

CHAPTER 154: SUBDIVISION CODE

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GENERAL PROVISIONS

§ 154.001 PURPOSE.

The purpose of this chapter is to regulate and control the division of land within the corporate limits and extraterritorial plat approval jurisdiction of the city in order to promote the public health, safety, prosperity, aesthetics, and general welfare of the community.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.002 INTENT.

It is the general intent of this chapter to regulate the division of land so as to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic, flooding, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to facilitate adequate provisions for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to minimize flood damage to public and private property; to facilitate the further division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this chapter; to provide penalties for its violation; and in general to facilitate enforcement of community development standards as set forth in the comprehensive plan components, a zoning code, building codes and official maps in force in the city.
(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SUBDIVISION. 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:

(1) The act of division creates five or more parcels or buildings sites of one and one-half acres; or

(2) Five or more parcels or building sites of one and one-half each or less in area are created by successive divisions within a period of five years.

REPLAT. The process of changing, or the 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**.
(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.004 ABROGATION AND GREATER RESTRICTIONS.

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

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.005 INTERPRETATION.

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

of the city and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.006 JURISDICTION.

Jurisdiction of these regulations shall include all lands within the corporate limits of the city as well as the unincorporated area within the extraterritorial plat approval jurisdiction of the city.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.007 COMPLIANCE.

No person, firm, or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision or a replat as defined herein; no such subdivision or replat shall be entitled to record; and, no street shall be laid out or improvements made to land without compliance with all requirement of this chapter and the provisions of Wis. Stats. Ch. 236; rules of the Division of Health, Department of Health and Social Services regulation lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made; rules of the Division of Highways, Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street; duly approved comprehensive plan or comprehensive plan component including the zoning code and official map of the city; applicable local and county ordinances. In case of conflict between any of the above, the more stringent requirements shall be controlling.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

§ 154.008 DEDICATION.

Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainage way, or other public way which has been designated in the comprehensive plan, comprehensive plan component, or on the official map, the public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or reserved by the subdivider in the location and dimensions indicated on said plan or map and as set forth in §§ 154.065 through 154.071 of this chapter.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.009 IMPROVEMENTS.

(A) Before final approval of a plat, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the approval of the plat, enter into a contract with the community agreeing to install the required improvements and shall file with said contract a bond meeting the approval of legal counsel or a certified check in an amount equal to the estimated cost of the improvements, the estimate to be made by the City Superintendent as a guarantee that the improvements will be completed by the subdivider or his or her subcontractors not later than one year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied.

(B) Contractors and subcontractors who are to be engaged in the construction of street and utility improvements on a dedicated street right-of-way shall be subject to the approval of the City Superintendent.

(C) Governmental units to which these bond and contract provisions apply may file, in lieu of the contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

(D) Before final approval of any plat, the subdivider shall install survey monuments in accordance with this chapter.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.010 PLATS OUTSIDE THE CORPORATE LIMITS.

Before final approval by the city of any plat located outside the corporate limits of the city but within the plat approval jurisdiction of the city, the subdivider shall give evidence that he or she has complied with all street and utility improvement requirements of the town in which the land being platted is located as well as those required by the city. (Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.011 WAIVER OF REQUIREMENTS.

(A) Where, in the judgment of the Common Council, after review and recommendation by the City Planning Commission, it would be inappropriate to apply literally the provisions of this chapter because of the proposed subdivision being located outside of the corporate limits or because exceptional or undue hardship would result, the Common Council may waive or modify any requirement to the extent deemed just and proper. 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 the comprehensive plan or comprehensive plan component. Reasons for such waiver or modification shall be stated in the minutes of the meeting.

(B) The Common Council may waive the placement of monuments required under Wis. Stats. Ch. 236 for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required. (Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.012 LAND SUITABILITY.

No land shall be subdivided which is held unsuitable for the proposed use by the Common Council, after review and recommendation by the City Planning 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 or she so desires. Thereafter, the Common Council may affirm, modify or withdraw its determination of unsuitability. (Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

§ 154.013 PREAPPLICATION.

It is recommended that, prior to the filing of an application for the approval of the preliminary plat, the subdivider consult with the City Planning Commission in order to obtain their advice and assistance. 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 duly adopted plan implementation devices and to otherwise assist the subdivider in planning his or her development. In so doing, both the subdivider and City Planning Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures. (Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.014 PRELIMINARY PLAT REVIEW.

(A) Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The preliminary plat shall be prepared in accordance with this chapter, and the subdivider shall comply with the procedures of Wis. Stats. Ch. 236 and shall file at least ten copies of the plat and application with the City Clerk at least 30 days prior to the City Planning Commission meeting at which action is desired.

(B) The City Clerk shall transmit a copy of the preliminary plat to all members of the City Planning Commission and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the City Clerk within 15 days from the date the plat is filed. The Preliminary Plat shall then be reviewed by the City Planning Commission for conformance with this chapter and all ordinances, rules, regulations, and comprehensive plan components which affect it. The City Planning Commission shall then submit the preliminary plat, together with its findings and recommendations, to the Common Council for action at its next regular meeting unless the time for action as stipulated in Wis. Stats. Ch. 236 is extended by agreement with the subdivider. (Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.015 PRELIMINARY PLAT APPROVAL.

(A) The Common Council, within the time specified in Wis. Stats. Ch. 236 of the date of filing of the preliminary plat with the City Clerk, shall approve, approve conditionally, or reject such plat provided that an extension of such time has not been agreed upon. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Common Council permanent file.

(B) Failure of the Common Council to act within this time limitation shall constitute an approval.

(C) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except as indicated in Wis. Stats. Ch. 236. 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 Common Council at the time of its submission. (Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.016 FINAL PLAT REVIEW.

(A) The subdivider shall prepare a final plat and a letter of application in accordance with this chapter, shall comply with the procedures for approval of plats of Wis. Stats. Ch. 236 and shall file five copies of the plat and the application with the City Clerk at least 15 days prior to the meeting of the City Planning Commission at which action is desired. The City Clerk shall send each member of the Commission a copy.

(B) The City Planning Commission shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this chapter and all ordinances, rules, regulations, comprehensive plans, and comprehensive plan components which affect it.

(C) The final plat may, if permitted by the Common Council, after review and recommendation by the City Planning Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time. (Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.017 FINAL PLAT APPROVAL.

(A) If the final plat is not submitted within the time specified in Wis. Stats. Ch. 236, the Common Council may refuse to approve the final plat.

(B) The City Planning Commission shall, within 30 days of the date of filing the final plat with the City Clerk, recommended approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Common Council.

(C) The Common Council shall approve or reject such plat. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons supplied to the subdivider. The Common Council may not inscribe its approval of the final plat unless the City Clerk certifies on the face of the plat in compliance with Wis. Stats. Ch. 236. Failure of the Common Council to approve or reject the plat within the time specified in Wis. Stats. Ch. 236, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

(D) After the final plat has been approved by the Common Council and required improvements either installed or a contract and sureties insuring their installation is filed, the City Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered within the same specified in Wis. Stats. Ch. 236.

(E) The subdivider shall file five copies of the final plat, as recorded, with the City Clerk for distribution to appropriate local agencies and offices. (Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.018 PLAT WITHIN THE EXTRA-TERRITORIAL PLAT APPROVED JURISDICTION.

When the land to be subdivided lies within the extraterritorial plat approval jurisdiction of the city, the subdivider shall proceed as specified in §§ 154.013 through 154.017 except transmittal responsibility lies within the City Clerk, Town Clerk, or County Planning Agency to whomever the plat is first

submitted, and the subdivider shall indicate which one in his or her application. Approval agencies shall be as specified in Wis. Stats. Ch. 236, and the subdivider must comply with the land division regulations of the agencies or units of government.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.019 REPLAT.

(A) When it is proposed to replat a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stats. Ch. 236. The subdivider or person wishing to replat shall then proceed as specified in §§ 154.013 through 154.017 of this chapter.

(B) The City Clerk shall schedule within the time period specified in § 154.015 of the chapter for the Common Council, after review and recommendation by the City Planning Commission, to take action upon the plat, a public hearing when a preliminary plat of a replat of lands within the community is filed and shall cause notices of the proposed replat and public hearings to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

PRELIMINARY PLAT

§ 154.030 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 tracing cloth or paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

(K) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, dramatics, or other public use or other nonpublic uses not requiring lotting;

(L) Approximate radii of all curves;

(M) Existing zoning on and adjacent to the proposed subdivision; and

(N) Municipal boundary lines within or adjacent to the proposed subdivision.
(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.032 STREET PLANS AND PROFILES.

The City Superintendent may require that the subdivider provide street plans and profiles showing existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon U.S.G.S. (1929 Adjustment) datum, and plan and profiles shall meet the approval of the Superintendent.
(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.033 TESTING.

The City Superintendent may require that boring and sounding be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depth of bedrock and depth of groundwater table. Where the subdivision will not be served by central sanitary sewer service, the provisions of the Wisconsin Administrative Code, Ch. Comm 85 shall be complied with and the appropriate data submitted with the preliminary plat.
(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.034 COVENANTS.

The subdivider shall submit the City Planning Commission a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.
(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.035 AFFIDAVIT.

The registered land 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 or she has fully complied with the provisions of this chapter.
(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.036 STATEMENT.

A supplementary written statement shall be submitted by the subdivider along with the preliminary plat briefly describing improvements, such as grading, paving, tree planting, installation of utilities, and improvements to park and recreation areas which the subdivider proposes to make and when he or she intends to make them.
(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

FINAL PLAT

§ 154.050 GENERAL.

A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stats. Ch. 236.
(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

(K) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, dramatics, or other public use or other nonpublic uses not requiring lotting;

(L) Approximate radii of all curves;

(M) Existing zoning on and adjacent to the proposed subdivision; and

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(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.051 ADDITIONAL INFORMATION.

The plat shall show correctly on its face, in addition to the information required by Wis. Stats. Ch. 236, the following:

(A) Exact length and bearing of the centerline of all streets;

(B) Exact street width along the line of any obliquely intersecting street;

(C) Railroad rights-of-way within and abutting the plat;

(D) Setbacks of building lines as required;

(E) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat; and

(F) Special restrictions required by the Common Council relating to access control along public ways or to the provision of planting strips.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.052 DEED RESTRICTIONS.

Deed restrictions shall be filed with the final plat. (Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.053 SURVEYING AND MONUMENTING.

All final plats shall meet all the surveying and monumenting requirements of Wis. Stats. Ch. 236.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.054 STATE PLAN COORDINATE SYSTEM.

Where the plat is located within a quarter section, the corners of which have been relocated,

monumented, and coordinated by a governmental unit having jurisdiction, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plane Coordinates of the monument marking the relocated section of 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 and adjusted to the county's control survey where and when adopted.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.055 CERTIFICATES.

All final plats shall provide all the certificates required by Wis. Stats. Ch. 236; and, in addition, the surveyor shall certify that he or she has fully complied with all provisions of this chapter.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

DESIGN STANDARDS**§ 154.065 STREET ARRANGEMENT.**

(A) In any new subdivision, the street layout shall conform to the arrangement, width, and location indicated on the official map or comprehensive plan of the city. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of land to be served by such streets, and to most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

(B) Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic from residential areas to the major street and highway system.

(C) 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.

(D) Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by the topography or other physical conditions or unless, in the opinion of the Common Council, after review and recommendation by the City Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

(E) 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 Common Council under conditions recommended by the City Planning Commission and approved by the Common Council.

(F) Alley shall not be approved in residential districts.

(G) 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 named shall bear the names of the existing streets.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

§ 154.066 STREET DESIGN STANDARDS.

(A) (1) 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 in the following table:

<i>Type of Street</i>	<i>Minimum Right-of-Way Width to be Reserved</i>
Primary Arterial	100 feet
Standard Arterial	80 feet
High Collector	70 feet
Low Collector	66 feet
Local	
Residential	60 feet
Industrial	66 feet

(2) Minimum right-of-way widths to be reserved for principal, primary or standard arterial (limited access facilities) and pavement width except pavement widths for local residential street shall be determined by the Common Council, after review and recommendation by the City Planning Commission, local residential streets shall have a pavement width of 36 feet.

(B) Cul-de-sac streets designed to have one end permanently closed shall not exceed 500 feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of 50 feet and minimum outside curb radius of 40 feet. The minimum distance between the outside curb and right-of-way shall be ten feet.

(C) Unless necessitated by exceptional topography subject to the approval of the Common Council, after review and recommendation by the City Planning Commission, the maximum centerline grade of any street or public way shall not exceed the following:

- (1) Collector streets: 8%.
- (2) Local streets and frontage streets: 12%.

(3) Pedestrian ways: 8%, unless steps of acceptable design are provided.

(D) The grade of any street shall in no case exceed 12% or be less than 0.3%. 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 topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for all major streets and one-half this minimum for all other streets.

(E) When a continuous street centerline deflects at any one point by more than ten degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than 300 feet on collector streets and 100 feet on local streets. A tangent at least 100 feet in length shall be provided between reverse curves.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

§ 154.067 STREET INTERSECTIONS.

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

(B) Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two. Cross-type intersections on local streets shall be avoided whenever possible in favor of T-type intersections. Intersection of local streets shall be at least 125 feet from each other.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

§ 154.068 BLOCKS.

(A) *General.* The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenience access, control, and safety of street traffic; and the limitations and opportunities of topography.

(B) *Length.* Blocks in residential areas shall not as a general rule be less than 500 feet nor more than 1,200 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

(C) *Width.* Blocks shall have sufficient width to provide for two tiers or lots of appropriate depth except where otherwise required to separate residential development from through traffic.

(D) *Utility easements.* All utility lines for electric power and telephone service shall be placed on midblock easements along rear lot lines whenever carried on overhead poles.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

§ 154.069 LOTS.

(A) The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated.

(B) Side lots lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(C) If a lot is served or is to be served by public water and/or sewer utilities, it shall front or abut for a distance of at least 30 feet on a public street and shall not be less than 60 feet in width at the building setback line. If a lot is not served or is not to be served by public water and/or sewer utilities and it is a lot located in a tract or development which does not meet the definition of a "subdivision" as set forth in Wis. Stats. § 236.02(12) as amended from time to time, there is no public street frontage requirement.

(D) Area and dimension of lots shall conform to the requirements of the zoning code, the State

Department of Health and Social Services and in areas not served by public sanitary sewer and water facilities shall contain a minimum of one acre of land, unless in the considered opinion of the Common Council, after review and recommendation by the City Planning Commission, such services will be made available to the subdivision within five years of the date of the submission of the preliminary plat. Lots not served by public sanitary sewer or water facilities, and will not in the considered opinion of the Common Council, after review and recommendation by the City Planning Commission, be served by such facilities within five years of the date of the submission of the preliminary plat, shall have a minimum width of 150 feet. Whenever a tract is subdivided into large parcels, the parcels shall be arranged and dimensioned as to allow resubdivision of any such parcels into normal lots in accordance with the provisions of this chapter.

(E) Lots shall have a minimum average depth of 100 feet.

(F) Width of lots shall conform to the requirements of this chapter and appropriate zoning regulations.

(G) Corner lots, except those not served by public sanitary sewer facilities and regulated herein, shall have an extra width of ten feet to permit adequate building setbacks from side streets.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93; Am. Ord. 142B, passed 11-5-07) Penalty, see § 154.999

§ 154.070 BUILDING SETBACK LINES.

As controlled in zoning code of the city.
(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

Cross-reference:

Zoning Code, see Chapter 155

§ 154.071 EASEMENTS.

(A) The Common Council, after review and recommendation by the City Planning Commission,

may require utility easements of widths deemed adequate for the intended purpose of each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits, storm and sanitary sewers, and gas, water, and other utility lines.

(B) Where a subdivision is traversed by a watercourse, drainage way channel, or stream, an adequate drainage way or easement shall be provided as may be required by the Common Council, after review and recommendation by the City Planning Commission. The location, width, alignment, and improvement of such drainage way or easement shall be subject to the approval of the City Superintendent; and a parallel street may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volume of flow. The designs' details are subject to review and approval by the City Superintendent.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

REQUIRED IMPROVEMENTS

§ 154.085 SURVEY MONUMENTS.

The subdivider shall cause survey monuments to be installed in accordance with the requirements of Wis. Stats. Ch. 236 and as may be required by the City Superintendent.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

§ 154.086 GRADING.

After the installation of temporary block corner monuments by the subdivider and establishment of street grades according to standards approved by the Common Council, the subdivider shall grade the full width of the right-of-way of all streets proposed to be

dedicated in accordance with plans and standards specification approved by the City Superintendent. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade. The Common Council, after review and recommendation by the City Planning Commission, may waive the grading of the full width of the right-of-way in areas which, due to topography, the grading of the full width of the right-of-way would be detrimental to the development of the area.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

§ 154.087 SURFACING.

After the installation of all utility and storm water drainage improvements, the subdivider shall apply base material in accordance with plans and standard specifications approved by the City Engineer. The cost of base material and grading will be borne by the subdivider. The cost of hard surfacing will be borne by the community as the budget allows.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

§ 154.088 CENTRAL SANITARY SEWAGE AND PRIVATE SEWAGE DISPOSAL SYSTEM.

The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. If central sewer facilities are not available, the subdivider shall make provision for adequate private sewage disposal systems as specified by the community Board of Health and the Division of Health, Department of Health and Social services; however, any lot containing less than one acre of land and being less than 150 feet wide must be served by public sanitary sewer facilities unless in the considered opinion of the Common Council, after review and recommendation by the City Planning Commission, such service will be made available to the subdivision within five years of the date of the submission of the preliminary plat. The Common Council may require the installation of sewer laterals to the street lot line. If, at the time of final platting, sanitary sewer facilities

are not available to the plat, but, in the opinion of the Common Council, after review and recommendation by the City Planning Commission, will become available within a period of five years from the date of submission of the preliminary plat, the subdivider may be required by the Common Council to install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this section and shall cap all laterals and sewers as may be specified by the City Engineer. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved the City Engineer. All sanitary sewer facilities shall be flood proofed. The subdivider shall assume the cost of installing all sanitary sewers.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

§ 154.089 STORM WATER DRAINAGE FACILITIES.

The subdivider shall construct storm water drainage facilities which may include curbs and gutters, catch basins and inlets, storm sewers, 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 volume of flow, the type of facility required, the design criteria and the sizes and grades to be determined by the City Superintendent. Storm drainage facilities shall be so designed as to present no hazard 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 drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the City Superintendent. The cost will be borne by the subdivider.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

§ 154.090 OTHER UTILITIES.

No electrical, cable television, or telephone service shall be located on overhead poles unless otherwise allowed by the Common Council due to exceptional topography or other physical barrier. Plans indicating the proposed location of all gas, electrical power, and telephone distribution and transmission lines required to service the plat shall be approved by the City Superintendent.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

§ 154.091 EROSION AND SEDIMENT CONTROL.

The City Planning Commission and Common Council shall review each plat on the basis of size, topography, erosion hazards, and other factors relating to sedimentation to determine the need for erosion and sediment control measures. If it is determined that such measures are needed, the City Superintendent should direct the subdivider to undertake such erosion and sediment control as the City Superintendent deems necessary.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

CONSTRUCTION**§ 154.105 COMMENCEMENT.**

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved and the City Superintendent has given written authorization.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

§ 154.106 BUILDING PERMITS.

No building permits shall be issued for erection of a structure on any lot of record until all the requirements of this chapter have been met.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

Cross-reference:

Building permits, see §§ 150.01 through 150.05

§ 154.107 PLANS.

The following plans and accompanying construction specifications may be required by the City Superintendent before authorization of improvements:

(A) Street plans and profiles showing existing and proposed grades, elevations, and cross sections of required improvements;

(B) Sanitary sewer plans and profiles showing the locations, grades, size elevations, and materials of required facilities;

(C) Storm sewer plans and profiles showing the locations, grades, sizes, cross sections, elevations, and materials facilities;

(D) Additional special plans or information as required.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

FEES**§ 154.120 GENERAL.**

The subdivider shall pay the city all fees as hereinafter required and at the times specified.

(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

§ 154.121 PRELIMINARY PLAT REVIEW FEE.

The preliminary plat review fee is \$60 plus the engineering fee and administration fee.
(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.122 FINAL PLAT REVIEW FEE.

The final plat review fee is \$60 plus the engineering fee and administration fee.
(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.123 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. Engineering work shall include the preparation of construction with the plat. Engineering work shall include the preparation of construction plans and standard specifications. The City Engineer may permit the subdivider to furnish all, some, or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.
(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.124 ADMINISTRATIVE FEE.

The subdivider shall pay a fee equal to the cost of any legal, administrative, or fiscal work which may be undertaken by the city in connection with the plat. Legal work shall include the drafting of contracts between the city and the subdivider.
(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)

§ 154.998 VIOLATIONS.

It shall be unlawful to subdivide, as defined by this chapter, in violation of any of the provisions of this chapter. In addition to the forfeiture provisions contained in the § 154.999, in any case of any violation, the Common Council or the City Planning Commission may institute an appropriate action or proceeding to enjoin a violation of this chapter.
(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93) Penalty, see § 154.999

§ 154.999 PENALTY.

(A) Any person, firm, or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$10 nor more than \$1,000 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. Procedures for enforcement shall be as set forth in Wis. Stats. § 66.0114(1).

(B) All appeals from any penalty imposed under this chapter shall be taken as provided for in Wis. Stats. § 66.0114(2).
(Ord. 142, passed 11-4-93; Am. Ord. 142A, passed 12-6-93)