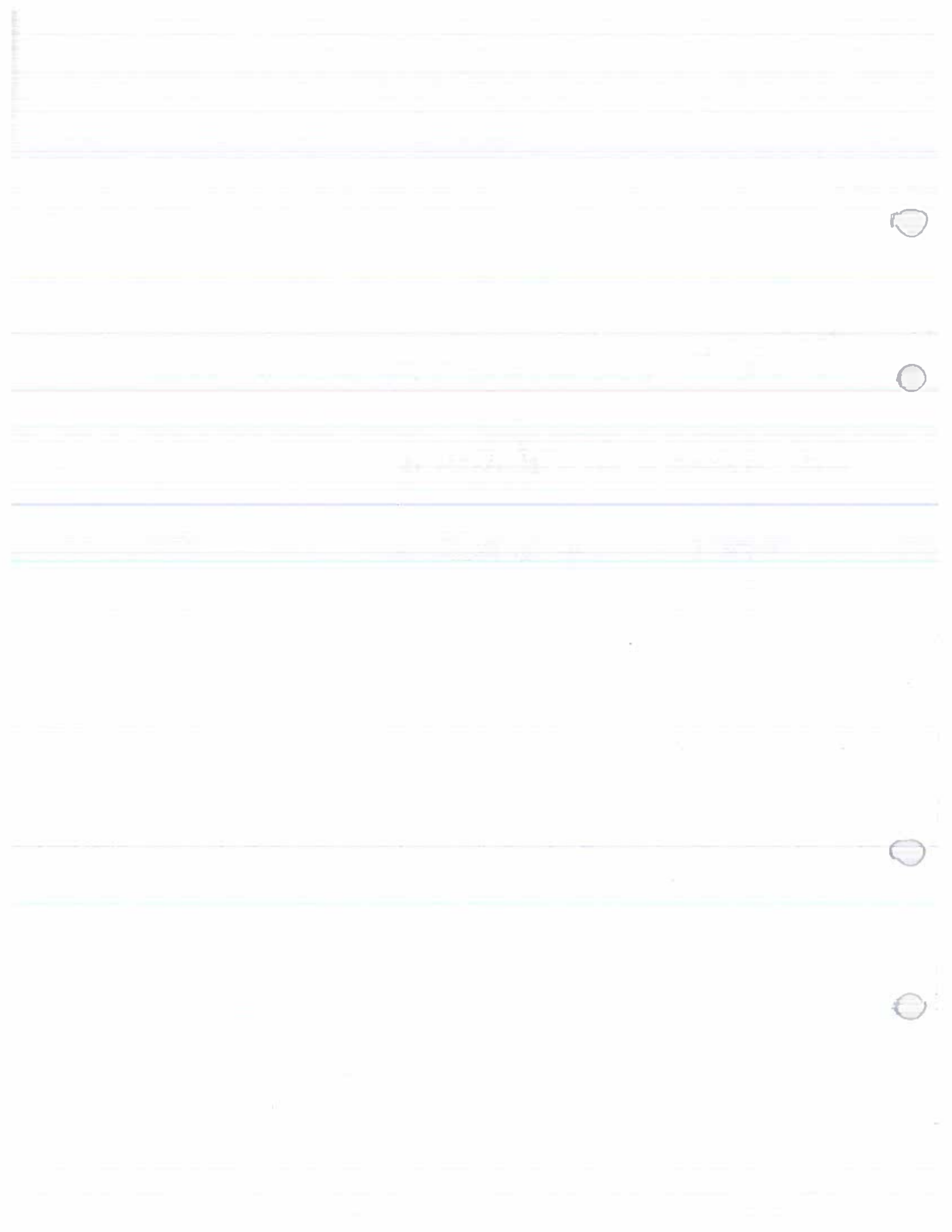


# TITLE 14

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## **Subdivision Regulations**

### **Chapter 1**      Subdivision Regulations



# Title 14 ▶ Chapter 1

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## Subdivision Regulations

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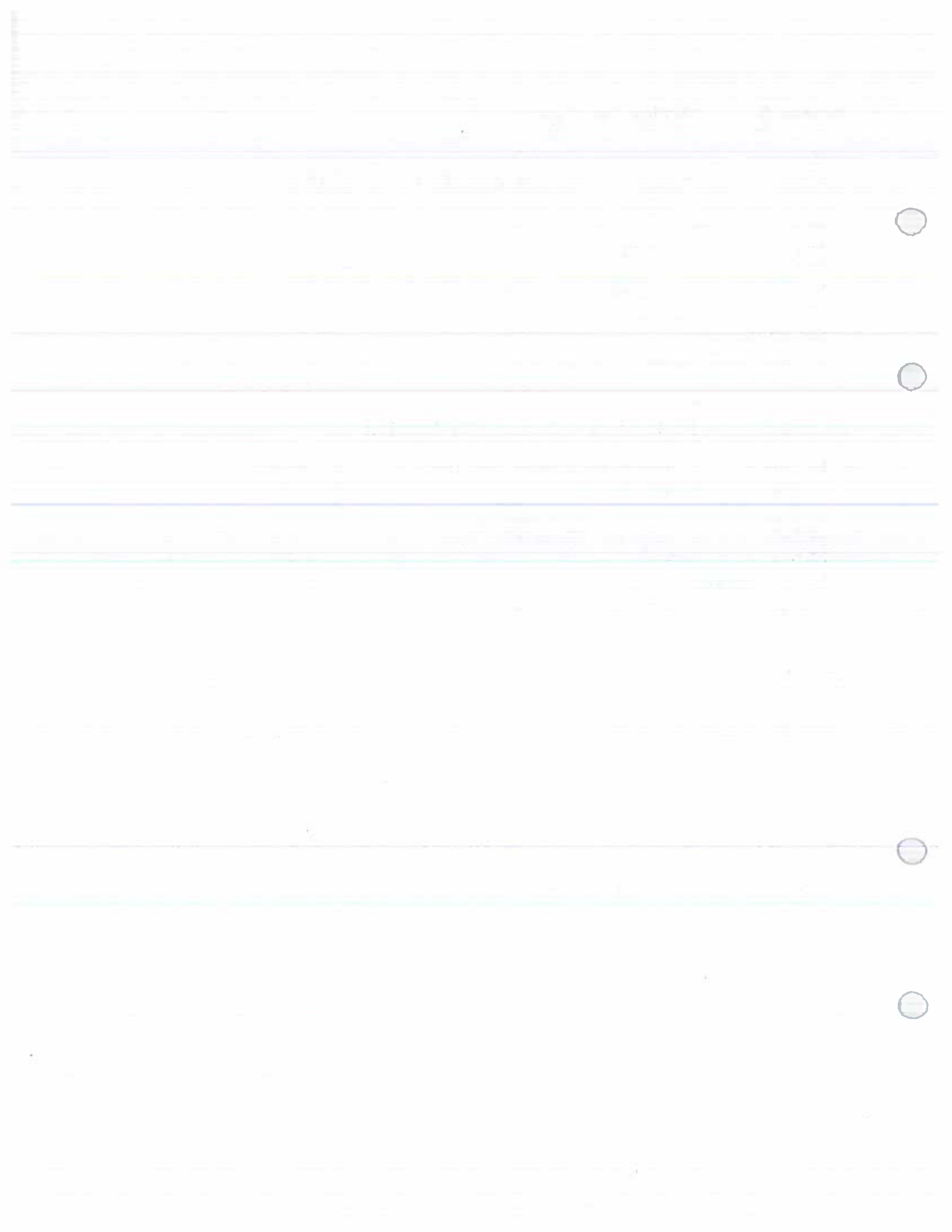
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## Article A: Adoption; Introduction

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### **Sec. 14-1-1 Introduction and Purpose.**

- (a) **Introduction.** In accordance with the authority granted by Sections 236.13(1)(b) and 236.45 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes, the Common Council of the City of Washburn, Wisconsin, does hereby ordain as follows:
- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the City of Washburn.
  - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) **Purpose.** The purpose of this Chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with the reasonable consideration of, but not limited to, the present character of the City and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, protecting farming and open spaces, and providing for the most appropriate use of land in the City of Washburn.

*State Law Reference:* Chapter 236, Wis. Stats.

### **Sec. 14-1-2 Abrogation and Greater Restrictions.**

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

**Sec. 14-1-3 Interpretation.**

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City of Washburn and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**Sec. 14-1-4 Severability.**

If any provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provision or application.

**Sec. 14-1-5 Repeal.**

All other ordinances or parts of ordinances of the City inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

**Sec. 14-1-6 Title.**

This Chapter shall be known as, referred to, or cited as the "City of Washburn Subdivision Chapter" or "City of Washburn Land Division and Subdivision Chapter."

**Sec. 14-1-7 through Sec. 14-1-9 Reserved for Future Use.**



## Article B: Definitions

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### Sec. 14-1-10 Definitions.

- (a) The following definitions shall be applicable in this Chapter:
- (1) **Alley.** A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
  - (2) **Arterial Street.** A street which provides for the movement of relatively heavy traffic to, from or within the City. It has a secondary function of providing access to abutting land and to collector and minor streets.
  - (3) **Bikeway.** A bike route completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic.
  - (4) **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.
  - (5) **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 City Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line. The building setback line shall be substantially parallel to the right-of-way.
  - (6) **City.** The City of Washburn, Wisconsin, and, where appropriate, its Common Council, commissions, committees and authorized officials.
  - (7) **Collector Street.** 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.
  - (8) **Commission.** The Plan Commission created by the Common Council pursuant to Sec. 62.23, Wis. Stats.
  - (9) **Comprehensive Development 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. Also called a "Master Plan" or "Smart Growth Plan".
  - (10) **Concept Plan.** A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.
  - (11) **Condominium Development.** A real estate development in which a condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.
  - (12) **Cul-de-sac.** A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
  - (13) **Days.** As used in this Chapter, "days" shall mean calendar, not working days.
  - (14) **Dead End Street.** A street permanently or temporarily closed at one end, with or without turnarounds.

- (15) **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.
- (16) **Drainageway.** An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry storm water 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, storm water detention, park development, and other related uses. Drainageways may also be referred to as "greenways."
- (17) **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.
- (18) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities.
- (19) **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.
- (20) **Frontage Street.** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (21) **Half Street.** 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.
- (22) **Impervious Lot Area.** Roof areas, gravel or bituminous surfaces, sidewalks, decks or other hard surface areas.
- (23) **Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the City may ultimately assume the responsibility for maintenance and operation.
- (24) **Land Division.** A division of a parcel of land where the act of division, including by certified survey, creates less than five (5) lots, parcels or building sites of thirty-five (35) acres each or less in area.
- (25) **Local Street.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (26) **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 structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.

- (27) **Lot, Area.** The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (28) **Lot, Corner.** A lot abutting intersecting streets at their intersection.
- (29) **Lot Depth.** The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.
- (30) **Lot Lines.** The peripheral boundaries of a lot as defined herein.
- (31) **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.
- (32) **Lot, Through.** A lot having a pair of opposite lot lines along two (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.
- (33) **Lot Width.** The width of a parcel of land measured along the front building line.
- (34) **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.
- (35) **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, Smart Growth 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.
- (36) **Minor Street.** A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."
- (37) **Minor Subdivision (Certified Survey).** The division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels or building sites, any one (1) of which is one and one-half (1-1/2) acres in size or less, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot.
- (38) **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 Chapter 62, Wis. Stats.
- (39) **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, or is an otherwise undefined territory in a plat.
- (40) **Owner.** Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this Chapter.

- (41) **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.
- (42) **Parking Space.** An off-street area suitable to be used for parking a passenger automobile.
- (43) **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.
- (44) **Planned Commercial Site.** A specified area of land comprising one (1) or more contiguous ownership parcels or building sites for nonresidential uses and which area is legally limited by a reciprocal land use agreement and plan of building placement, reciprocal use of off-street parking facilities and reciprocal use of ingress and egress facilities for each building, loading and parking site. A planned commercial site must have a plan and reciprocal land use agreement approved by the City recorded in the office of the County Register of Deeds. An approved plan and reciprocal land use agreement may not be changed without approval by the City. No portion of a planned commercial site may include or front on a street, highway, walkway, parkway, or utility route designated in the Comprehensive Plan or Official Map at the time of initial recording unless the designated facility is in public ownership or easement.
- (45) **Planned Unit Development or PUD.** A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering of buildings, providing common open space, and mixing different types of housing (single family, duplexes, and multi-family). Ordinances permitting planned unit developments permit planning a project and calculating densities for the entire development rather than on an individual lot by lot basis. It is hereby declared that regulating planned unit developments require greater involvement of public officials in site plan review and development aspects of both zoning and land division regulation since such developments require exceptions from both types of regulation.
- (46) **Pedestrian Pathway.** A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (47) **Plat.** The map, drawing or chart on which the subdivider's plat of subdivision is presented to the City for approval.
- (48) **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.
- (49) **Protective Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., 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.

- (50) **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.
- (51) **Residential Dwelling Unit or Dwelling Unit.** A single family dwelling or part of a duplex, apartment, or other multiple family dwelling occupied by one (1) family or one (1) distinct set of inhabitants or occupants.
- (52) **Right-of-Way.** A public way dedicated to the public for its intended use.
- (53) **Setbacks.** The standards for setbacks shall be as defined in the City Zoning Code.
- (54) **Shorelands.** Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (55) **Small Condominiums.** A condominium with no more than twelve (12) units.
- (56) **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.
- (57) **Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility fixtures and appurtenances.
- (58) **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 Chapter.
- (59) **Subdivision.** Subdivision is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development where:
- a. The act of division creates five (5) or more parcels, lots or building sites of one and one-half (1-1/2) acres each or less in area; or
  - b. Five (5) or more parcels, lots or building sites of one and one-half (1-1/2) acres each or less in area are created by successive divisions within a period of five (5) years.
- (60) **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.
- (61) **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. (Sec. 23.32(1), Wis. Stats.)

**14-1-10**

- (62) **Wisconsin Administrative Code.** The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

**Sec. 14-1-11 through Sec. 14-1-19      Reserved for Future Use.**

## Article C: General Provisions

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### Sec. 14-1-20 General Provisions.

- (a) **Compliance.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division, minor land division, land conveyance, consolidation, or a replat as defined herein; no such subdivision, land division, land conveyance, consolidation, or replat shall be entitled to recording; and no street shall be laid out, nor improvements made to land, nor building permits issued for any land division without compliance with all requirements of this Chapter and the following:
- (1) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.
  - (2) The rules of the Division of Plumbing, Wisconsin Department of Commerce, contained in Wis. Adm. Code Chapter H85 for subdivisions not served by public sewer.
  - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter HY 33 for subdivisions which abut a state trunk highway or connecting street.
  - (4) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for the Floodplain Management Program, and the Shoreland/Wetlands Management Program.
  - (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Common Council.
  - (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
  - (7) The City of Washburn Comprehensive Plan and Official Map, or components thereof:
    - a. Whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in said Comprehensive Plan or Official Map, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at a width indicated along with all other streets in the subdivision.
    - b. Where a proposed school site or other public ground shown on the Comprehensive Plan or Official Map of the City of Washburn is located in whole or in part within the proposed subdivision, such proposed public ground or park shall be dedicated to the public when dedication is required by this Chapter or reserved for a period of up to five (5) years from the date of approval of the final plat for acquisition by the City of Washburn, Bayfield County, or any other appropriate agency having the authority to purchase said property. The City, or other agency having the authority to purchase said property, and the subdivider shall enter into an agreement which provides for the purchase of the lands held in reserve prior to the conclusion of the five (5) year period.
  - (8) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.



- (9) The City's water rules are on file with the Public Service Commission of the State of Wisconsin concerning water installations and services. These rules are incorporated herein by reference and made a part hereof as though fully set forth herein.
- (b) **Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the City of Washburn. The City of Washburn, as a Fourth Class City, has elected to approve plats under its extraterritorial plat approval jurisdiction as provided in Chapter 236 and Sections 62.23(2), 62.23(7a), and 66.32, Wis. Stats. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
- (1) Transfers of interests in land by will or pursuant to court order;
  - (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
  - (3) Sale or exchange of parcels of land between adjoining property owners or where not more than one (1) additional lot is created and said lot is not less than the minimum size required by applicable laws or ordinances. No more than one (1) lot may be created in this fashion within a one (1) year period.
- (c) **Certified Survey.** Any division of land other than a subdivision as defined in Section 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats., except that divisions of land meeting all criteria listed below require only a professional plat survey and do not require a certified survey map:
- (1) The division of land does not affect any utility billing designations; and
  - (2) The division of land does not result in any zoning non-conformity; and
  - (3) All real property taxes on the parcels subject to division are paid up-to-date; and
  - (4) The division of land follows existing platted lot lines within the City of Washburn; and
  - (5) The owner of the parcel sought to be divided obtains a professional plat survey describing the proposed lot lines of the new parcel(s).
- (d) **Compliance; Issuance of Permits.** The City of Washburn 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 the effective date of this Chapter until the provisions and requirements of this Chapter have been fully complied with and a resolution approving the land division has been adopted by the Common Council of the City of Washburn.
- (e) **Plats Within the Extraterritorial Plat Approval Jurisdiction.** Plats within the extraterritorial plat approval jurisdiction of the City are subject to this Chapter pursuant to Sec. 236.45(3), Wis. Stats.
- (f) **Recording of Plats or Certified Surveys.** Plats and certified surveys, approved by the Common Council of the City of Washburn, must be recorded together with the adopting resolution, with the Bayfield County Register of Deeds within thirty (30) days of the date of the last resolution of approval and not later than six (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-Treasurer and Building Inspector prior to issuance of any permits. The subdivider shall file six (6) certified copies of the approved land division with the City Clerk-Treasurer.

### **Sec. 14-1-21 Land Suitability.**

- (a) **Suitability.** No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Common Council, upon the recommendation of the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. 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 the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he/she so desires. Thereafter the Common Council, upon the recommendation of the Plan Commission, may affirm, modify, or withdraw its determination of unsuitability.
- (b) **Existing Flora.** The subdivider shall make every effort to protect and retain all existing trees, especially with a trunk diameter of six (6) inches or more, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.

### **Sec. 14-1-22 Condominium Developments.**

- (a) **Purpose.**
  - (1) The Common Council hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
  - (2) The factor that makes this Chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels," with each property entity having different ownership and management. The City determines that this factor makes a condominium development dissimilar, both physically and in ownership, from

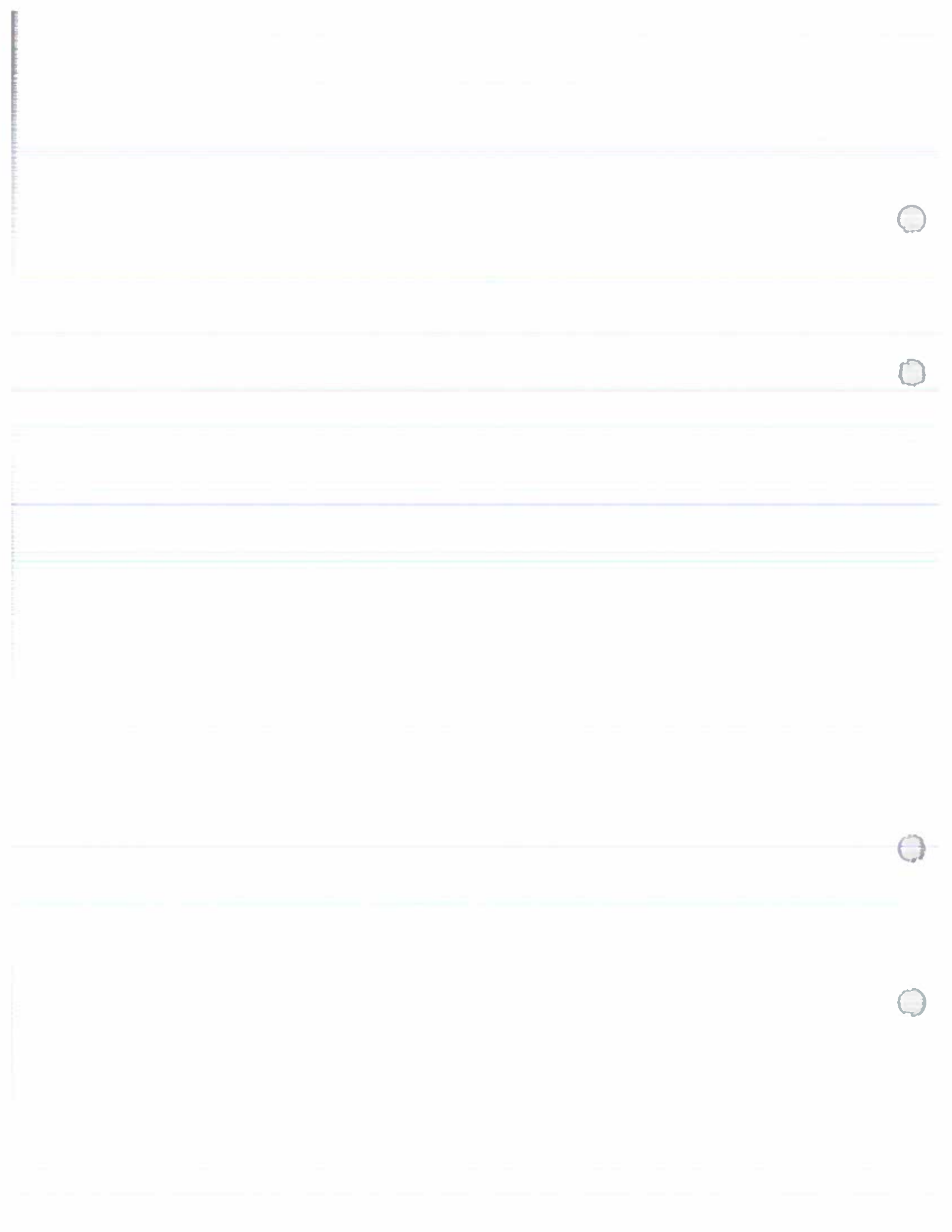
developments in which the land and improvements are under unitary ownership, management, and control.

- (3) Thus, the Common Council hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
  - a. Additional population density.
  - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
  - c. Additional demands upon City area parks, recreation areas, utility facilities and schools.
  - d. Additional traffic and street use.
- (b) **Portions of Chapter Applicable to Regular Condominium Developments.** The following Sections of this Chapter shall apply to condominium developments:
  - (1) Section 14-1-21 relating to land suitability and construction practices.
  - (2) Sections 14-1-30 through 14-1-33 relating to preliminary and final plat approval. The technical requirements for preliminary plats set forth in Section 14-1-40 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
  - (3) Article I relating to fees for review.
  - (4) Article F relating to required improvements.
  - (5) Article G relating to design standards for improvements.
  - (6) Article H relating to dedication requirements.
- (c) **Portions of Chapter Applicable to Small Condominium Developments; Review and Approval of Small Condominium Developments.**
  - (1) **Review and Approval Standards.** The review and approval process shall be as set forth in:
    - a. Section 14-1-34(a),(b), (d) and (e) for Minor Land Divisions by use of Certified Survey Map, except that the term "condominium plat" shall be substituted wherever the term "certified survey map" is used.
    - b. Section 14-1-21, and Articles F, G and H.
    - c. Article I, provided that the same fees for preliminary plat review shall apply to the review of a small condominium plat.
  - (2) **Review and Approval.** The Common Council shall conduct a public hearing on a Class 2 notice on any proposed small condominium plat. It shall be the responsibility of the Petitioner to provide the names and mailing addresses of adjacent property owners within a two hundred (200) foot radius. The City shall send written notice to property owners within two hundred (200) feet of the proposed development. After the public hearing, the Common Council shall thereafter approve, approve conditionally and thereby require resubmission of a corrected condominium plat, or reject such condominium plat within sixty (60) days of the filing of the plat unless

such time is extended by agreement with the developer. If a small condominium plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement forwarded to the developer. If the small condominium plat is approved, the Common Council shall cause the City Clerk-Treasurer to so certify on the face of the original plat and return the plat to the developer.

- (d) **Exceptions.** This Section shall not apply to the following condominiums:
- (1) Any condominium plat recorded prior to the effective date of this Chapter.
  - (2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

**Sec. 14-1-23 through Sec. 14-1-29      Reserved for Future Use.**



## Article D: Plat Review and Approval

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### **Sec. 14-1-30 Preliminary Consultation.**

- (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 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-Treasurer. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the Comprehensive Plan, comprehensive plan components and plan implementation devices of the City and to otherwise assist the subdivider in planning his/her development. The subdivider will gain a better understanding of the subsequent required procedures.
- (b) Prior to filing an application for the approval of a Preliminary Plat, or certified survey map, the subdivider should attend a preliminary consultation meeting with the Plan Commission. The Plan Commission may waive this requirement for small projects.

### **Sec. 14-1-31 Submission of Preliminary Plat.**

- (a) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The subdivider shall submit twelve (12) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with the standards of this Chapter, particularly Section 14-1-40, and the subdivider shall file copies of the Plat and the application as required by this Section with the City Clerk-Treasurer at least thirty (30) days prior to the meeting of the Plan Commission at which action is desired. The City Clerk-Treasurer shall submit copies of the Preliminary Plat to the Plan Commission and to the City Engineer for review and written report of his/her recommendations and reactions to the proposed plat.
- (b) **Public Improvements, Plans and Specifications.** Simultaneously with the filing of the Preliminary Plat, the owner shall file with the City Clerk-Treasurer twelve (12) complete sets of engineering reports, plans and specifications for the construction of any public improvements required by this Chapter, specifically addressing sewer and water service feasibility, drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the subdivision.
- (c) **Property Owners Association; Restrictive Covenants.** A draft of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the City pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the City Clerk-Treasurer.

- (d) **Affidavit.** The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he/she has fully complied with the provisions of this Chapter.
- (e) **Supplementary Data to be Filed with Preliminary Plat.** The following shall also be filed with the Preliminary Plat:
  - (1) **Use Statement.** A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
  - (2) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
  - (3) **Area Plan.** Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission may require that the subdivider submit a Preliminary Plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
- (f) **Street Plans and Profiles.** The subdivider shall provide preliminary street profiles showing existing ground surface, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.
- (g) **Soil Testing.** The subdivider shall provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in Section 14-1-21, the City Engineer may, in addition, require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.
- (h) **Referral to Other Agencies and Utilities.**
  - (1) **Utilities.** The subdivider shall also forward a copy to the local electric, gas, cable television and telephone utilities. When the subdivider expects the City to act as the transmitting authority in accordance with Sec. 236.12, Wis. Stats., the application shall state that the transmittal responsibility lies with the City, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.
  - (2) **County and State Agencies.** The City Clerk-Treasurer shall, within two (2) days after the filing of the Preliminary Plat, transmit copies to the County Planning Agency, copies to the Director of the Planning Function in the Wisconsin Department of Administration, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, and an adequate number of copies to the Plan Commission. The County Planning Agency, the

Wisconsin Department of Administration and the Wisconsin Department of Transportation shall be hereinafter referred to as objecting agencies. The City Clerk-Treasurer shall also transmit a copy of the Preliminary Plat to other affected City boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction.

- (3) **Action by Outside Agencies.** Within fifteen (15) days of the date of receiving the copies of the Preliminary Plat, any state or county agency having authority to object under Subsection (h)(1) above shall notify the subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the fifteen (15) day limit, it shall be deemed to have no objection to the plat. The recommendations of City agencies shall also be transmitted to the Plan Commission within fifteen (15) days from the date the plat is filed.

### **Sec. 14-1-32 Preliminary Plat Review and Approval.**

- (a) **Plan Commission Review; Public Hearing.** The City Clerk-Treasurer shall schedule a public hearing on the Preliminary Plat before the Plan Commission. The City Clerk-Treasurer shall give notice of the Plan Commission's review and public hearing on the Preliminary Plat by listing it as an agenda item in the Commission's meeting notice published in the official City newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners within two hundred (200) feet of the proposed land division shall receive written notice of the public hearing.
- (b) **Plan Commission Action.** The Plan Commission shall, within ninety (90) days of the date the preliminary plat was filed with the City Clerk-Treasurer approve, approve conditionally, or reject such preliminary plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the Plan Commission to act within ninety (90) days or extension thereof shall constitute an approval of the preliminary plat, unless authorized agencies object to the plat. The City Clerk-Treasurer shall communicate to the subdivider the action of the Plan Commission. If the preliminary plat is approved, the City Clerk-Treasurer shall endorse it for the Plan Commission.
- (c) **Effect of Preliminary Plat Approval.** Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat



is submitted within twenty-four (24) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the Plan Commission and Common Council at the time of its submission.

- (d) **Preliminary Plat Amendment.** Should the subdivider desire to amend the Preliminary Plat as approved, he/she may resubmit the amended plat which shall follow the same procedure outlined herein, 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.

### **Sec. 14-1-33 Final Plat Review and Approval.**

(a) **Filing Requirements.**

- (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file twelve (12) copies of the Plat and the application with the City Clerk-Treasurer at least twenty-one (21) days prior to the meeting of the Plan Commission at which action is desired. The owner or subdivider shall file twelve (12) copies of the Final Plat not later than twenty-four (24) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the City. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the City Attorney may require showing title or control in the applicant. 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 Sec. 236.12, Wis. Stats., 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-Treasurer shall, within two (2) days after filing, transmit copies to the County Planning Agency, copies to the Director of the Planning Function in the Wisconsin Department of Administration, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, copies to all affected City boards, commissions and committees, and the original Final Plat and adequate copies to the Plan Commission. The County Planning Agency, the Wisconsin



Department of Administration and the Wisconsin Department of Transportation shall be hereinafter referred to as objecting agencies.

- (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 Sec. 236.12(2).
  - (4) The City Clerk-Treasurer shall refer two (2) copies of the Final Plat to the Plan Commission, and one (1) copy to the City Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report may be referred to the City Attorney for his/her examination and report. The City Clerk-Treasurer shall also refer the final plans and specifications of public improvements to the City Engineer for review. The recommendations of the Plan Commission and City Engineer shall be made within thirty (30) days of the filing of the Final Plat. The City Engineer shall examine the plat or map and preliminary plans and specifications of public improvements for technical details and, if he/she finds them satisfactory, shall so certify in writing to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the City Engineer shall return them to the owner and so advise the Plan Commission.
- (b) **Plan Commission Review.**
- (1) The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Common Council.
  - (2) The objecting state and county agencies shall, within fifteen (15) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Administration has thirty (30) days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the City. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
  - (3) If the Final Plat is not submitted within twenty-four (24) months of the last-required approval of the Preliminary Plat, the Plan Commission may refuse to approve the Final Plat.
  - (4) The Plan Commission shall, within thirty (30) days of the date of filing of the Final Plat with the City Clerk-Treasurer, 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.
- (c) **Council Review and Approval.**
- (1) The Common Council shall, within sixty (60) days of the date of filing the original Final Plat with the City Clerk-Treasurer, approve or reject such Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall

be stated in the minutes of the meeting and 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-Treasurer 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 fifteen (15) days or, if filed, have been met.

- (2) The Common Council shall, when it determines to approve a Final Plat, give at least ten (10) days' prior written notice of its intention to the Municipal Clerk of any municipality within one thousand (1,000) feet of the Final Plat.
- (3) Failure of the Common Council to act within sixty (60) days, the time having not been extended by mutual written agreement and no unsatisfied objections having been filed, the plat shall be deemed approved.
- (d) **Recordation.** After the Final Plat has been approved by the Common Council, required improvements are either installed or a contract and sureties insuring their installation is filed, all outstanding special assessments have been made, and park and recreation fees required by this Chapter have been paid to the City, the City Clerk-Treasurer 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 twenty-four (24) months from the date of last approval. Recording fees shall be paid by the subdivider.
- (e) **Final Copies.** The subdivider shall file ten (10) copies of the Final Plat as approved with the City Clerk-Treasurer for distribution to the approving agencies, affected utilities and other affected agencies for their files.
- (f) **Partial Platting.** The Final Plat may, if permitted by the Plan Commission, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at the time.

### **Sec. 14-1-34 Minor Land Division (Certified Survey Map).**

- (a) **Use of Certified Survey Map.** When it is proposed to divide land through use of a minor subdivision, as defined in Section 14-1-10(a)(24), the subdivider shall prepare a certified survey map in accordance with this Chapter and shall file fifteen (15) copies of the certified survey map and the letter of application with the City Clerk-Treasurer.
- (b) **Review By Zoning Administrator.** The City Clerk-Treasurer shall transmit a copy of the certified survey map to the Zoning Administrator for review and recommendations. The certified survey map shall be reviewed by the Zoning Administrator for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components and neighborhood plans. The Zoning Administrator's recommendations shall be transmitted to the Common Council.
- (c) **Review and Approval.** The Common Council shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map, or reject such certified

survey map within sixty (60) days from the date of the filing of the map unless such time is extended by agreement with the subdivider. If the certified survey map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the certified survey 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.

- (d) **Recordation.** The subdivider shall record the certified survey map with the County Register of Deeds within thirty (30) days of the approval.
- (e) **Copies.** The subdivider shall file five (5) copies of the certified survey map with the City Clerk-Treasurer for distribution to the City Engineer, Building Inspector, Assessor and other affected departments for their files.

### **Sec. 14-1-35 Replat.**

- (a) Except as provided in Section 70.27(1), Wis. Stats., 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 Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider or person wishing to replat shall then proceed, using the approval procedures for Preliminary and Final Plats prescribed in this Article.
- (b) Whenever a Preliminary Plat of 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 two hundred (200) feet of the proposed replat.
- (c) Whenever an approved Final Plat is submitted for reapproval within six (6) months of the initial resolution approving the plat, and which is substantially in conformance with the approved plat, and which has not been recorded with the Register of Deeds, said plat shall be reapproved by the Common Council. No Final Plats shall be reapproved by the Common Council following the expiration of the six (6) month period. Such plats shall be submitted as a new plat. All previous approvals shall be null and void and shall have no further bearing on the subsequent review and approval of the plat by the City.
- (d) Where lots are more than double the minimum size required for the applicable zoning district, the Plan Commission may require that such lots be arranged so as to allow resubdivision of such parcels into normal lots in accordance with the provisions of the Chapter.

## **Sec. 14-1-36 Determination of Adequacy of Public Facilities and Services.**

- (a) A Preliminary Plat, Final Plat or certified survey map shall not be approved unless the Plan Commission and the Common Council determine that adequate public facilities and public services will be available to meet the needs of the proposed land division 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-Treasurer who shall transmit this information to the appropriate commission(s), committee(s) and staff for review; the City Clerk-Treasurer shall act as coordinator of the reports from staff 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, traffic counts, and schools.
- (c) Public facilities and public services for a proposed land division may be found to be adequate 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 City Engineer and/or the sewer and water utilities and the appropriate committee(s) 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 of the sewer and water utilities and City Engineer on line capacities, water sources and storage facilities, as well as any other information presented.
  - (3) The City Clerk-Treasurer verifies to the Plan Commission and the Common Council that adequate funds, either public or private, are available to insure the installation of all necessary storm water 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 City Engineer verifies to the Plan Commission 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 Comprehensive Plan for Parks and Open Spaces, if such a plan has been adopted.
  - (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 one (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 officially mapped as public lands storm water management facility or is 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 of Washburn 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 of Washburn public water distribution and/or public sewerage system as required by the City Engineer. If such connection(s) 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 City Engineer to be feasibly available for connection. The subdivider, and his/her 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 City Engineer that such facilities are available for feasible connection.

### **Sec. 14-1-37 Disclaimers on Approvals.**

- (a) The purpose of requiring approvals under this Chapter is to insure the health, safety, morale, comfort, prosperity and general welfare of the City of Washburn. This Chapter shall not be interpreted as placing any responsibility or liability on any City official, City

**14-1-37**

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 Chapter 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. 14-1-38 and 14-1-39      Reserved for Future Use.**

## Article E: Technical Requirements for Plats and Certified Surveys

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### Sec. 14-1-40 Technical Requirements for Preliminary Plats.

- (a) **General.** A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on mylar or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
- (1) **Title** under which the proposed subdivision is to be recorded, which name shall not duplicate or be alike in pronunciation of the name of any plat heretofore recorded in the City unless considered an addition to the subdivision.
  - (2) **Legal Description/Location** of the proposed subdivision by government lot, quarter section, township, range, county and state.
  - (3) **Date, Scale and North Point.**
  - (4) **Names, Telephone Numbers, and Addresses** of the owner, and any agent having control of the land, engineer, subdivider, land surveyor preparing the plat.
  - (5) **Entire Area** contiguous to the proposed plat owned or controlled by the subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. Where a subdivider owns or controls adjacent lands in addition to those proposed for development at that time, he/she shall submit a concept plan for the development of the adjacent lands showing streets, utilities, zoning districts, and other information as may affect the review of the Preliminary Plat in question. The Plan Commission may waive these requirements where adjacent development patterns have already been established.
- (b) **Plat Data.** All Preliminary Plats shall show the following:
- (1) **Exact Length and Bearing** of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
  - (2) **Locations of all Existing Property Boundary Lines**, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
  - (3) **Location, Right-of-Way Width and Names** of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
  - (4) **Location and Names of any Adjacent Subdivisions**, parks and cemeteries and owners of record of abutting unplatted lands.
  - (5) **Type, Width and Elevation** of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.



- (6) **Location, Size and Invert Elevation** of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) **Corporate Limit Lines** within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) **Existing Zoning** on and adjacent to the proposed subdivision.
- (9) **Contours** within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described.
- (10) **High-Water Elevation** of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (11) **Water Elevation** of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
- (12) **Floodland and Shoreland Boundaries** and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
- (13) **Location, Width and Names** of all proposed streets and public rights-of-way such as alleys and easements.
- (14) **Approximate Dimensions of All Lots** together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
- (15) **Location and Approximate Dimensions** of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use.
- (16) **Approximate Radii of all Curves.**
- (17) **Any Proposed Lake and Stream Access** with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
- (18) **Any Proposed Lake and Stream** improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Wisconsin Department of Natural Resources, when applicable.



- (19) ***Soil Tests and Reports*** as may be required by the City Engineer for the design of roadways, storm drainage facilities, on-site sewage disposal systems, erosion control facilities, and/or other subdivision improvements and features.
- (20) ***Design Features.***
- a. Locations and widths of proposed alleys, pedestrian ways and utility easements.
  - b. Layout numbers and preliminary acreages and dimensions of lots and blocks.
  - c. Minimum front, rear, side, and street yard building setback lines.
  - d. Proposed contours within the exterior boundaries of the plat and extending to the center line of adjacent public streets to National Map Accuracy Standards based on Mean Sea Level Datum at vertical intervals of not more than one (1) foot.
  - e. Location, size and grade of proposed sanitary sewer mains. Location and size of proposed water mains. Location, size and grade of proposed storm sewer mains and facilities.
  - f. Gradients of proposed streets, including centerline profiles. Location of proposed sidewalks, curbs and gutters.
  - g. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
  - h. Location and description of survey monuments.
  - i. An identification system for the consecutive numbering of all blocks and lots within the subdivision.
  - j. Sites, if any, to be reserved for parks or other public uses.
  - k. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.
  - l. Provisions for surface water management including both minor and major system components, detention/retention facilities, including existing and post development one hundred (100) year flood elevations, etc.
  - m. 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 [ten (10) year event] and major [one hundred (100) year event] drainage components.
  - n. Potential resubdivision and use of excessively deep [over two hundred (200) feet] or oversized lots must be indicated in a satisfactory manner.
  - o. Any wetlands, floodplains, or environmentally sensitive areas provided for by any local, state or federal law.
- (21) ***Where the Plan Commission, Common Council, or City Engineer*** finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, then shall have the authority to request in writing such information from the subdivider.

- (c) **Additional Information.** The Plan Commission, Common Council and/or City officials may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

### **Sec. 14-1-41 Technical Requirements for Final Plats.**

- (a) **General.** A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20, Wis. Stats., and this Chapter.
- (b) **Additional Information.** The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20, Wis. Stats., the following:
  - (1) **Exact Length and Bearing** of the center line of all streets.
  - (2) **Exact Street Width** along the line of any obliquely intersecting street.
  - (3) **Exact Location and Description** of utility and drainage easements.
  - (4) **Railroad Rights-of-Way** within and abutting the plat.
  - (5) **All Lands Reserved** for future public acquisition or reserved for the common use of property owners within the Plat.
  - (6) **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.
  - (7) **Taxes.** Certifications by attached information showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full.
  - (8) **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 [one hundred (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.

- (9) **Groundwater Presence.** Where the ground water table is equal to or less than nine (9) feet from the proposed street centerline elevation, the subdivider shall place the following note on the plat:

Subsoil information indicates the presence of ground water 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 Building Inspector for approval with the application for a Building Permit as required information.

The elevation of the basement as described in the paragraph to be placed on the plat shall be a minimum of two (2) feet higher than the elevation of the ground water table as determined by the City Engineer.

- (10) **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.
- (11) **A Numbered Identification System** for all lots and blocks.
- (c) **Deed Restrictions.** Restrictive covenants and deed restrictions for the proposed subdivision shall be filed with the Final Plat.
- (d) **Property Owners Association.** The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.
- (e) **Survey Accuracy.**
  - (1) **Examination.** The Common Council and Plan Commission, or their designees, shall examine all Final Plats within the City of Washburn 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.
  - (2) **Maximum Error of Closure.** 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 one part in five thousand (1:5,000), nor in azimuth, four (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.
  - (3) **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 one part in three thousand (1:3,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.

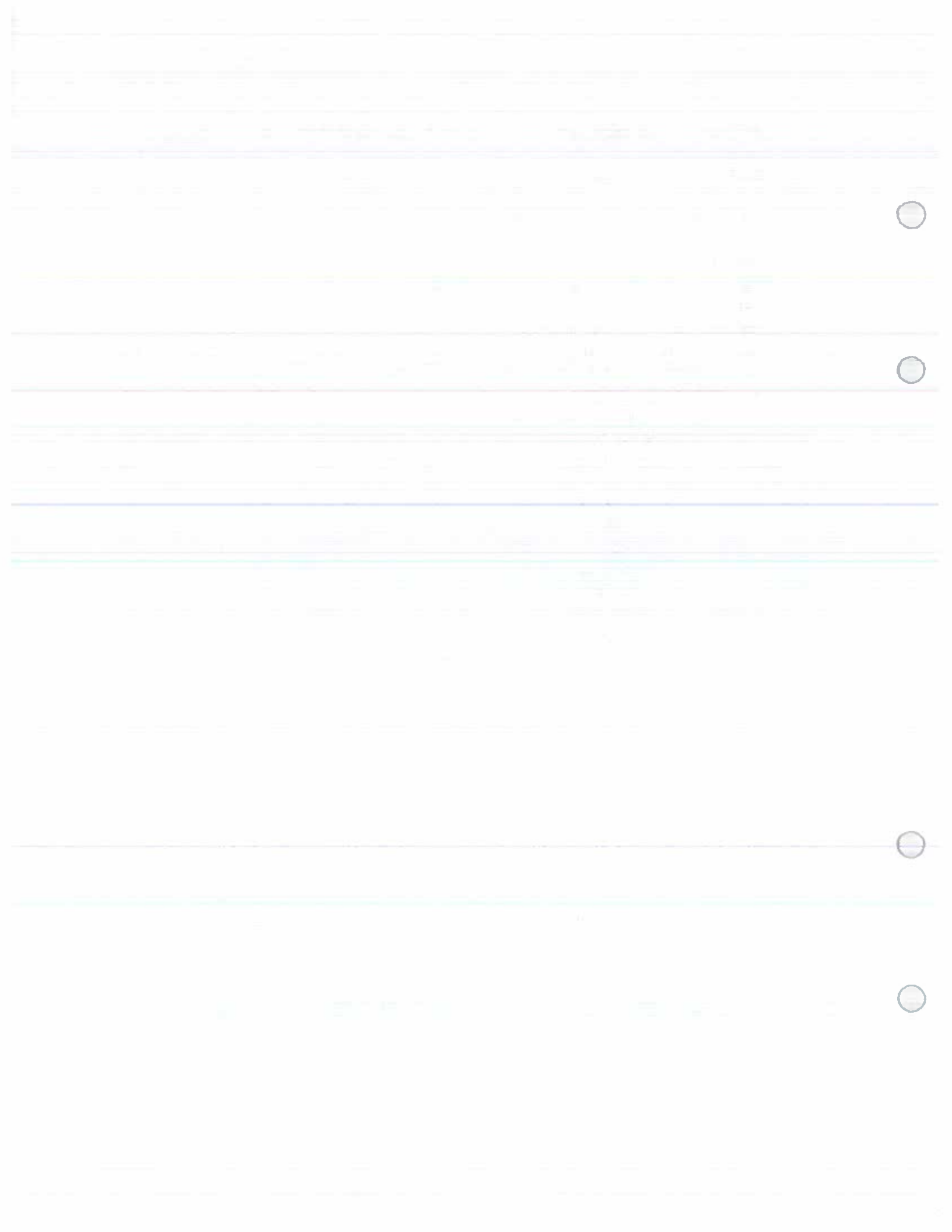
- (4) **Plat Location.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the City, the tie required by Section 236.20(3)(b), Wis. Stats., may be expressed in terms of grid bearing and distance; and the material and Wisconsin 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.
- (f) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.
- (g) **State Plane Coordinate System.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the City, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plan 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.
- (h) **Certificates.** All Final Plats shall provide all the certificates required by Section 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

## **Sec. 14-1-42 Technical Requirements for Certified Survey Land Divisions; Review and Approval.**

- (a) **Certified Survey Requirements.** When it is proposed to divide land into not more than four (4) parcels or building sites, any one of which is less than four (4) acres in size, or when it is proposed to divide a block, lot or outlot into not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of the block, lot or outlot, the subdivider shall subdivide by use of a certified survey map, prepared in accordance with Section 236.34, Wis. Stats., and this Chapter.
- (b) **Submission and Review.** The subdivider is encouraged to first consult with the Plan Commission regarding the requirements for certified surveys before submission of the final map. Following consultation, two (2) copies of the final map in the form of a certified survey map shall be submitted to the City. The certified survey shall be reviewed, approved or disapproved pursuant to the procedures in Section 14-1-34, following the criteria used for Preliminary Plats in Sections 14-1-30 through 14-1-32.
- (c) **Additional Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:

- (1) **All Existing Buildings**, watercourses, drainage ditches and other features pertinent to proper division.
  - (2) **Setbacks or Building Lines** required by the Common Council and the City Zoning Code.
  - (3) **All Lands Reserved** for future acquisition.
  - (4) **Date of the Map**.
  - (5) **Graphic Scale**.
  - (6) **Name and Address** of the owner, subdivider and surveyor.
  - (7) **Square Footage** of each parcel.
  - (8) **Present Zoning** for the parcels.
  - (9) **Critical Building Locations**. Any building or structure and its location on the lot shall be dimensioned to the nearest one-tenth of one (0.1) foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.
- (d) **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 plan coordinates 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.
- (e) **Certificates**. The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this Chapter. The Common Council, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- (f) **Street Dedication**. Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.
- (g) **Recordation**. The subdivider shall record the map with the County Register of Deeds within thirty (30) days of its approval by the Common Council and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the map by the Common Council.
- (h) **Requirements**. To the extent reasonably practicable, the certified survey shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than one and one-half (1-1/2) acres or three hundred (300) feet in width.

**Sec. 14-1-43 through Sec. 14-1-49      Reserved for Future Use.**



## Article F: Required Improvements

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### Sec. 14-1-50 Improvements Required.

(a) **General Requirement.**

- (1) In accordance with the authority granted by Sec. 236.13, Wis. Stats, the City of Washburn hereby requires that, as a condition of Final Plat or certified survey approval, the subdivider agree to make and install all public improvements required by this Chapter and that the subdivider shall provide the City with 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.
- (2) As a condition for the acceptance of dedication of public rights-of-way, the City of Washburn 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, 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 Sec. 66.54(3), Wis. Stats.

(b) **Options.**

- (1) The required public improvements shall be installed by the subdivider at his/her cost; or
- (2) The City may enter into a recapture agreement with the subdivider agreeing to require payment of recapture costs of public improvements from those properties benefitting 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.
- (3) Any workable combination of the above determined by the Common Council as acceptable.

- (c) **General 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 City Engineer. When new or revised standards and/or specifications have been adopted by the City of Washburn, work on public improvements not begun within five (5) years of the date of Final Plat adoption shall be made to the new or revised standards and/or specifications. The City Engineer shall review and approve the



construction plans, specifications and calculations for the construction of the required public improvements.

- (d) **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. 14-1-51 Required Agreement Providing for Proper Installation of Improvements; Surety.**

- (a) **Subdivider Shall Either Install Improvements and/or Contract with the City and May Receive Annual Extensions for Delay in Making Improvements.** Before final approval of any plat located within the corporate limits of the City, the subdivider shall:
- (1) Install street and utility improvements as provided by this Chapter; or
  - (2) As an alternative, if such improvements are not installed as required at the time that the Final Plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the City agreeing to install the required improvements and shall file with said contract, at the subdivider's option, a bond meeting the approval of the City Attorney or a certified check or letter of credit in an amount not to exceed one hundred twenty percent (120%) of the estimated cost of the public improvements, said estimate to be made by the City Engineer or consultants, as a guarantee that such improvements will be completed by the subdivider or the subdivider's subcontractors not later than twenty-four (24) months from the date of the recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied.
  - (3) The Common Council may extend for a one (1) year period at a time the requirement that subdividers install street and utility improvements for any plat and/or subdivision. If a one (1) year extension is approved, the contract and bond required by this Subsection shall also be extended and signed or the extension given by the Common Council shall be withdrawn.
- (b) **Financial Guarantees.**
- (1) The subdivider shall file with said contract, at the subdivider's option and 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 one hundred twenty percent (120%) of the estimate of the cost prepared by the City Engineer as surety to guarantee that



- such improvements will be completed by the subdivider or his contractors not later than twenty-four (24) 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 of Washburn. When a letter of credit is posted as security, the City must be the beneficiary. The City will not require the subdivider to provide security for improvements sooner than is reasonably necessary before the commencement of installation of the improvements.
- (2) However, the subdivider may elect to install the improvements in construction phases provided that:
    - a. The phases are specified in the contract for land division improvements;
    - b. The developer submits surety in an amount equal to one hundred twenty percent (120%) of the estimated costs of improvements of the phase of the project that is currently being constructed. 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.
  - (3) 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.
  - (4) As work progresses on installation of improvements constructed as part of the contract, the City Engineer, 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 City Engineer, 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 may be reduced at the time all underground utilities are installed and tested. The amount of surety remaining shall be equal to one hundred twenty percent (120%) of the estimate of the City Engineer of costs of work remaining to be completed and accepted and to insure performance of the one (1) year guarantee as specified in Subsection (d) below against defects in workmanship and materials on work accepted. When the work for which the security has been provided is substantially completed,

the security required shall not exceed an amount in the estimate of the City Engineer, sufficient to cover the work remaining to be completed, plus ten percent (10%) of the total cost of the completed improvements. 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 City Engineer prior to commencing construction. The Common Council, at its option, may extend the bond period for additional periods not to exceed one (1) year each; however, the City shall not require the subdivider to provide security for more than fourteen (14) months after the date the public improvements for which the security is provided are substantially completed.

- (5) 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.
  - (6) 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) **Improvement Guarantee.** The subdivider shall include in said contract an instrument of public improvement guarantee by, at the subdivider's option, irrevocable letter of credit, certified check, cash escrow deposit, or performance bond whereby a bonding company [with assets exceeding Ten Million Dollars (\$10,000,000.00) and authorized to do business in the State of Wisconsin] 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 one hundred twenty percent (120%) of the City Engineer's estimate of the cost of the public improvements. If within fourteen (14) months after substantial completion of the public improvements for which the security is provided, 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 City Engineer. 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 of Washburn 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.
- (d) **Survey Monumentation.** Before final approval of any plat or certified survey within the corporate limits of the City of Washburn, the subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats. 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 City Engineer may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider executes a surety to insure the placing of such monuments within the time required. On behalf of the City, the City Clerk-Treasurer is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the City Engineer. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) 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 (1/2), one quarter (1/4), one quarter-one quarter (1/4-1/4), or other such section monument, the established monument shall be preserved and/or fully restored by the subdivider at his cost.

- (e) **Waiver of Special Assessment Notice and Hearing.** 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, his/her heirs and assigns (including purchasers of property from the subdivider), waive 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 the Wisconsin Statutes.
- (f) **Warranty.** The City of Washburn may require an unsecured warranty that exceeds the time limits provided herein for the provision of a security instrument.
- (g) **Substantial Completion Definition.** "Substantial completion" means the time a binder coat is installed on roads to be dedicated, or if the public improvements do not include a road to be dedicated, at the time that ninety percent (90%) of the public improvements by cost are completed.

## **Sec. 14-1-52 Required Construction Plans; City Review; Inspections.**

- (a) **Engineering Reports, Construction Plans and Specifications.** As required by Section 14-1-31, a concept report addressing sewer and water service, drainage facilities and approximate centerline grades for streets in the subdivision shall be submitted simultaneously with the filing of the preliminary plat. Simultaneously with the filing of the Final Plat with the City Clerk-Treasurer, or as soon thereafter as practicable, construction plans for the required improvements conforming in all respects with the standards of the City Engineer and the ordinances of the City shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, or the City Engineer, and said plans shall contain his/her seal. Such plans, together with the quantities of construction items and estimated construction costs, shall be submitted to the City Engineer for his/her review and approval. Copies of the construction plans and specifications shall be furnished for the following public improvements:

- (1) **Street Plans and Profiles** showing existing and proposed grades, elevations and cross sections of required improvements.
  - (2) **Sanitary Sewer** plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
  - (3) **Storm Sewer and Open Channel** plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
  - (4) **Water Main** plans and profiles showing the locations, sizes, elevations and materials of required facilities.
  - (5) **Erosion and Sedimentation Control** plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the City's Erosion Control Chapter (Title 15, Chapter 2) if applicable.
  - (6) **Planting Plans** showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
  - (7) **Master Site Grading Plan.** Showing existing and proposed lot corner elevations, top of curb elevations, building location and proposed first floor building elevation, and shall show control and direction of drainage for each lot within the subdivision and for drainage adjacent to the plat.
  - (8) **Additional** special plans or information as required by City officials.
- (b) **Action by the City Engineer.** The City Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent City ordinances and design standards recommended by the City Engineer and approved by the Common Council. If the City Engineer rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the City Engineer shall approve the plans and specifications for transmittal to the Common Council. The Common Council shall approve the plans and specifications before the improvements are installed and construction commenced.
- (c) **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 City Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. Building permits shall not be issued until all improvements required by this Chapter are satisfactorily completed, and the developer has furnished lien waivers for all contractors.
  - (2) During the course of construction, the City Engineer shall make such inspections as he or the Common Council deems necessary to insure compliance with the plans and specifications as approved. In addition, the various City Utilities shall make inspections as they or the Common Council deem 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 insure satisfactory work. The engineering costs will be per the developer's agreement.

- (d) **Subdivider to Reimburse the City for Costs Sustained.** 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-Treasurer 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 ten percent (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 Fifty Dollars (\$50.00), the City shall bill the subdivider monthly for expenses incurred by the City. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the subdivider's surety agency for payment. Amounts less than Fifty Dollars (\$50.00) shall be held for billing by the City until amounts total more than Fifty Dollars (\$50.00) or until the conclusion of project activities.
- (e) **Record Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made three (3) blue line plan sets showing the actual recorded location of all valves, manholes, stubs, sewers and water mains and such other facilities as the City Engineer shall require. These plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

### **Sec. 14-1-53 Street Improvements.**

The subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this Chapter, particularly Sections 14-1-70 and 14-1-71:

- (a) **General Considerations.** The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams



and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

- (b) **Construction Standards.** Construction of all streets shall conform to the current standards as established by the City in this Chapter and elsewhere and shall be subject to approval of the City Engineer before acceptance.
- (c) **Conformance to Official Map.** The arrangement, width, grade and location of all streets shall conform to the Official Map.
- (d) **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 Chapter 236, Wis. Stats. 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 City Engineer may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider executes a survey to insure the placing of such monuments within the time required. On behalf of the City, the City Clerk-Treasurer is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the City Engineer. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) 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 (1/2), one-quarter (1/4), one-quarter one-quarter (1/4-1/4), or such other section monument, the established monument shall be preserved and/or fully restored by the subdivider at his cost.
- (e) **Street Construction.** After the installation of all required utility and storm water drainage improvements, the subdivider shall prepare for surfacing all roadways, installing curb and gutter, in streets proposed to be dedicated, to the widths prescribed by these regulations, by placing crushed rock on said roadways and, in addition, shall surface said street, in a manner and quality consistent with this Chapter and plans and specifications approved by the City Engineer. Construction shall be to City standard specifications for street improvements.
- (f) **Street 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 City Engineer.
- (g) **Completion of Street Construction.**
  - (1) Prior to any building permits being issued on lands adjacent to streets, all street construction shall be completed by the subdivider, approved by the City Engineer and accepted by the Common Council.
  - (2) The Common Council may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction

temporarily in area or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the discretion of the Common Council.

- (3) The subdivider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Common Council. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

### **Sec. 14-1-54 Curb and Gutter; Drainage Facilities.**

After the installation of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the City Engineer. 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.

### **Sec. 14-1-55 Sidewalks and Bikeways.**

#### **(a) Sidewalks.**

- (1) The Common Council may require the subdivider to construct sidewalks. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the City Engineer and in compliance with this Code of Ordinances.
- (2) Wider-than-standard sidewalks may be required by the Common Council in the vicinity of schools, commercial areas and other places of public assemblage; and the Common Council may require the construction of sidewalks in locations other than required under the preceding provisions of this Section if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.
- (3) Where required, all sidewalks shall be installed prior to the issuance of an occupancy permit for any lot within a subdivision; but, in no event, not later than one (1) year from acceptance of the Final Plat. If the sidewalk is not installed within one (1) year from the acceptance of the Final Plat, the City will order the sidewalk installed. If it is impossible to install sidewalks prior to the issuance, due to weather conditions, then the developer shall place adequate funds in escrow with the City to assure completion.

#### **(b) Bikeways.**

- (1) Bikeways shall be intended to serve both pedestrian and bicycle 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 the bikeway. 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) More specifically, bikeways shall be designed to transport the majority of pedestrian or bike traffic through the area as opposed to serving the adjoining lots as a sidewalk does.
  - (3) Bikeways shall not be installed in lieu of sidewalks. However, where permitted by City ordinance, persons may ride a bicycle upon public sidewalks.

*Cross-Reference:* Section 6-2-2.

## **Sec. 14-1-56 Sanitary Sewerage System.**

- (a) **Requirement.** The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. There shall be provided a sanitary sewerage system to all lots, approved by the City Engineer. The subdivider shall install adequate sanitary sewer facilities and connect them to City sewer mains subject to specifications and inspection of the City Engineer. All sanitary sewers shall be in accordance with NR 110, Wis. Adm. Code. The subdivider shall pay all the costs of all sanitary sewer work including the bringing of the sanitary sewer of adequate capacity and depth from where it exists to the land division in question as well as providing all sanitary sewer work within the land division.
- (b) **Oversizing.** Sanitary sewers, including all related items (manholes, lift stations, wyes, tees, stubs for future extensions, etc.), shall be installed meeting the specifications and requirements of the City. Where sewers larger than six (6) inches in diameter are required, the land divider shall be responsible for the cost of a six (6) inch sewer. The difference in cost between the eight (8) inch sewer and that installed shall be borne by the City.
- (c) **General Service.** The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. Where public sanitary sewers of adequate capacity are determined by the City Engineer 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 as approved by the City Engineer. 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. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the City Engineer. Where sanitary sewers are located within the floodplain, sanitary manholes shall be floodproofed.



**Sec. 14-1-57 Water Supply Facilities.**

- (a) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified by the City Engineer and the Division of Environmental Protection; however, any lot containing less than one (1) acre of land and being less than one hundred fifty (150) feet wide must be served by public water facilities, unless in the considered opinion of the Common Council such services will be made available to the subdivision within five (5) years of the date of the submission of the Preliminary Plat. The Common Council may require the installation of water laterals to the street lot line. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the City Engineer.
- (b) The subdivider shall assume the cost of installing all water mains six (6) inches in diameter or less in size. If greater than six (6) inch diameter water mains are required, the cost of materials only shall be reimbursed by the City to the subdivider. The subdivider shall pay all costs associated with the installation of mains. All water systems shall be flood proofed.

**Sec. 14-1-58 Storm Water Drainage Facilities.**

Pursuant to Section 14-1-74, the subdivider shall provide storm water drainage facilities which include curb and gutter, manholes, catch basins and inlets, storm sewers, storm sewer laterals from the main to the lot line, detention/retention ponds, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. The type of facility required and the design criteria shall be determined by the City Engineer. Storm drainage facilities shall be so designed as to minimize hazards to life or property, minimize shoreland erosion and siltation of surface waters, shall prevent excess run-off on adjacent property and shall provide positive drainage away from on-site sewage disposal facilities. The size, type and installation of all storm water drain and sewers proposed to be constructed shall be in accordance with this Chapter and plans and standard specifications approved by the City Engineer. Storm sewers oversized to handle runoff from offsite properties will be installed by the subdivider; however, the cost of oversizing above a twenty-four (24) inch diameter storm sewer shall be paid by other users connecting to the system.

**Sec. 14-1-59 Other Utilities.**

- (a) 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 the 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; or
  - (2) The lots to be served by said facilities can be served directly from existing overhead facilities.
- (b) 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 City Engineer.

### **Sec. 14-1-60 Street Lamps.**

The subdivider shall install street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the City Engineer.

### **Sec. 14-1-61 Street Signs.**

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 City Engineer until the street improvements have been accepted by Common Council resolution.

### **Sec. 14-1-62 Erosion Control.**

Pursuant to the City's Construction Site Erosion Control Chapter (Building Code), the subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

*Cross-Reference:* Title 15, Chapter 2.

### **Sec. 14-1-63 Partition Fences.**

When the land included in a subdivision plat or certified map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and

the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the Final Plat or certified survey map.

## **Sec. 14-1-64 Easements.**

- (a) **Utility Easements.** The Common Council, on the recommendation of appropriate departments, utilities and agencies serving the City, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter 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 Easements.** Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
- (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
  - (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.
  - (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet. If, in the opinion of the City Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a one hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.
- (c) **Easement Locations.**
- (1) Utility easements shall be at least twelve (12) feet wide, or wider where recommended by the City Engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished 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.

### **Sec. 14-1-65 Extra-Sized and Off-Site Facilities.**

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:

- (a) **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.
- (b) **Extra-sized 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 (1) of the alternatives as identified in Section 14-1-50(a).
- (c) **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 City Engineer's 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 City Engineer to be feasibly accessible.

### **Sec. 14-1-66 Acceptance of Improvements and Dedications.**

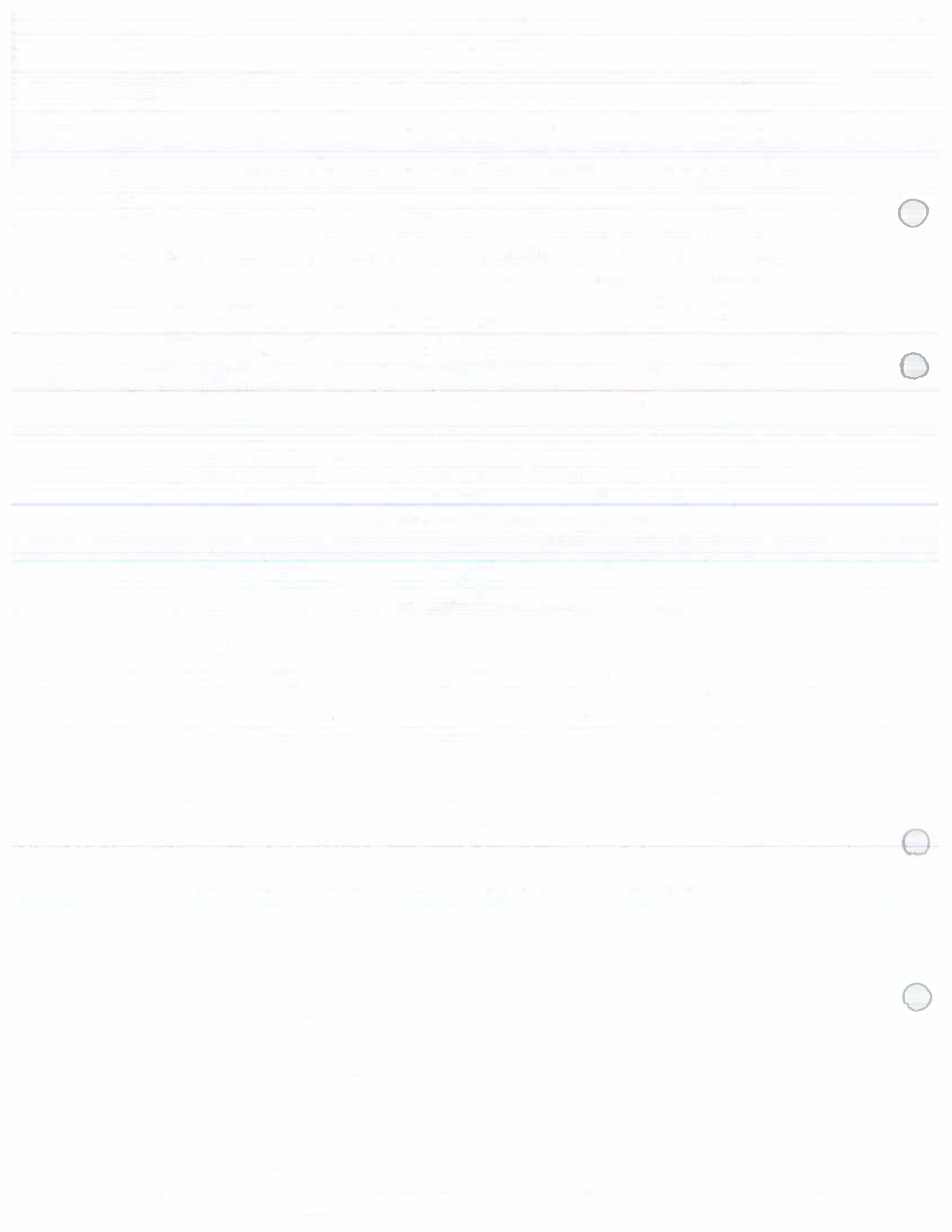
- (a) **Acceptance of Improvements.** The dedication of any improvements, utilities, streets, parks, easements, rights-of-way or other lands or rights to the City or the public shall not be considered accepted by the City for public ownership until such time as the required public improvements within 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 Chapter.

(b) **Inspection and Certification of Improvements.**

- (1) After any of the following increments of the required improvements have been installed and completed, the subdivider shall notify the City Engineer, 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 City Clerk-Treasurer 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, bikeways, street lighting, street signing, etc.
- (2) The City Clerk-Treasurer 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 City Engineer shall conduct any necessary final inspections of the improvements and forward a report to the City Clerk-Treasurer 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 City Engineer, together with the recommendation of the City Clerk-Treasurer, shall be forwarded to the Common Council for approval and acceptance of the improvements and dedications.

**Sec. 14-1-67 through Sec. 14-1-69      Reserved for Future Use.**



## Article G: Design Standards

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### **Sec. 14-1-70 General Street Design Standards.**

- (a) **Compliance with Statutes.** In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable City regulations. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply.
- (b) **Dedication.** The subdivider shall dedicate land and improve streets as provided in this Chapter and Section 14-1-53. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the Common Council. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.
- (c) **Compliance with Comprehensive Plan and Ordinances.**
  - (1) The arrangement, character, features, and layout of land divisions in the City of Washburn shall be designed to comply with the standards of this Chapter, 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 City Engineer and applied so as to properly relate the proposed development with adjacent development.
  - (2) The arrangement, character, extent, width, grade, and location of all streets shall conform to City master plans, the Official Map, and to this Chapter, 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 storm water, 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) **Streets Classifications.** Streets shall be required and classified by the City Engineer 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 below:
- (1) **Arterial Streets.** Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.
  - (2) **Collector Streets.** Collector streets shall be arranged so as to provide ready collection of traffic from individual areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed. Collector streets shall have a minimum right-of-way width of seventy (70) feet.
  - (3) **Local/Minor Streets.** Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property. Local streets shall have a minimum right-of-way width of sixty-six (66) feet.
  - (4) **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Common Council, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
- (f) **Reserve Strips.** Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the City under conditions approved by the Common Council.
- (g) **Extraterritorial Streets.** Streets located in the extraterritorial plat jurisdiction of the City shall provide for the dedication of the minimum widths of right-of-way in accordance with the standards adopted by the pertinent Town government in which the project is located. Other streets within the extraterritorial plat jurisdiction of the City shall meet or exceed the town road standards of Sec. 86.26, Wis. Stats.
- (h) **Alleys.**
- (1) **Commercial and Industrial.** Alleys may be provided in commercial and industrial districts, although the Common Council may waive this requirement where other provisions are made for service access, such as off-street loading, adequate for the uses proposed. The width of the right-of-way for residential alleys shall be not less than twenty-four (24) feet and the width of the right-of-way for commercial and industrial alleys shall be not less than thirty-two (32) feet. Alleys shall be constructed according to base and surfacing requirements for streets.
  - (2) **Residential.** Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.
- (i) **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.

- (j) **Minor Streets.** Minor streets shall be so laid out so as to discourage their use by through traffic.
- (k) **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 City Engineer to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (l) **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.
- (m) **Visibility.** Streets shall afford maximum visibility and safety for motorist, bicycle, and pedestrian use and shall intersect at right angles, where practicable. As required by the City Engineer, sufficient vision clearance triangles shall be provided at intersections.
- (n) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.
- (o) **Street Grades.**
  - (1) Unless necessitated by exceptional topography subject to the approval of the Plan Commission, the maximum centerline grade of any street or public way shall not exceed the following:
    - a. Arterial streets: six percent (6%).
    - b. Collector streets: eight percent (8%).
    - c. Minor streets, alleys and frontage streets: ten percent (10%).
    - d. Pedestrian ways: twelve percent (12%) unless steps of acceptable design are provided.
    - e. The grade of any street shall in no case exceed twelve percent (12%) or be less than one-half (1/2) of one percent (1%).
  - (2) Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography.
  - (3) All pavement shall have a minimum cross slope of 0.020 ft/ft and a minimum longitudinal slope of 0.50 percent.
- (p) **Radii of Curvature.**
  - (1) When a continuous street centerline deflects at any one (1) point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

- a. Arterial streets and highways: five hundred (500) feet.
  - b. Collector streets: three hundred (300) feet.
  - c. Minor streets: one hundred (100) feet.
- (2) Curves should be provided when centerline deflections exceed one (1) degree in rural areas and in urban areas when deflection exceeds three (3) degrees. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for all major streets and one-half (1/2) this minimum for all other streets.
- (q) **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.
- (r) **Intersections.**
- (1) **Property Lines.** Property lines at street intersections of major thoroughfares shall be rounded with a radius of fifteen (15) feet or of a greater radius where the City Engineer considers it necessary.
  - (2) **Angle of Intersect.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
  - (3) **Number of Streets Converging.** The number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2). Cross-type intersections on local streets shall be avoided whenever possible in favor of T-type intersections. Intersections of local streets shall be at least one hundred twenty-five (125) feet from each other.
  - (4) **Number of Intersections.** The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than twelve hundred (1,200) feet.
  - (5) **Property Lines at Street Intersections.** Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the Plan Commission or shall be terminated by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.
  - (6) **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 three hundred (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.
  - (7) **Additional Sight Easements.** At any intersection determined by the City Engineer, 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 sight triangle at all intersections incorporating the area within a triangle formed by the intersection

of the street right-of-way lines and a point on each right-of-way line being not less than thirty (30) feet from the intersection point.

(s) **Street Names.**

- (1) New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Plan Commission and Common Council.
- (2) All streets shall be named in conformity with the street naming plan of the City or with adjoining streets. In the case of diverging streets, the name shall be repeated. New street names shall not duplicate the names of existing streets, provided, however, that streets that are obviously in alignment with others already existing and names shall bear the names of the existing streets. Long or continuous thoroughfares running north and south shall be named avenues; those running east and west shall be named streets; diagonal thoroughfares shall be named roads; and curving thoroughfares shall be named drives. Short or discontinuous thoroughfares running north and south shall be named courts; those running east and west shall be named places; diagonal thoroughfares shall be named ways; and curving thoroughfares shall be named lanes.

(t) **Cul-de-sacs.**

- (1) **Cul-de-sacs.** Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed five hundred (500) feet in length. All cul-de-sac streets designed to have one (1) end permanently closed shall terminate with a turnaround of not less than one hundred twenty (120) feet in diameter of right-of-way and a roadway of not less than one hundred (100) feet in diameter. The use of cul-de-sacs should be avoided where possible.
- (2) **Temporary Dead-ends or Cul-de-sacs.** All temporary dead-ends shall have a maximum length of eight hundred (800) feet and a temporary cul-de-sac shall have a minimum right-of-way radius of sixty-six (66) feet and a minimum inside curb radius of forty (40) feet.

(u) **Limited Access Highway and Railroad Right-of-way Treatment.** 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) **Subdivision Lots.** When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."
- (2) **Commercial and Industrial Districts.** Commercial and industrial districts 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 one hundred fifty (150) feet.
- (3) **Streets Parallel to a 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 two hundred fifty (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.
  - (4) **Minor Streets.** Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

## **Sec. 14-1-71 Specifications for Preparation, Construction and Dedication of Streets and Roads.**

### **(a) General Requirements.**

- (1) **Construction Standards.** All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this Chapter, whichever is more restrictive. The design requirements of this Section and Section 14-1-70 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 City Engineer. Combination concrete curb and gutter is required on all streets. (Refer to the Section describing requirements for curbs and gutters.) A copy of all design assumptions and computations on which the proposed design is based shall be submitted to the City Engineer.
- (2) **Project Costs.** All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants. This includes any expense incurred by the City in the preparation of plans and review and inspection of plans and construction.
- (3) **Preliminary Consultation.** Prior to the design, preparation and construction of any roadway to be dedicated to the City of Washburn, the applicant shall notify the City

Engineer. An on-site meeting will then be arranged to be attended by the City Engineer and the applicant. Plans must be provided in order for the City Engineer to check the design and the drainage.

- (4) **Material Slips.** Copies of material slips for all materials furnished for the road construction projects shall be delivered to the City before the City approves the final construction.
- (5) **Required Inspections.** Prior to the commencement of any street construction, the subdivider shall notify the City Engineer, at least one (1) workday in advance, as to the nature of the work being done. The City Engineer shall be contacted for required inspections during the following phases of construction:
- Subbase grading;
  - Crushed aggregate base course;
  - Concrete gutter, curb and sidewalks;
  - Bituminous surface course; and
  - Shouldering.
- Any deficiencies found by the City Engineer shall be corrected before proceeding to the next phase of construction.
- (6) **Tests of Materials.** The City shall be provided with a sample of the roadway base material prior to placement on the roadway. The City shall also be provided with copies of test reports performed by an independent testing lab indicating test results for material gradation and soundness.
- (7) **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:
- (1) **Right-of-Way and Pavement Width.** The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component or official map or, if no width is specified therein, the minimum widths shall be as specified below. Cross sections for freeways and parkways should be based upon detailed engineering studies.

#### URBAN CROSS SECTION

Type of Street	R.O.W. Width to be Reserved	R.O.W. Width to be Dedicated	Pavement Width
Collector/Arterial Streets	80 feet	80 feet	24 feet, 10 feet outside shoulders
Minor Streets	66 feet	66 feet	22 feet, 7 feet outside shoulders
Cul-de-sac	60 feet	60 feet	36 feet
Frontage Streets	66 feet	66 feet	30 feet
Alleys	25 feet	25 feet	25 feet

Pedestrian Ways	10 feet	10 feet	5 feet
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**RURAL CROSS SECTION (Extraterritorial Jurisdiction Area)**

Expressway, Primary Arterial (Limited Access) Primary Arterial or Standard Arterial	State Standard	80 feet	State Standard
High Collector	80 feet	80 feet	State Standard
Low Collector or Local	66 feet	66 feet	State Standard

Both urban and rural street sections are for standard arterial streets only. Cross sections for freeways, expressways and parkways should be based upon detailed engineering studies.

- (2) **Roadway Ditches.** Where curb and gutter is not required by the City for rural cross-section streets, the minimum ditch slope shall be fifty one-hundredths percent (0.50%).
- (3) **Roadway Base Thickness.**
  - a. Residential streets shall have a minimum roadway base thickness of six (6) inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 and No. 2 in the lower level.
  - b. On commercial, arterial or other heavy-use streets, as determined by the City Engineer, a base course of eight (8) inches compacted shall be constructed upon an inspected and approved subgrade, either well-graded crushed gravel from a state-approved pit with a maximum stone of one and one-half (1-1/2) inches and no greater than ten percent (10%) by weight passing a No. 200 sieve or No. 3 crushed rock approximately six (6) inches in depth and one (1) or more layers of fine aggregate, either three-fourths (3/4) inch crushed gravel, well-graded with no greater than ten percent (10%) passing a No. 200 sieve, or three-fourths (3/4) inch traffic-bound crushed rock.
  - c. In the case of commercial, arterial or other heavy-use roads, the Common Council may, in the alternative to the above standards, have the City Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.
  - d. In any case, the Common Council shall have the sole discretion in determining the use and construction classification to be adhered to.

- e. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.
- (4) **Roadway Base Quality.** All subgrade material shall have a minimum California Bearing Ratio (CBR) of three (3). Subgrade material having a CBR less than three (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.
- (5) **Roadway Sub-Base.** Stable and nonorganic sub-base material is required. Unstable and organic material must be subcut, removed and replaced with a suitable granular or breaker-run material approved by the City Engineer.
- (6) **Pavement Thickness.** Residential streets shall have a minimum of two and one-half (2-1/2) inches thick compacted bituminous concrete pavement, placed in two (2) layers — a binder course and one and one-half (1-1/2) inches thick and a surface course of one (1) inch. On commercial, arterial or other heavy-use streets, there shall be a minimum of three and one-half (3-1/2) inches of bituminous concrete pavement, placed in two (2) layers — a binder course of two (2) inches thick and a surface course of one and one-half (1-1/2) inches thick. In the case of commercial, arterial or other heavy-use roads, the Common Council may, in the alternative to the above standards, have the City Engineer provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Common Council shall have the sole discretion in determining the use and construction classification to be adhered to.
- (7) **Roadway Culverts and Bridges.** Roadway culverts and bridges shall be constructed as directed by the City Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage," of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls.
- (8) **Driveway Culverts.** Driveway culverts shall be sized by the City Engineer (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.
- (9) **Topsoil, Grass, Seed, Fertilizer and Mulch.** All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four (4) inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway with greater than a two and one-half percent (2.5%) slope shall be protected by erosion control materials such as hay bales, sod, erosion control mats, etc.



- (10) **Drainage Improvements.** In the case of all new roads and streets, the City Engineer may require that storm water retention areas and storm sewers be constructed in order to provide for proper drainage.
- (11) **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 two hundred fifty (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 fifteen to one (15:1) unless the City Engineer determines that special circumstances prevent use of such ratio, in which case the minimum transition ratio shall be ten to one (10:1).

### **Sec. 14-1-72 Block Design Standards.**

- (a) **Length; Arrangement.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length (measured in the long dimension from street centerline to street centerline) shall not exceed one thousand two hundred (1,200) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots. As a general rule, blocks shall not be less than five hundred (500) feet in length.
- (b) **Pedestrian Pathways.** Pedestrian pathway easements not less than ten (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 nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

### **Sec. 14-1-73 Lot Design Standards.**

- (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, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the City Zoning Code.



- (2) Lot dimensions, shape and size shall provide for conformance to the requirements of the Zoning Code for the permitted land use(s) without the need for the granting of Zoning Code variances by the Zoning Board of Appeals. Excessive depth in relation to width shall be avoided.
- (b) **Commercial or Industrial Lots.** Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the City Zoning Code.
  - (c) **Lots Where Abutting Major Highway.** Residential lots adjacent to major and minor arterial streets and highways and/or railroads shall be platted with an extra fifteen (15) feet of lot and an extra fifteen (15) feet of minimum yard setback and shall otherwise be designed to alleviate the adverse effects on residential adjacent lots platted to the major street, highway, railroad or other such features.
  - (d) **Corner Lots.** Corner lots for residential use shall have extra width of ten (10) feet to permit full building setback from both streets.
  - (e) **Access to Public Streets.** Every lot shall front or abut on a public street. Every lot shall front or abut for a distance of at least thirty (30) feet on a public street and shall be not less than sixty (60) feet in width at the building setback line, including cul-de-sac lots.
  - (f) **Side Lots.** Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines. Lot lines shall follow City boundary lines.
  - (g) **Double and Reversed Frontage Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
  - (h) **Natural Features.** In the dividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
  - (i) **Land Remnants.** All remnants of lots below minimum size left over after 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.
  - (j) **Large Lots.** In case a tract is divided and results in parcels of more than twice the minimum lot size provided for by the City Zoning Code for the zoning district in which the land is located, such parcels shall be so arranged to permit redividing into parcels in accordance with this Chapter and with the Zoning Code.
  - (k) **Trunk Highway Proximity.** All lots adjacent to state trunk and federal highways shall be platted with additional depth-necessary to provide for a building setback line not less than fifty (50) feet from the nearer right-of-way line or one hundred ten (110) feet from the centerline, whichever is more restrictive (Ref. Wis. Adm. Code HY 33). The subdivider may appeal this requirement to the City Engineer. Upon written request of the City Engineer; the Wisconsin Department of Transportation is hereby authorized to then determine building setback requirements equal to or less than those required above in all

land divisions (including certified surveys) adjacent to state and federal highways in accordance with the authority granted in the Wisconsin Administrative Code. The required building setback line and additional lot depth shall be platted so as to accommodate such required building setbacks.

- (l) **Easement Allowance.** Lots containing pedestrian or drainage easements shall be platted to include additional width in allowance for the easement.

## **Sec. 14-1-74 Drainage and Stormwater Management System.**

- (a) **Drainage System Required.** As required herein, a drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A Final Plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Common Council, upon the recommendations of the Plan Commission and City Engineer.
- (b) **Drainage System Plans.**
  - (1) The subdivider shall submit to the City at the time of filing a Preliminary Plat a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:
    - a. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
    - b. Quantities of flow at each inlet or culvert.
    - c. Approximate locations and sizes of required storm drainage culverts, sewers and other required appurtenances.
    - d. Location and approximate size of any retention/detention basins.
  - (2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
  - (3) The design criteria for storm drainage systems shall be based upon information provided in this Chapter.
  - (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the City Engineer.
- (c) **Drainage System Requirements.** The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section necessary to serve, and resulting from, the phase of the land division under development:

- (1) **Street Drainage.** All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the minor drainage system and shall be designed to carry street, adjacent land and building storm water drainage. Storm water shall not be permitted to be run into the sanitary sewer system within the proposed subdivision or to run across street intersections.
  - (2) **Off-Street Drainage.** The design of the off-street major drainage system shall include the entire watershed affecting the land division and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement pursuant to Subsection (e) for the City to provide for the future maintenance of said system.
- (d) **Protection of Drainage Systems.** The subdivider shall adequately protect all ditches to the satisfaction of the City Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to one percent [1%] shall be seeded; those with grades up to four percent [4%] shall be sodded and those with grades over four percent [4%] shall be paved or lined with rip-rap).
- (e) **Drainage Easements.** Where a land division is traversed by a watercourse, drainageway, channel or stream:
- (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
  - (2) The watercourse or drainageway may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section; or
  - (3) Wherever possible, drainage shall be maintained in an easement by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such easements shall be of a minimum width established at the high water mark plus thirty (30) feet.
- (f) **Dedication of Drainageways.** Whenever a parcel is to be subdivided or consolidated and embraces any part of a drainageway identified on a City Comprehensive Storm Water Management Plan, master plan and/or official map or any portion thereof, such part of said existing or proposed public drainageway shall be platted and dedicated by the subdivider as an easement or right-of-way in the location and at the size indicated along with all other streets and public ways in the land division. Whenever any parcel is to be subdivided or consolidated and is part of a drainage district established under the authority of Chapter 88, Wis. Stats., the subdivider shall petition the Circuit Court to transfer the jurisdiction of that portion of the drainage district being subdivided or consolidated to the City in accordance with Ch. 88.83, Wis. Stats.

- (g) **Dedication/Preservation of Storm Water Management Facilities.** The subdivider shall dedicate sufficient land area for the storage of storm water to meet the needs to be created by the proposed land development and in accordance with the standards for on-site detention and as determined by the City Engineer. Whenever a proposed storm water management facility (e.g., detention or retention basin) shown on the Comprehensive Storm Water Management Plan, master plan and/or official map is located, in whole or in part, within the proposed land division, ground areas for providing the required storage capacity in such proposed public facility shall be dedicated to the public to the requirements of the master plan and/or official map. Storage areas necessary to serve areas outside the land division shall be held in reserve for a period of five (5) years from the date of final plat approval for future acquisition by the City or other appropriate agency having the authority to purchase said property. The subdivider and City shall enter into an agreement with the City to provide for the purchase of the lands held in reserve prior to the conclusion of the five (5) year reserve period.
- (h) **Storm Drainage Facilities.**
- (1) The subdivider, at his/her cost, shall install all drainage facilities identified in the Erosion Control Plan or determined by the City Engineer as being necessary for the management of all lands and roadways within the development. In addition, drainage capacity through the development from other areas shall be provided in accordance with a Comprehensive Surface Water Management Study, if applicable. All required storm drainage facilities shall be constructed and operational prior to acceptance of any dedications and/or public improvements served by the storm drainage facilities.
  - (2) The subdivider shall submit to the City Engineer for his review and approval a report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the land division to handle the additional runoff which would be generated by the development of the land within the land division. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed land division. The report shall also include:
    - a. Estimates of the quantity of storm water entering the land division naturally from areas outside the land division.
    - b. Quantities of flow at each inlet or culvert.
    - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
  - (3) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the land division.
  - (4) The design criteria for storm drainage systems shall be reviewed by the City Engineer and approved or modified.
  - (5) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, code, etc.) shall be in compliance with standards and specifications provided by City ordinance and/or the City Engineer.

- (i) **Minor Drainage System.** The subdivider shall install all minor drainage system components necessary to reduce inconvenience and damages from frequent storms. Minor drainage components shall include all inlets, piping, gutters, channels, ditching, pumping and other facilities designed to accommodate the post-development runoff resulting from a ten (10) year, twenty-four (24) hour rainfall event as determined in the most current edition of the Soils Conservation Service Technical Release 55 (TR 55). Temporary accumulations of storm runoff from ponding or flowing water, in or near minor system components, shall be permitted providing such accumulations do not encroach on any traffic lane of any collector or arterial street, nor on the center sixteen (16) feet of any local street, except on cul-de-sac or permanently dead-end streets serving less than ten (10) dwelling units, where such accumulations may not overtop the curb. In drainageways and drainageway easements, accumulations of water shall not inundate beyond the limits of the drainageway or drainageway easement. Cross-street drainage channels (valley gutters) shall not be permitted except on cul-de-sac or permanent dead-end streets serving less than ten (10) dwelling units and where the minimum grade in the valley gutter and street gutter between the valley gutter and the next downstream drainage inlet is not less than one percent (1.00%).
- (j) **Major Drainage System.** The subdivider shall install all major drainage system components necessary to reduce inconvenience and damages from infrequent storms. Major system components shall include large channels and drainageways, streets, easements and other paths and shall be capable of accommodating post-development runoff in excess of that accommodated by minor system components resulting from twenty-four (24) hour rainfall events for storms with return frequencies greater than ten (10) years up to and including the one hundred (100) year return event (as identified in TR 55). On local and collector streets and drainageways and drainage easements, accumulations of water shall not inundate any buildings at the ground line, unless such buildings are flood-proofed. On arterial streets and in commercial zoning districts, accumulations of water shall not inundate any buildings at the ground line, unless such buildings are flood-proofed and the depth of water at the street crown shall not exceed six (6) inches to permit operation of emergency vehicles.
- (k) **Drainage Piping Systems.**
- (1) Unless otherwise approved by the City Engineer, all drainage piping of twelve (12) inches diameter and greater shall be constructed of Class III reinforced concrete pipe class adequate for proposed street loading. Open drainage inlet pipes or culverts with any opening dimension in excess of eighteen (18) inches shall be equipped with debris grates having an exposed area at least seven (7) times the pipe opening area to avoid backwater accumulations from trash buildup and unsafe stream velocities and a maximum opening size of six (6) inches. Drainage piping outfalls with any opening dimension in excess of thirty-six (36) inches shall be protected from unauthorized entry by fencing, partial or total submergence of the outlet, debris grates or other



methods approved by the City Engineer unless in such a location as to render routine maintenance operations impossible. Outfalls and their channels shall be protected from damages due to scour and erosion to the satisfaction of the City Engineer.

- (2) When, on the basis of the soils information, the City Engineer determines that the ground water elevation is less than nine (9) feet below the proposed street centerline elevation and the adjacent lots have access to a storm drainage piping system, the subdivider shall be required to provide approved sump pump laterals from the storm sewer piping system to the property line of each lot for connection to by the property owner.
- (3) Agricultural drain tiles which are disturbed during construction shall be restored, reconnected or connected to public storm drainage facilities.

(l) **Open Channel Systems.**

- (1) Where open channels are utilized in either the minor or major drainage system, they shall be designed so as to minimize maintenance requirements and maximize safety. Drainage easements (in lieu of dedications) shall be utilized to accommodate open channels provided adequate access by the City for maintenance of drainage capacity. Side slopes shall not exceed a four-to-one (4:1) slope. Drainageways with grades of 0.75% or less, or where subject to high ground water, continuous flows, or other conditions as determined by the City Engineer that would hamper maintenance operations due to consistently wet conditions, shall have a paved concrete invert of not less than eight (8) feet wide and side slopes to a point one (1) foot above the channel invert.
- (2) In areas where invert paving is not required, the drainageway bottom shall be grass. If the drainageway has a bare soil bottom or the natural grasses in the drainageway are disturbed due to development operations, the drainageway bottom shall be sodded and securely staked to one (1) foot above the elevation of inundation resulting from a predevelopment ten (10) year, twenty-four (24) hour storm event. Other disturbed areas shall be seeded and prepared in accordance with the City's Erosion Control requirements. Velocities for grass-lined channels shall not exceed those presented in the City's Surface Water Management Study, if one is adopted.

- (m) **Standards for On-Site Detention Storage.** The subdivider shall employ on-site detention to control erosion and sedimentation, reduce the post-development peak runoff rate or temporarily store storm water runoff due to inadequate downstream drainage facilities. Where on-site detention is permanently employed to reduce the post-development peak runoff, the detention facility shall safely contain the post-development runoff from a twenty-five (25) year storm event of twenty-four (24) hour duration within the limits of the facility. The detention (storage) facilities shall be subject to regulation in accordance with the following standards:

- (1) All temporary detention facilities shall safely contain the or pass the runoff from any storm of any duration which exceeds the maximum storm required to be contained up to the one hundred (100) year storm event of twenty-four (24) hour duration.

- (2) All permanent detention facilities shall safely contain or pass the runoff from any storm of any duration which exceeds the maximum storm required to be contained up to the one hundred (100) year storm event of twenty-four (24) hour duration on both public and, if necessary, private properties without inundating any building at the ground elevation, the travel lanes of any arterial street, the center sixteen (16) feet of any collector street or the top of the curb on any local street.
- (3) Detention facility peak discharge rates for the maximum storm required to be contained shall not exceed the predevelopment peak discharge rate from a ten (10) year storm event of twenty-four (24) hour duration or the capacity of the downstream drainage facilities, whichever is less.
- (4) Determination of on-site detention volumes shall be computed by procedures established by the United States Soil Conservation Service in the most current edition of its technical publication entitled "Urban Hydrology for Small Watersheds, TR-55," and as accepted and approved by the City Engineer.
- (5) The storage of storm water runoff shall not encroach on any public park (except parks designed with detention facilities) or any private lands outside the land division unless an easement providing for such storage has been approved and recorded for said lands.
- (6) All detention facilities shall be designed with the safety of the general public and any considerations for ease of maintenance as top proprieties.
- (7) Any wet detention facilities shall include riprap to not less than two (2) feet above the normal pool elevation for protection from wave action.
- (8) The sides of all detention facilities shall have a maximum slope ratio of four to one (4:1) (horizontal to vertical), with flatter slopes being required where determined practical by the City Engineer.
- (9) The Common Council, upon recommendation by the City Engineer, may require the installation of fencing or other such security measures in detention facilities with excessively long down times or permanent water features, or other features requiring additional security for safety reasons.

## **Sec. 14-1-75 Non-Residential Subdivisions.**

### **(a) General.**

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the City may require.
- (2) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the City Building Code and/or Zoning Code. A non-residential subdivision shall be subject to all the requirements of this Chapter, as well as such

additional standards required by the City and shall conform to the proposed land use standards established by any City Comprehensive Plan or Official Map and the City Zoning Code.

(b) **Standards.** In addition to the principles and standards in this Chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Common Council that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- (3) Special requirements may be imposed by the Common Council, upon the recommendation of the City Engineer, with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the Common Council, upon the recommendation of the City Engineer, with respect to the installation of public utilities, including water, sewer and storm water drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
- (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

### **Sec. 14-1-76 Grading.**

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:

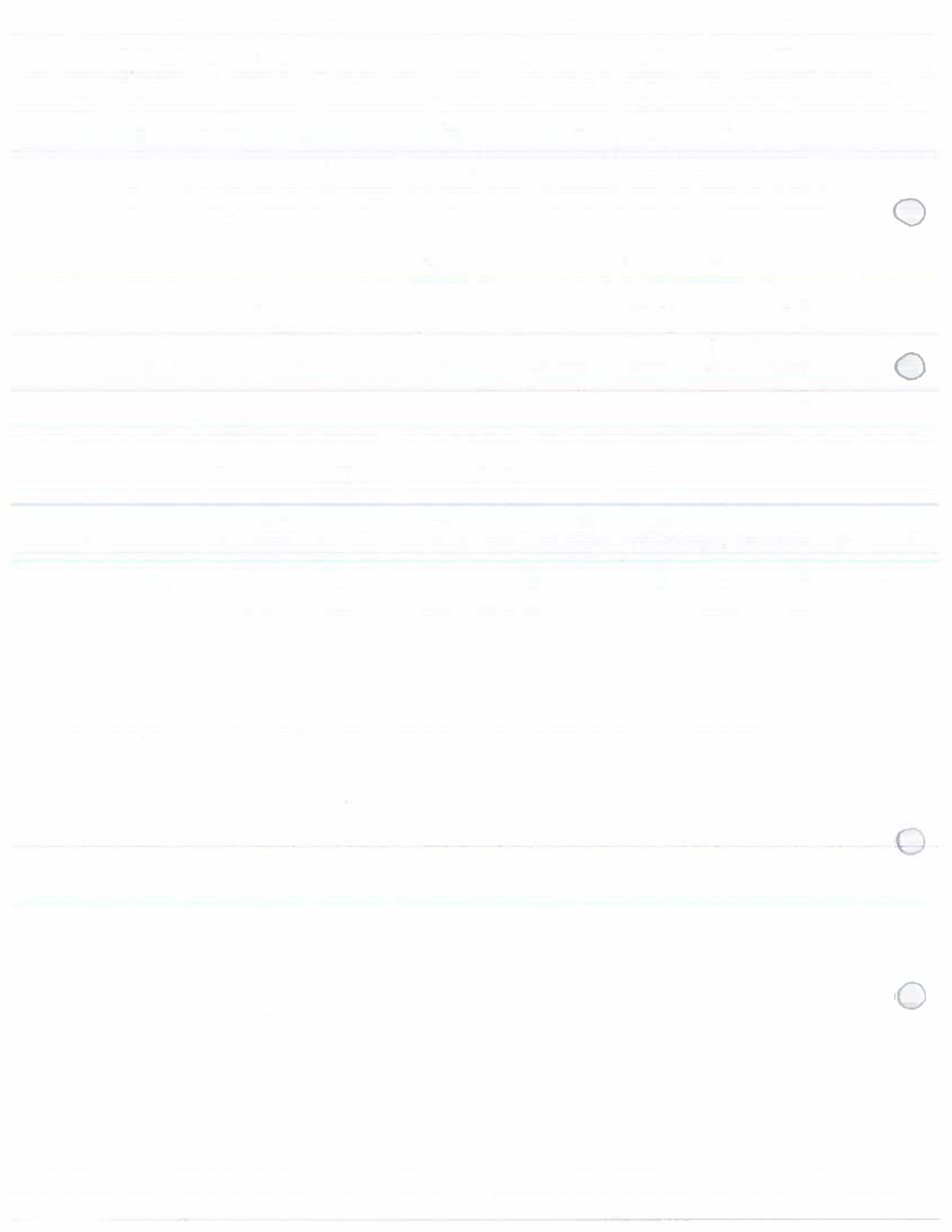
(a) **Master Site-Grading Plan.**

- (1) 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.
- (2) The master site-grading plan shall show existing and proposed elevations of all lot corners, control points and building locations. The plan shall also indicate all overland storm drainage in and adjacent to the subdivision. The cost of the preparation of such a plan shall be paid for by the subdivider.
- (3) After approval or modification of these plans by the City Engineer, 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.
- (4) Upon completion of all street and subdivision grading, the grades shall be checked and inspected by the Building Inspector to determine that the completed grading work is in accordance with the master site-grading plan. All grades shall be within four-tenths (.4) of a foot of the elevations shown on the master site grading plan.
  - (5) The cost of all required grading work, supervision, certification, inspection and engineering fees shall be paid for by the subdivider.
- (b) **Right-of-Way Grading.** The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans, including the grading of site triangles at each intersection.
- (c) **Block Grading.** Block grading shall be completed by one (1) or more of the following methods prior to the installation of utilities:
- (1) Regrading along the side or rear lot lines which provides for drainage to the public drainage facilities.
  - (2) 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.
  - (3) 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.
- (d) **Miscellaneous Grading Requirements.**
- (1) Lot grading shall be completed so that water drains away from each building site toward public drainage facilities at a minimum grade of two percent (2%) and provisions shall be made to prevent drainage onto properties adjacent to the land division unless to a public drainage facility.
  - (2) Grading activities shall not result in slopes greater than three to one (3:1) on public lands or lands subject to public access.
  - (3) The topsoil stripped for grading shall not be removed from the site unless identified in the Erosion Control Plan approved by the City Engineer 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 (1) year guarantee provision on public improvements in the streets adjacent to the lots on which the topsoil is stockpiled.
  - (4) Such grading shall not result in detriment to any existing developed lands, either within or outside of the corporate limits.

**Sec. 14-1-77 through Sec. 14-1-79      Reserved for Future Use.**



## Article H: Park and Public Land Dedications

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### **Sec. 14-1-80 General Park and Public Land Dedication 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 may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall be required to dedicate land or fees in lieu of land for park or other public uses.
- (b) **General Design.** In the design of a subdivision, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for 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 Comprehensive 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.

### **Sec. 14-1-81 Land Dedication.**

- (a) **Dedication Calculation.**
  - (1) Whenever a proposed playground, park, school site or other public land, other than streets or drainageways, designated in the comprehensive plan, comprehensive plan component or on the official map is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one (1) acre for each twenty (20) proposed dwelling units.
  - (2) If no playground, park, school site or other public land has been proposed as of the date of the application of a subdivider but the City determines that a public facility should be provided in the area of the proposed plat to carry out the spirit and intent of this Chapter, the City may require dedication as set forth above.
  - (3) In lieu of the above paragraph, the City may, at its option, if land within the tract is not designated for a proposed playground, park, school site or other public land, other than streets or drainageways in the comprehensive plan or comprehensive plan component, levy a public site fee against the subdivider at the time of application for Final Plat approval at the rate and according to the procedures established in Section 14-1-84.
  - (4) The Common Council, upon the recommendation of the Plan Commission, shall have sole authority to determine the suitability and adequacy of park lands proposed for

dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.

- (b) **Unknown Number of Dwelling Units.** Where the plat does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the City Zoning Chapter and this Chapter.
- (c) **Suitability of Lands.** The Common Council shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- (d) **Deeded to the City.** Land dedicated for public purposes shall be deeded to the City at the time the Final Plat is approved.
- (e) **Access to Dedicated Land.** All dedicated land shall have frontage on a public street and shall have unrestricted public access of twenty (20) feet in minimum width with a five (5) foot walkway and one eight (8) foot paved entrance.
- (f) **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. 14-1-82 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 14-1-81, the owner shall reserve for acquisition by the City, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year of Final Plat approval unless extended by mutual agreement.

### **Sec. 14-1-83 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 City Engineer; and
  - (3) Cover areas to be seeded with a minimum of four (4) inches of quality topsoil, seed as specified by the Director of Public Works, fertilized with 16-6-6 at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched, as specified in the standard "Specifications for Road and Bridge Construction Section 627 and 629". The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline.

Fine grading and seeding must occur within one (1) year following issuance of the first building permit within that land division unless otherwise authorized by the Common Council. The improved area shall not be deemed officially accepted until a uniform grass cover to a two (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) 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 six (6) inch water service or at least one (1) fire hydrant, and at least one (1) four (4) inch sanitary sewer lateral, all located at the street property line.
- (c) The Common Council may require certification of compliance by City officials. The cost of such report shall be paid by the subdivider.
- (d) 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.
- (e) The subdivider shall pay all costs of public improvements in the public streets adjacent to or within all public and/or park lands.
- (f) Development of park lands is to be completed as soon as twenty percent (20%) of the planned lots in the subdivision are sold or developed, as determined by the Common Council.

## **Sec. 14-1-84 Fees in Lieu of Land.**

- (a) **Method of Calculation.** Where, in the opinion of the Common Council, there is no land suitable for parks within the proposed subdivision or the dedication of land would not be compatible with the City's comprehensive development or park plan, or City officials determine that a cash contribution would better serve the public interest, the Common Council may require the subdivider to contribute cash payment in lieu of land. In the case of land divisions other than subdivisions, the subdivider shall be required to pay a fee according to the schedule set forth in Subsection (b) of this Section. The fees collected shall be held in a nonlapsing fund to be used for purchase, development, improvement and maintenance of parks, playgrounds, open spaces and other recreational sites and facilities.
- (b) **Computation of Fees in Lieu of Dedication.**
  - (1) **Fee.** If the City has elected not to have public lands dedicated within the subdivider's plat as provided in Section 14-1-80, a fee for the acquisition or capital improvement of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the City Clerk at the time of first application for approval of a Final Plat of said

subdivision in the amount of One Hundred Dollars (\$100.00) for each possible dwelling unit within the plat allowed by the Zoning Code or private covenants, whichever allows the fewer.

- (2) **Exemptions.** Where a lot or parcel for which payment has once been made is further divided, payment shall be required only for the additional lots or parcels created.
  - (3) **Time of Payment.** Payment shall be made before certification of approval is affixed to the Final Plat. As an alternative, payment of fifty percent (50%) of the fee may be made prior to certification and the balance paid within one (1) year of certification if the portion which is deferred is guaranteed by surety bond or other financial guarantee satisfactory to the City.
- (c) **Dedication Criteria.** The Common Council shall determine whether the subdivider shall be required to dedicate land or pay a fee in lieu of dedication. The Common Council shall also determine the location of sites dedicated to such public uses and the types of uses to which said sites shall be put. In making these determinations, consideration shall be given to the needs of the community in general and of the residents of the proposed subdivision or other land division, correlation with existing and planned sites and facilities dedicated for such public uses, feasibility and practicality of requiring dedication of land, zoning regulations and compatibility with a comprehensive community development plan or a park and open space plan.
- (d) **Park Fund.** Funds paid to the City under any Fees in Lieu of Land provision or contributed from other sources for park development and improvement are to be placed in a separate account designated for park development and improvement projects. The Common Council shall have the final right to approve or reject such projects. Said account shall be a continuing account and shall not lapse at the end of a budget period.

**Sec. 14-1-85 through Sec. 14-1-89      Reserved for Future Use.**

**Sec. 14-1-90 Administrative and Other Fees.**

- (a) **General.** The subdivider shall pay the City of Washburn all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map according to a developer agreement.
- (b) **Engineering Fee.** The subdivider shall pay a fee equal to the actual cost to the City for all engineering work incurred by the City in connection with the plat or certified survey map, including inspections required by the City. The subdivider shall pay a fee equal to the actual cost to the City for such engineering work and inspections as the Common Council and/or City Engineer 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 and/or review of the preliminary plat, final plat, certified survey map, construction plans, standard specifications and inspection of construction.
- (c) **Administrative Fee.** The subdivider shall 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.
- (d) **Concept Plan.** There shall be no fee for the City's review of a concept or sketch plan of a proposed land division. However, such reviews shall be conducted only as staff time permits.
- (e) **Preliminary Plat Review Fee.**
  - (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-Treasurer and shall deposit with the City Clerk-Treasurer a fee to cover the costs of reviewing said application. The fee for a Preliminary Plat shall be Fifty Dollars (\$50.00) plus Five Dollars (\$5.00) for each dwelling unit within the plat. If the plat is rejected, no part of the fee shall be returned to the petitioner.
  - (2) A reapplication fee of Twenty-five Dollars (\$25.00) shall be paid to the City Clerk-Treasurer at the time of reapplication for approval or amendment of any Preliminary Plat which has previously been reviewed.
- (f) **Final Plat Review Fee.**
  - (1) The subdivider shall pay a fee of Twenty-five Dollars (\$25.00) plus Five Dollars (\$5.00) for each dwelling unit within the Final Plat to the City Clerk-Treasurer 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 of Ten Dollars (\$10.00) shall be paid to the City Clerk-Treasurer at the time of a reapplication for approval or amendment of any Final Plat which has previously been reviewed.



(g) **Certified Survey Map.**

- (1) The subdivider shall pay an application fee of Twenty-Five Dollars (\$25.00) for each certified survey map which results in two (2) or less lots, outlots, or parcels within the certified survey.
- (2) The subdivider shall pay an application fee of Fifty Dollars (\$5.00), plus Five Dollars (\$5.00) for each lot, outlot, or parcel for each certified survey which results in more than two (2) lots, outlots, or parcels within the certified survey.
- (3) Should the subdivider submit an amended or revised Certified Survey, the resubmittal fee shall be Twenty-Five Dollars (\$25.00) for each amended or revised Certified Survey.

(h) **Objecting Agency Review Fees.** The subdivider shall transmit all fees required for state agency review to the City Clerk-Treasurer at the time of application. Said review fees shall be retransmitted to the proper state review agency by the City Clerk-Treasurer. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Transportation, Wisconsin Department of Administration and the Wisconsin Department of Natural Resources.

(i) **Public Site Fee.** If the subdivision does not contain lands to be dedicated as required in this Chapter, the City Clerk-Treasurer shall require a fee pursuant to Section 14-1-84 for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision.

(j) **Assessments.** All outstanding special charges (including, without limitation, charges for engineering, legal fees, taxes, public works fees, etc.) due to the City shall be due prior to the signing of the Final Plat or Certified Survey by the City.

**Sec. 14-1-91 through Sec. 14-1-99      Reserved for Future Use.**

## Article J: Variances; Penalties and Violations

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### **Sec. 14-1-100 Variations and Exceptions.**

- (a) Where, in the judgment of the Plan Commission, it would be inappropriate to apply literally the provisions of this Chapter because exceptional or undue hardship would result, the Plan Commission may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the Preliminary Plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Plan Commission in the analysis of the proposed project.
- (b) The Plan Commission shall not grant variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
  - (1) Failure to grant the variation 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.
- (c) The Plan Commission, if it approves of the variance, shall do so by motion or resolution and instruct the City Clerk-Treasurer to notify the subdivider.
- (d) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the City in accordance with any City Comprehensive Plan or component thereof, this Chapter, or the City Zoning Code. A majority vote of the entire membership of the Plan Commission shall be required to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Plan Commission.
- (e) The Plan Commission may waive the placing of monuments, required under Sec. 236.15(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.
- (f) Variances from the strict application of this Chapter may also be granted in accordance with this Chapter in the case of Planned Unit Developments provided the Common Council, upon review and recommendations from the Plan Commission, shall find that the proposed development is fully consistent with the purpose and intent of this Chapter, City Zoning Ordinances, and any City comprehensive plan.

## **Sec. 14-1-101 Enforcement, Penalties and Remedies.**

- (a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin 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 Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The City of Washburn may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Penalties.**
- (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
  - (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
  - (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
  - (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
  - (5) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes 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 City Engineer, Director of Public Works or Building Inspector may revoke or suspend any permit or approval issued under the regulations of this Chapter and may stop construction or use of approved materials, equipment, methods of construction, devices or appliances for any of the following reasons:
    - a. Whenever the City Engineer shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the subdivider or his contractor has refused to conform after written warning or instruction has been issued to him.
    - 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 City Engineer, Director of Public Works or Building Inspector, 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 City Engineer, Director of Public Works or Building Inspector 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 his 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 City Engineer, Director of Public Works or Building Inspector.
  - (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 Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the City Engineer, Director of Public Works or Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.
  - (5) Any appeals of such revocations or suspensions must be made in writing and within seven (7) calendar days to the City Clerk-Treasurer for consideration by the Common Council at its next regularly scheduled meeting, provided the appeal is filed not less than seven (7) days prior to the meeting date.
  - (6) The Building Inspector is hereby directed to withhold the issuance of building permits within the land division until compliance with the provisions of this Chapter is obtained.
  - (7) The Building Inspector is hereby directed to withhold the issuance of occupancy permits within the land division if violations of this Chapter may result in health or safety problems for the occupants.
- (d) **Appeals.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10, 14 and 15 of the Wisconsin Statutes, within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

### **Sec. 14-1-102 Disclaimers on Approvals.**

- (a) The purpose of requiring approvals under this Chapter is to insure the health, safety, morale, comfort, prosperity and general welfare of the City of Washburn. This Chapter

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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 Chapter 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.