenever possible in favor of T-type intersections.
3. Property lines at street intersections. Property lines at street intersections shall be rounded with a minimum radius of 25 feet or of a greater radius when required by the Director of Public Works.
4. Local streets. Local streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such local streets approach the major streets from opposite sides within 300 feet of each other, measured along the centerline of the arterial or collector streets, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous and a jog is avoided.
5. Additional sight easements. At any intersection determined by the Director of Public Works, restricted development easements or additional street right-of-way shall be platted to provide for adequate sight distances in every direction of travel. At a minimum, the subdivider shall grade, clear or otherwise provide for an unobstructed traffic visibility zone.

M. Limited access highway and railroad right-of-way. Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:

1. Commercial and industrial uses. Commercial and industrial uses shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
2. Streets parallel to limited access highway. Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said 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.
3. Local streets. Local streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of local streets immediately

adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

N. Street names and numbers.

1. Statutes. The Zoning Administrator shall review all subdivision plats for proper street naming. All street names shall be reviewed immediately prior to the submission of any final plat. The Zoning Administrator shall initiate all changes of names for streets, all names for new streets and coordinate the principles of street naming with other City agencies, such as the Public Works Committee and emergency response agencies. The Public Works Committee may make recommendations to the Common Council as to any street names. The Common Council shall make the final determination as to street names.
 - a. Duplication of existing street names by similar word spelling or sound shall not be permitted. A street name that does not duplicate an existing street name but is unacceptable due to sound, definition or implication shall not be permitted.
 - b. Where a street maintains the same general direction except for curvilinear changes for short distances the same name shall continue for the entire length of the street. In considering whether a change of name is necessary due to curvilinear changes, the house numbering difficulties shall be considered the determining factor provided it would not be in conflict with other requirements herein.
 - c. A street name shall change only at an intersection or when required to conform to the existing house numbering base.
 - d. Any name which is assigned to any street, which is not presently a through street, shall be assigned to any intermittent section of street located in the immediate area on the same plane.
 - e. The below listed suffix designations for streets shall be limited to longer or continuous streets and to the following conditions:
 - (i) Avenue. A long or continuous street running north and south. House numbers to conform to the existing numbering base.
 - (ii) Boulevard. A street with a divided pavement either existing or planned. If the divided pavement ends, but the street continues, the same street name and suffix shall continue. House numbers shall conform to the existing numbering base.
 - (iii) Lane. A curving or winding street. House numbers to conform to the existing numbering base.
 - (iv) Parkway. To be limited to a street abutting a park, greenway or creek. House numbers to conform to the existing numbering base.

- (v) Road. A diagonal street running in any one direction. House numbers to conform to the existing numbering base.
- (vi) Street. A long or continuous street running east and west. House numbers to conform to the existing numbering base.
- f. The below listed suffix designations for streets shall be limited to shorter or noncontinuous streets and to the following conditions:
 - (i) Circle or court. To be limited to a cul-de-sac. House numbers to conform to the existing numbering base.
 - (ii) Drive, place or way. To be limited to shorter or noncontinuous streets. House numbers to conform to the existing numbering base.
- g. The maximum number of street names at one intersection is 3.
- h. Street names shall be assigned so that 2 intersections shall not have the same street names.
- i. The name of the projection of a street shall continue the same suffix as the street even if the projection terminates in a cul-de-sac.
- j. Service/frontage streets and streets served by them shall have the same street names and designations.
- k. Approval of street names on a preliminary plat shall not reserve the street name nor shall it be mandatory for the City to accept any name at the time of final platting.
- l. A minimum number of letters is desirable in a street name. The maximum number of letters, not including the prefix or suffix, shall be 12.
- m. In the interest of public safety and to preserve continuity in street names, the City reserves the right to rename any street in the City. The changing of a street name that does not duplicate an existing street name shall only be approved where such change will eliminate conflicts with other provisions of this section. The Zoning Administrator shall cause to be served upon the owner, occupant or agent a notice advising such owner, occupant or agent of the specific change and the date the change shall be implemented. The Zoning Administrator shall also notify the City Clerk who shall then change appropriate municipal records to reflect the street name change.
- n. Resolutions changing existing street names shall hereafter contain a provision amending all other resolutions and ordinances containing said changed street name.

2. Numbers.
 - a. Each principal building in the City shall be assigned an official street number by the Zoning Administrator. For the purpose of assigning numbers to lots or principal buildings in the City, a base line is hereby established at the intersection of North Knowles Avenue where it meets South Knowles Avenue and West First Street where it meets East First Street.
 - b. There shall be assigned 100 numbers to each block, square or space that would be one block or square, if the streets each way were so extended as to intersect each other, and one number shall be assigned to each 11 feet of frontage. In blocks or equivalent space longer than 550 feet, which is not intersected by a street, if extended, the total length of space divided by 50 shall be used to determine the feet of frontage assigned to each number. Where blocks of different lengths occur on opposite sides of a street, the numbers on both sides shall be assigned on the basis of the shorter blocks, unless the Zoning Administrator determines otherwise.
 - c. All assigned lot, building or home numbers shall begin from the established base line beginning with the number 100, i.e.: the first block in any direction, north, south, east or west, from the base line shall contain numbers from 100 through 199, the second block shall contain numbers 200 through 299, the third block shall contain numbers 300 through 399, etc.
 - d. Where any building has more than one door serving separate occupants, a separate number shall be assigned to each door serving a separate occupant, providing the building is 11 feet or more in width. If the entrance doors of the building are not 11 feet or more in width an A, B, C, etc., shall be added to the building's assigned number and assigned to that entrance door. Buildings fronting on 2 or more streets shall have a number assigned only to the main entrance, unless other entrances serve other occupants.
 - e. All lots and principal buildings on the north or west side of any street shall be numbered with odd-numbers, each commencing with the hundred assigned to that block, and shall increase from the base line hundred number. All lots and principal buildings on the south or east side of any street shall be numbered with even numbers, each commencing with the hundred assigned to that block, and shall increase from the base line hundred number. All lots and principal buildings on diagonal streets shall be numbered the same as north and south streets if the diagonal runs more from the north or south, and the same on east and west streets if the diagonal runs more from the east or west.



Address numbers are a permitted sign type per the Zoning Ordinance and do not need additional permitting

- f. Upon assignment of each building's respective number, the owner, occupant or agent shall place or cause to be placed upon each principal building controlled by them the number assigned under the uniform system provided herein.
- g. Such number shall be placed within 20 days after the assigning of the respective number. The owner, occupant or agent shall pay for the cost of the number. The number shall not be less than 3 inches in height.
- h. The number shall be conspicuously placed immediately above, or directly to the side of the proper door of each building so the number can be plainly seen from the street.
- i. For the purpose of facilitating correct numbering, a plat of all streets within the City showing the proper numbers of all lots or principal buildings fronting upon all streets shall be kept in the Office of the Zoning Administrator. These plats shall be open to inspection by all persons during the normal office hours of the Zoning Administrator.
- j. It shall be the duty of the Zoning Administrator to inform any party applying for a building permit of the number belonging or embraced within the limits of said number to be assigned to any lot or principal building, the Zoning Administrator shall determine the number of such lot or principal building.
- k. No occupancy permit shall be issued for any house, building or structure until the owner or agent has procured from the Zoning Administrator the official number of the premises.
- l. It shall be the duty of all personnel of the City, including emergency medical services, Fire Department personnel, Police Department personnel or other City agency personnel to report violations of any provision of this section.
- m. If the owner, occupant or agent of any lot or principal building required to be numbered by this section shall neglect for a period of 20 days to attach and maintain the proper assigned number on such building, the Zoning Administrator shall cause to be served upon the owner a notice requiring such owner, occupant or agent to properly number the same and if the owner neglects to do so, for the ten days after service, the owner shall be subject to a forfeiture as provided in Section 1-7 of the City Code.
- n. In the interest of public safety, the City reserves the right to renumber lots and principal buildings in the City.

Sec. 117-29. Street Signs.



Example street sign

- A. The subdivider shall arrange with the City and pay the costs of providing the street signing necessary to serve the development. Such signing shall include street name signs and such temporary barricades and “road closed” signs as may be required by the Director of Public Works until the street improvements have been accepted by Common Council resolution.
- B. The Director of Public Works shall have the authority to impose any restrictions to traffic on street improvements not yet accepted by the City as he may deem necessary to protect the improvements from damage and to protect the safety of the public. Such restrictions shall include, but not be limited by enumeration to, weight restrictions, street closings, access restrictions, or the posting of temporary traffic control measures.

Sec. 117-30. Preparation, Construction and Dedication of Streets and Roads.

A. Generally.

1. Construction. All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the “State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction” and its supplements, and this Ordinance, whichever is more restrictive. The design requirements of this section and [Section 117-28](#) 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. Design requirements for the pavement shall be adequate for the zoning classification of the area served by the subject street. A street which divides areas with different zoning classifications shall be constructed in accordance with the requirements of the area requiring the higher quality pavement. Any variation of this must have prior approval of the Director of Public Works.
2. Preliminary consultation. Prior to the design, preparation and construction of any roadway to be dedicated to the City, the applicant shall notify the Director of Public Works. An on-site meeting will then be arranged to be attended by the Director of Public Works and the applicant. Plans must be provided in order for the Director of Public Works to check the design and the drainage.
3. 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.

TABLE 3.ROADWAY CONSTRUCTION

	Street Type	
	Residential and Rural Type	Commercial, Arterial or other Heavy Use Roads*
Base	8 inch crushed aggregate base per WisDOT specification	8 inch crushed aggregate base per WisDOT specification
Pavement ¹	3 - inches (1 ½ inch binder course plus 1-inch surface course)	4 - inches (2-inch binder course plus 1 ½ inch surface course)
Shoulder	2½ inches of compacted in-place crushed aggregate base per WisDOT, over a minimum 6 inches of compacted in-place crushed aggregate base, except that shoulder thickness shall match the thickness of the pavement, provided that there is a minimum shoulder thickness of 6 inches.	

* In the case of commercial, arterial or other heavy-use roads, the Common Council may, in the alternative to the above standards, have the Director of Public Works provide specifications for paving such roads with a greater thickness after researching the site and conducting a soil analysis.

¹ Compacted hot-mix bituminous or concrete pavement.

4. Tests. 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.
5. Pavement samples. Samples of bituminous concrete will be taken by the City during pavement construction operations for purposes of determining that the material meets specifications.

B. 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, and shall be adequate for the zoning classification or projected use of the area served by the street:

1. Generally. After completion of the underground utilities and approval thereof, the streets shall be constructed. Unless excepted, building permits shall not be issued prior to the installation of the street improvements and the approval of an individual lot grading plan that conforms to the guidelines of the master site grading plan, as determined by the Director of Public Works. Standard street improvements shall be installed to the boundary line of the subdivision unless the requirement is waived by the Common Council due to topographical or other physical site constraints.
2. Street right-of-ways. Streets shall have a right-of-way width as designated in Table 4 based on the street designation established in the Comprehensive Plan .
3. Temporary streets. Construction of temporary streets shall require authorization of the Common Council.

4. Standard street improvements per [Section 117-28](#) shall include streetlights, concrete curb and gutter, bituminous base course, bituminous surface course and, walkways.
5. Roadway base.
 - a. The subdivider must bring all streets and alleys to a grade established by the Common Council.
 - b. In the case of commercial, arterial or other heavy-use roads, the Common Council may, in the alternative to Table 6, have the Director of Public Works provide specifications for such roads after researching the site and conducting a soil analysis pursuant to this section.
 - c. All stumps and trees which cannot be saved, boulders and other similar items shall be removed by the subdivider.
6. Roadway subgrade.
 - a. All subgrade material shall have a minimum California Bearing Ratio (CBR) of 3. Subgrade material having a CBR less than 3 shall be removed and replaced with a suitable fill material, or the pavement must be designed to compensate for the soil conditions. The soil support CBR values selected for use by the designer should represent a minimum value for the soil to be used.
 - b. Stable and nonorganic sub-base material is required. All topsoil shall be first removed. In addition, all subsoils which have a high shrink-swell potential, lowbearing capacity when wet, or are highly elastic shall be removed and used outside of the right-of-way. Where both subsoil and substratum have a high shrink-swell potential and low-bearing capacity when wet, an underdrain system shall be installed to keep the water level 5 feet below the pavement surface. Unstable and organic material must be subcut, removed and replaced with a suitable granular or breaker-run material approved by the Director of Public Works.
7. Roadways.
 - a. Cross-sections. When permanent street cross-sections have been approved by the City, 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 Director of Public Works.
 - b. Ditches. Roads shall be graded to their full width in accordance with approved plans, plus an additional distance necessary to establish a 4-to-one backslope where ditches are allowed. The roadway shall be compacted and graded to a subgrade using, where necessary, approved fill material in accordance with Wisconsin Department of

Transportation standards. Roadside ditches, where allowed by the City, shall be a minimum of 26 inches below the finished roadway centerline elevation, or as approved by the Director of Public Works. Debris may not be buried in the designated street right-of-way. Roadway ditches shall have a normal slope ratio of 3:1 ditch from the edge of the shoulder to the bottom of the ditch and 3:1 on the backslope.

c. Shoulders.

- (i) Paving shall occur within 18 months from the City's approval of the final or official plat.
- (ii) All subsequent shouldering where ditches are allowed shall be brought to even grade with bituminous mat.
- (iii) Shoulder width. A shoulder a minimum of 4 feet wide on each side of the road is required where curb and gutter is not used, and wider when required by the "Town Road Standards" as noted in Wisconsin Statutes §86.26.

8. Culverts and bridges. Roadway culverts and bridges shall be constructed as directed by the Director of Public Works and sized utilizing the methods listed in Chapter 13, Drainage, of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls. The developer shall provide adequate facilities to provide surface water drainage as well as free flow outlets for subsurface drain tile where they are required. Where drainage facilities will aid in road construction and the stabilization of the road's subgrade, drainage facilities shall be installed before road construction is started. Existing condition status shall be based on a maximum of a Curve 70.

9. Driveways.

- a. Curbs shall not be interrupted by openings for driveways or other accessways to private property unless the number and location of such interruptions have been approved by the Plan Commission.
- b. When allowed, curb openings for driveways within the frontage shall be no less than 14 feet nor more than 24 feet in width.
- c. Driveway culverts shall be sized by the Director of Public Works (if appropriate). The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and they shall be provided with concrete, metal or landscape timber endwalls. Driveway culverts shall be installed as prescribed in Chapter 70 of the City Code.

10. Continuity and transitions.

- a. All street pavement widths on streets continued from previously developed or platted streets shall, wherever practical, provide for the

greater of either the existing or required pavement type, width, grade and cross slope.

- b. Where it is necessary to provide for a transition of pavement width and/or type between new and existing streets, the transition shall occur in a safe manner at an intersection. In the event a transition in pavement width cannot safely occur at an intersection, it shall not occur closer than 250 feet to the intersection of right-of-way lines. In width transitions, the ratio of the transition length to width shall not be less than 15 to one unless the Director of Public Works determines that special circumstances prevent use of such ratio, in which case the minimum transition ratio shall be 10:1.
11. Curb and gutter. The subdivider shall install concrete curb and gutter along both sides of all streets and boulevards shown on the plat. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts. The cost of installation of all inside curbs and gutters for dual roadway pavements shall be borne by the City.
- a. The actual style of curb and gutter shall be determined by the Public Works Committee following the recommendation of the Director of Public Works:
 - (i) The preferred style of curb and gutter in subdivisions is mountable curbs. All mountable curbs shall be 30-inches wide.
 - (ii) The preferred style of curb and gutter on arterial and collector streets is nonmountable curbs. All nonmountable curbs shall have a 6-inch barrier curb and a 24-inch flag, except at driveway aprons where depressed curb shall be constructed.
 - b. All curb and gutter shall be constructed of concrete, 3,500 psi strength at 14 days, and contain 2 continuous $\frac{1}{2}$ inch diameter reinforcing rods in the gutter flag at locations crossing underground utility excavations or where otherwise directed by the Director of Public Works. Expansion joints $\frac{3}{4}$ inch thick shall be placed in the curb at each starting and ending of a radius and at intervals not exceeding 250 feet and where otherwise directed by the Director of Public Works. Tie bars shall be provided where curb and gutter is adjacent to rigid pavements.
 - c. Contraction joints shall be tooled, saw cut, or formed by insertion of a metal plate in the concrete at intervals not exceeding 10 feet and on each side of any structures located in the concrete (i.e. inlets).
12. Post-construction traffic. No vehicular traffic shall be permitted on the pavement for a minimum period of between 24 and 72 hours following paving, as determined necessary by the Director of Public Works to protect the new pavement.

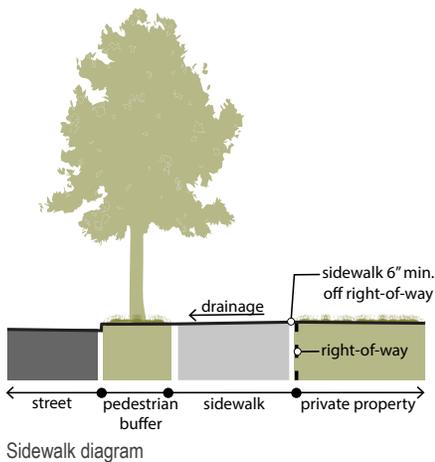
13. Drainage improvements. In the case of all new roads and streets, the Director of Public Works may require that stormwater retention areas and storm sewers be constructed in order to provide for proper drainage.
 14. Topsoil, grass, seed, fertilizer and mulch. All disturbed areas (ditches, backslopes) within the street right-of-way not provided with pavement and shouldering material shall be restored utilizing 4 inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway shall be protected by erosion control materials such as hay bales, sod, erosion control mats, etc.
- C. Alternative design. The Director of Public Works shall select a pavement structure to be used after reviewing equivalent alternative pavement designs with the subdivider. The Director of Public Works shall require one or more of the pavement designs of the subdivider based on the following criteria:
1. Life cycle cost.
 2. History of similar pavements in the area.
 3. Adjacent existing pavements.
 4. Staging of construction.
 5. Construction season.
 6. Friction requirements.
 7. Depressed, surface, or elevated design.
 8. Higher governmental preference (e.g. if State Highway).
 9. Stimulation of competition.
 10. Conservation of materials.
 11. Construction considerations.
 12. Recognition of local industry.
 13. Availability of materials and methods locally.
- D. Final inspection. Upon completion of the proposed roadway, the Director of Public Works will proceed to make a final inspection, according to this Section. If final acceptance is then made, the owner or owners shall turn over to the City the deed of all land necessary for the street.

Sec. 117-31. Sidewalks and Bikeways.

A. Required.

When required by the Common Council, the construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Director of Public Works and in compliance with Section 70-3 of the City Code.

1. Other streets, both major and minor, which serve as major pedestrian access routes to and from such pedestrian traffic generators as business establishments, restaurants, schools, neighborhood parks, high density multiple family developments, etc.
2. All streets which currently have a sidewalk along only a portion of street between consecutive intersections shall be completed from intersection to intersection.
3. Public easement and/or land dedication, determined by the City, which will serve the City's bicycle and pedestrian plan.
4. All required sidewalks and shared paths must be completed and accepted by the City prior to issuance of a Certificate of Occupancy for all buildings within the subdivision.



B. Sidewalks. The subdivider shall be required to provide sidewalks and shared use paths to the standards of [Table 1](#) and City specifications as follows:

1. Sidewalks and shared use paths shall normally be located as far from the traffic lane as is possible, but not closer than 6 inches to the right-of-way line, except in the Z6 District. When the streetscape context is otherwise prohibitive, sidewalks or shared use paths may be located elsewhere within the street right-of-way, or within an easement, with the approval of the Director of Public Works.
2. Sidewalks and bikeways constructed at street intersections or within 5 feet of a legal crosswalk shall include provisions for curb ramping as required by Wisconsin Statutes §66.0909 and in accordance with City standards.
3. In all cases where the grades of sidewalks or shared use paths have not been specifically fixed by ordinance, the sidewalks and shared use paths shall be laid to the established grade of the street. In areas where sidewalks and shared use paths are to be laid to the established grade of the street, the street edge of the sidewalk or shared use path pavement shall be at an elevation above the top of the curb determined by a slope of one-half inch per foot times the distance between the curb and the street sidewalk or shared use path edge. The sidewalk or shared use path pavement shall be sloped at a minimum of ¼ inch per foot and a maximum of ¾ inch per 1 foot

toward the street, unless public drainage is available behind the sidewalk or shared use path.

C. Shared use paths.

1. Shared use paths shall be intended to serve bicycles, pedestrians, skaters, wheelchair users, joggers and other nonmotorized traffic in areas where the majority of the adjoining lots do not have frontage or access to the street or are not being served by a pathway. In general, those lots which do not front or have access on the street in question are not the generating or terminating point for the pedestrian or bicycle traffic.
2. Location. The Director of Public Works shall determine where sidewalks and/or shared use paths are required in accordance with this section.
3. Easements. Pedestrian pathway easements up to 20 feet wide, but not less than 10 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 or where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
4. Construction. Shared use paths shall be constructed of bituminous pavement in accordance with standard City specifications. Sidewalks shall be constructed according to the standards in Section 70-3 of the City Code. The accepted City standard when possible will be 10 feet in width, with a 2-foot clear zone on each side of the pathway. The pathway will have a minimum of 8-inch gravel base as determined by the Director of Public Works and 2 ½-inch asphalt top. All pathways must meet Wisconsin DOT and ADA requirements.

Sec. 117-32. Block Design.

- 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 (measured in the long dimension from street centerline to street centerline) shall not be less than 300 feet nor exceed 1,200 feet nor have less than sufficient width to provide for 2 tiers of lots of appropriate depth between street lines. Blocks shall be so designated as to provide 2 tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots.
- B. Street tree planting strip easements. Tree planting strip easements shall be provided for on both sides of all streets when the street planting strip is insufficient. The minimum easement width shall be 10 feet and shall be adjacent to the front property line. Street trees shall be maintained by the adjacent property owner in accordance with Zoning Ordinances.

Sec. 117-33. Lot Design.

A. Size.

1. The size, shape and orientation of lots shall be appropriate for the location of topography of the land division, and for the type of development contemplated. Lots shall be sized per the appropriate district as established by the Zoning Ordinance.
2. Lot dimensions, shape and size shall provide for conformance to the requirements of the Zoning Ordinance for the permitted land use without the need for the granting of variances. Excessive depth in relation to width shall be avoided.

B. Minimum lot frontage. All lots shall have frontage on a public street to allow access by emergency and service motor vehicles. Alley frontage (public or private) shall not constitute meeting this minimum frontage requirement.

C. 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.

D. 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.

E. Natural features. In the dividing 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.

F. Land remnants. All remnants of lots below minimum size left over after dividing 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.

G. Easement allowance. Lots containing pedestrian or drainage easements shall be platted to include additional width in allowance for the easement.

H. Drainageway and watercourses. Lots abutting upon watercourse, drainageway, channel or stream shall have such additional depth or width as required by the Director of Public Works to obtain building sites that are not subject to flooding from a post development 100-year storm.

Sec. 117-34. Drainage and Stormwater Management.

A. Drainage and stormwater plans shall comply with the requirements of Chapter 109 of the City Code.

Sec. 117-35. Erosion Control.

A. Erosion control plans shall comply with the requirements of Chapter 109 of this City Code .

Sec. 117-36. Grading.

A. The subdivider shall grade each land division in order to establish street, block and lot grades in proper relation to each other and to topography as follows:

1. Master site-grading plan.
 - a. A master site-grading plan shall be prepared by the subdivider for all new subdivisions. This plan shall be prepared in accordance with the requirements and standards of the City.
 - b. The master site-grading plan shall show existing and proposed elevations of all lot corners, control points and building locations.
 - c. After approval or modification of these plans by the Director of Public Works, the full width of the right-of-way of the proposed streets within the subdivision and the entire subdivision lot area shall be graded in accordance with the master site-grade plan. The owners of the subdivision lots shall adhere to those plans.
 - d. Upon completion of all street and subdivision grading, the grades shall be checked and certified by the Director of Public Works to determine that the completed grading work is in accordance with the master site-grading plan.
2. Block grading. Block grading shall be completed by one or more of the following methods:
 - a. Regrading along the side or rear lot lines which provides for drainage to the public drainage facilities.
 - b. Parts of all lots may be graded to provide for drainage to a ditch or to a swale, provided any ditches or swales are in public drainage easements.
 - c. Draining across rear or side lot lines may be permitted provided that the course of drainage is within a public drainage easement and is toward public drainage facilities.
3. Miscellaneous.
 - a. Lot grading shall be completed so that water drains toward public drainage facilities at a minimum grade of 2% .

- b. Grading activities shall not result in slopes greater than 3:1 on public lands or lands subject to public access.
- c. The topsoil stripped for grading shall not be removed from the site unless identified in the erosion control plan approved by the Director of Public Works as not being necessary for erosion control or site landscaping purposes. Topsoil shall be uniformly returned to the lots when rough grading is finished. Topsoil piles shall be leveled and seeded for erosion control prior to the City releasing the one-year guarantee provision on public improvements in the streets adjacent to the lots on which the topsoil is stockpiled.
- d. Such grading shall not result in detriment to any existing developed lands, either within or outside of the corporate limits.

Sec. 117-37. Sanitary Sewers.

- A. There shall be provided a sanitary sewerage system to all lots, approved by the Director of Public Works. The subdivider shall install adequate sanitary sewer facilities and connect them to City sewer mains. All sanitary sewers shall be in accordance with Wisconsin Administrative Code Chapter NR 110. The subdivider shall provide all sanitary sewer work within the land division.
- B. Sanitary sewers, including all related items (manholes, wyes, tees, stubs for future extensions, etc.), shall be installed meeting the specifications and requirements of the City.
- C. Where public sanitary sewers of adequate capacity are determined by the Director of Public Works to be available, extensions of the public sanitary sewer system shall be made so as to provide sewer service to each lot. Gravity sanitary sewers shall be extended to the land division and to each buildable lot in accordance with City Comprehensive Sanitary Sewer Plans as determined by the Director of Public Works. Sewerage service lines of the sizes and materials required by the Plumbing Inspector shall be installed from the sanitary sewers to the property line of every lot in the subdivision. This installation will be coordinated with the installation of sanitary sewers. All sanitary sewer facilities shall be floodproofed.
- D. The ends of the services for each lot shall be accurately measured and recorded with the Director of Public Works and marked in the field with appropriate staking.

Sec. 117-38. Water Supply.

- A. There shall be provided a water supply system in conformity with the master plan of the water system as approved by City utilities. The subdivider shall install and connect City water to serve all lots subject to specifications and inspection by City utilities and the State or shall petition the City for installation and connection of City water to serve all lots. The subdivider shall provide for a minimum water main diameter of 8 inches and the location of public fire hydrants along the public streets at not greater than a 600-foot spacing. Fire hydrants which have not passed testing or have not been operationalized shall be covered with securely attached bags to preclude their use in an emergency situation.
- B. The land divider shall have prepared plan and profile drawings and specifications for the installation of water main facilities in accordance with City master water main plan, including the water main, pipe fittings, valves, hydrants and lateral house-connections for each lot in the subdivision extended to the lot line. Upon approval of the plans by the Director of Public Works and by City utilities, the land divider shall cause to be installed, in accordance with the "Standard Specifications for Sewer and Water Construction in Wisconsin", all facilities required, and the cost of same, including inspection.

Sec. 117-39. Other Utilities.

- A. Insofar as possible, all utilities, including but not limited to natural gas, telephone, cable television, fiber optic, electric, and water shall be installed underground with an affidavit by the subdivider that the maintenance of said public improvements will be guaranteed by the subdivider due to use of the improvements by purchasers and construction traffic.
- B. The Director of Public Works shall be notified, at least one day prior, and approve any maintenance, repair or replacement being performed by the developer during the bond period.
- C. The subdivider shall cause gas, electric power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified survey or land division. All new electrical distribution television cables and telephone lines from which lots are individually served shall be underground unless the Common Council, upon the recommendation of pertinent City utilities or Plan Commission, specifically allows overhead poles for the following reasons:
 - 1. Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical.
 - 2. The lots to be served by said facilities can be served directly from existing overhead facilities.

D. Plans indicating the proposed location of all gas, electrical power, cable television and telephone distribution and transmission lines required to service the plat shall be approved by the Director of Public Works.

Sec. 117-40. Street Lightings; Street Trees.

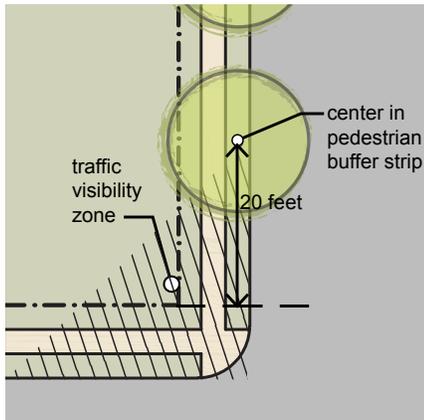
A. Streetlights.

The subdivider shall install street lamps along all streets proposed to be dedicated of a style to be approved by the Director of Public Works. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Director of Public Works.

B. Street trees.

Street trees shall be planted on all public streets as outlined in [Table 1](#).

1. Such trees shall be planted in the planting strip equidistant between the sidewalks and curb, or in street tree easements, and no closer than 5 feet from any sanitary sewer service, water service, or driveway apron.
2. At street corners, trees shall be located at least 20 feet from the intersection of right-of-way lines and shall comply with traffic visibility zones.



Street tree planting diagram

Sec. 117-41. Easements.

A. Utility.

The Common Council, on the recommendation of appropriate departments, utilities and agencies serving the City, shall require utility easements for poles, wires, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Ordinance to protect all established easements so as to assure proper grade, assure 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.

Drainage easements shall comply with the requirements of Chapter 109 of the City Code.

C. Locations.

1. Utility easements shall be at least 12 feet wide, or wider where recommended by the Director of Public Works, 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 the Plan Commission 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.

2. All easements dedicated on final plat or certified survey maps for survey maps for poles, cables or conduits for electricity, telephone or other private utility lines shall be noted thereon as "Utility Easement." All easements for storm and sanitary sewers, water and force mains, pedestrian walks and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.

D. Deed restrictions.

Deed restrictions shall accompany each final plat or certified survey map, and shall be filed in the Register of Deeds office. In addition to whatever else may be contained therein, such restrictions shall describe the location and width of utility and public easements which are being established; a description by reference to the final plat or certified survey map shall suffice. Such restrictions shall further recite that the utility companies and the public agencies using such easements are granted the right to place, and shall state that the elevation of such easements as graded by the subdivider may not be altered thereafter by them, or any subsequent landowner by more than 6 inches.

Sec. 117-42. Oversized and Off-Site Facilities.

- A. When any public improvements of adequate capacity are not available at the boundary of a proposed land division, the City, or its duly authorized representative, shall require, as a prerequisite to approval of a final plat or certified survey map, assurances that such improvement extensions shall be provided as follows in accordance with the following standards:
 1. Design capacity. All improvements within or entering or leaving the proposed development shall be installed to satisfy the service requirements for the entire service or drainage area in which the development is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service area involved.
 2. Oversized and off-size improvements. Where improvements of adequate size needed to serve the development are not available at the boundary of the development, the subdivider shall proceed under one of the alternatives as identified in [Section 117-22](#) of this Ordinance.
 3. Lift stations. Where sanitary or storm sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider shall have plans, profiles, specifications and estimated operation and maintenance costs prepared for the installation of such facilities to the Director of Public Works' requirements. Equipment similar to existing City equipment shall be utilized whenever possible. The installation, inspection, supervision and engineering fees for lift stations and/or force mains shall be paid for by the subdivider unless otherwise determined and agreed upon by the Common Council.

Gravity sanitary sewer service shall be employed whenever determined by the Director of Public Works to be feasibly accessible.

Article V. Park and Public Land Dedications

Sec. 117-43. 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 dedicate land and improvements or pay impact fees as established by the City of New Richmond.

B. General design.

In the design of a subdivision, land division or development project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainage-ways and other public purposes. Such sites are to be shown on the preliminary plat and final plat, and shall comply with the City master plan or component of said 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.

C. Site reservations required.

1. Where the area proposed to be divided contains a park, playground or other public area which is shown upon the master plan of the City, such area shall either be dedicated to the proper public agency, or it shall be reserved for acquisition thereby within a 3 year period by purchase or other means. If the land is not acquired during this period, it shall be released to the subdivider.
2. When any navigable surface water resource, river, stream or important surface drainage course is located in the area being divided, the subdivider of land shall provide an easement along each side of the river, stream or drainage course for the purpose of widening, deepening, relocating, improving or protecting the river, stream or drainage course for drainage or recreational use.
3. When a tract of land to be subdivided embraces all or any part of an arterial street or other public way which has been designated in the comprehensive plan component or on the official map of the City, such public way shall be

made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on such plan.

Sec. 117-44. Land Dedications; Impact Fees.

A. Dedication of sites.

Where feasible and compatible with the comprehensive or master plan of the City, the developer shall provide and dedicate to the public adequate land to provide for park, recreation, school and open space needs of the land development within the City of New Richmond. The location of such land to be dedicated shall be determined by the City Council. Where the dedication is not compatible with the comprehensive or master plan or for other reasons is not feasible as determined by the Plan Commission, and as approved by the Common Council, the developer shall, in lieu thereof, pay to the City an impact fee as established by the Common Council.

B. Dedication of parks, playgrounds, recreation and open spaces.

The developer shall dedicate sufficient land area and construct improvements to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the land division, subdivision or comprehensive development. The minimum dedication shall be:

1. Land dedication will not be expected for commercial or industrial uses, unless requested by the Parks Board;
2. Ten percent of the total acreage intended to be used for single-family and two-family dwelling units;
3. Fifteen percent of the total acreage intended to be used for multiple family dwellings.

C. Combination of residential uses.

Where a combination of residential uses is intended, the minimum dedication shall be the sum obtained by adding 10% of the acreage intended for single-family and two-family dwellings, and 15% of the acreage intended for multiple family dwellings. Where a definite commitment is made to the City by the developer with respect to those portions of the total acreage intended for single family, duplex and multiple family dwellings, the dedication shall be based upon the maximum dedications which the zoning classification of the parcel will permit.

D. Minimum size of park and playground dedications.

1. In general, land reserved for recreation purposes shall have an area of at least 2 acres. Where the amount of land to be dedicated is less than 2 acres, the Plan Commission may require that the recreation area be located at a suitable place on the edge of the proposed land division, subdivision or



**Application &
Fee required**

comprehensive development so that additional land may be added at such time that the adjacent land is subdivided. In no case shall an area of less than 1 acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.

2. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have a total frontage on 1 or more streets of at least 200 feet, and no other dimension of the site shall be less than 200 feet.

E. Impact fees in lieu of land.

1. Where, with respect to a particular development, the dedication of a parcel of land for parks, playground, recreation or open space purposes, does not comply with the official map or the master plan; and as determined by the Park Board, the Plan Commission and the Common Council and the dedication of such parcel would not be in the public interest, the City shall require an impact fee, as established in accordance with State statute.
 - a. Fees shall be established through an Impact Fee Needs Assessment and ordinance.
 - b. Should the City determine that it is in the best interest of the City to require a land dedication that is less than that specified in [Section 117-44 \(B\)](#), the fair market value of that dedication shall be determined at the time the final plat or certified survey is approved in accordance with the following:
 - (i) The City and the developer may agree to the fair market value;
 - (ii) The fair market value may be based on the current appraisal submitted to the City by the subdivider at the subdivider's expense. The appraisal shall be made by appraisers who are approved members of the SERA or MAI, or equivalent real estate appraisal societies; or
 - (iii) If the City disputes such appraisal the City may, at their own expense, obtain an appraisal of the property by a qualified real estate appraiser, said appraisal may be deemed conclusive evidence of fair market value of the land.

F. Extraterritorial areas. Where the land division, subdivision or comprehensive development is situated within the extraterritorial jurisdiction of the City and the town [City] operates and maintains a park system, the park land area dedicated to the town [City] or fees paid to the town [City] in lieu of such dedication shall be credited against any dedication required by or fee imposed pursuant to this Ordinance.

G. Limitations. A subdivider shall not be required to dedicate more than $\frac{1}{3}$ of the total area of the plat to meet the objectives of this Ordinance.

- H. Suitability of lands. The Plan Commission shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication based on the recommendation from the Park Board. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- I. Deeded to the City. Land dedicated for public purposes shall be deeded to the City at the time the final plat is approved.
- J. Access to dedicated land. All dedicated land shall have frontage on a public street and shall have unrestricted public access.
- K. Utility extensions. The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

Sec. 117-45. Reservation of Additional Land.

When public parks and sites for other public areas as shown on the master plan or master plan component lie within the proposed area for development and are greater in area than required by [Section 117-44](#), the owner shall reserve for acquisition by the City, through agreement, purchase or condemnation, the remaining greater public area for a period of 1 year of final plat approval unless extended by mutual agreement.

Sec. 117-46. Development of Park Area.

- A. When parklands are dedicated to the City, the subdivider is required to:
 1. Properly grade and contour for proper drainage;
 2. Provide surface contour suitable for anticipated use of area as approved by the Director of Public Works; and
 3. Cover areas to be seeded with a minimum of 4 inches of quality topsoil, seed as specified by the Director of Public Works, fertilized with 16-6-6 at a rate of 7 pounds per 1,000 square feet, and mulched, as specified in the U.S. Department of Transportation and Federal Highway Administration's standards of Section 627 and 629 of the "Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects." The topsoil furnished for the park site shall consist Of the natural loam, sandy loam, silt loam, silt clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one year following issuance of the first Building Permit within that land division unless otherwise authorized by the City. The improved area shall

not be deemed officially accepted until a uniform grass cover to a 2-inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the City accepts the dedication.

- B. It shall be the responsibility of the City to maintain the dedicated areas upon their dedication and acceptance by the City. The owner of said land shall be responsible for its maintenance and liability thereon except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property.
- C. A neighborhood park area shall be provided by the subdivider with a standard residential water service unless located directly adjacent to a fire hydrant. A community park area shall be provided by the developer with a minimum 6-inch water service or at least 1 fire hydrant, and at least one 4-inch sanitary sewer lateral, allocated at the street property line.
- D. The Common Council may require certification of compliance by City officials. The cost of such report shall be paid by the subdivider.
- E. If the subdivider fails to satisfy the requirements of this section, the Common Council may contract said completion and bill, such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all Building Permits until such costs are paid.
- F. The subdivider shall pay all costs of public improvements in the public streets adjacent to or within all public [lands] and/or parklands.

Sec. 117-47. Land Improvement.

- A. Where property is not being subdivided, but is being improved or redeveloped, the owner shall pay a fee in the amount established by resolution in lieu of parkland dedication to the City as provided in this section.
- B. This fee shall be paid prior to the issuance of a Building Permit.