

CHAPTER 18
SUBDIVISION AND PLATTING

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18.01 INTRODUCTION.

(1) **AUTHORITY.** These regulations are adopted under the authority granted by §236.45, Wis. Stats.

(2) **PURPOSE.** The purpose of this chapter is to regulate and control the division of land within the corporate limits of the City and its extraterritorial plat approval jurisdiction in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the City and its environs.

(3) **INTENT.** It is the general intent of this chapter to regulate the division of land so as to:

(a) Obtain the wise use, conservation, protection and proper development of the City's soil, water, wetland, woodland and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.

(b) Lessen congestion in the streets and highways.

(c) Further the orderly layout and appropriate use of land.

(d) Secure safety from fire, panic and other dangers.

(e) Provide adequate light and air.

(f) Facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds and other public facilities and services.

(g) Secure safety from flooding, water pollution, disease and other hazards.

(h) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects.

(i) Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters.

(j) Preserve natural vegetation and cover and promote the natural beauty of the City.

(k) Restrict building sites in areas covered by poor soils or in other areas poorly suited for development.

(l) Facilitate the further division of larger tracts into smaller parcels of land.

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(m) Ensure adequate legal description and proper survey monumentation of subdivided land.

(n) Provide for the administration and enforcement of this chapter.

(o) Provide penalties for its violation.

(p) Implement those City, County, watershed or regional comprehensive plans or their components adopted by the City; in general, to facilitate enforcement of City development standards as set forth in the adopted regional, County and local comprehensive plans, adopted plan components, the Zoning Code, the Official Map and the Building Code of the City.

(4) **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.

(5) **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.

(6) **NONLIABILITY.** The City does not guarantee, warrant or represent that those soils listed as being unsuited for specific uses are the only unsuitable soils in the City and its extraterritorial plat review jurisdiction. Furthermore, the City does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation. The City hereby asserts that there is no liability on the part of the City, its agencies or its employees for sanitation problems, structural damage or flood damages that may occur as a result of reliance upon, and conformance with, this chapter.

(7) **TITLE.** This chapter shall be known as, referred to or cited as the "Subdivision and Platting Code, City of West Bend, Washington County, Wisconsin."

18.02 GENERAL PROVISIONS.

(1) **JURISDICTION.** Jurisdiction of these regulations shall include all lands within the corporate limits of the City and those lands within the extraterritorial jurisdiction of the City as established in §§62.23(2) and 66.0105 Wis. Stats. The provisions of this chapter, as it applies to divisions of tracts of land into less than 5 parcels, shall not apply to the following:

(a) Transfers of interests in land by will or pursuant to court order.

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(b) Leases for a term not to exceed 10 years, mortgages or easements.

(c) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the zoning ordinances or other applicable laws or ordinances.

(d) Cemetery plats made under §157.07, Wis. Stats.

(e) Assessors' plats made under §70.27, Wis. Stats., but such assessors' plats shall comply with §§236.15 (1) (a) to (g) and 236.20 (1) and (2) (a) to (e), Wis. Stats.

(2) COMPLIANCE. No person shall divide any land located within the jurisdictional limits of these regulations so that such division results in a subdivision, minor land division or replat as defined herein; no such subdivision, minor land division or replat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following:

(a) Chapter 236, Wis. Stats.

(b) Rules of the Wisconsin Department of Commerce regulating 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.

(c) Rules of the Wisconsin 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.

(d) Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution and regulating development within floodland, wetland and shoreland areas.

(e) Duly approved comprehensive plan or comprehensive plan component of the City.

(f) The Zoning Code and all other applicable local and County ordinances.

(g) A developers or subdividers agreement between the City and the developer or subdivider.

(3) DEDICATION AND RESERVATION OF LANDS.

(a) Streets, Highways and Drainage ways. Whenever a tract of land to be divided encompasses all or any part of an arterial or collector street, public drainageway or other public way which has been designated on the Official Map of the City, said public way

shall be made a part of the plat and dedicated by the subdivider in the locations and dimensions indicated on said plan or component and as set forth in sec. 18.07 of this chapter. Streets within the extraterritorial plat review jurisdiction of the City shall be dedicated by the subdivider to the appropriate town. Should the town require less dedication than is specified by sec. 18.07 of this chapter or by the Official Map, the excess right of way shall be reserved for future acquisition by the City.

(b) Parks and Playgrounds. Whenever a tract of land within the jurisdiction of this chapter encompasses all or any part of a park or playground which has been designated on the duly adopted city master plan for parks, said park or playground shall be made a part of that plat or certified survey map, and dedicated or reserved by the subdivider in accordance with the procedures set forth in sec. 18.07 (9) of this chapter. When only part of a park is included in a plat, the park may be dedicated or reserved by means of a separate certified survey map. Certain extraterritorial land divisions shall be exempt from the park dedication and reservation requirements pursuant to sec. 18.03 (7) (c) of this chapter.

(c) Open Space. Whenever a tract of land to be divided within the jurisdiction of this chapter encompasses all or any part of open space lands, as defined in sec. 18.12 of this chapter, said open space lands shall be protected. The Plan Commission may, upon recommendation from the Park and Recreation Commission, require that open space lands be dedicated or reserved. Open space lands may also be protected by easement or through zoning.

(4) **IMPROVEMENTS**. Before final approval of any plat, the subdivider shall enter into an agreement with the City to install the required improvements and shall file with the subdivider's agreement an irrevocable letter of credit or other appropriate sureties meeting the approval of the City Attorney equal to the estimated cost of the improvements. Improvement cost estimates shall be made by the developer, reviewed by the City Engineer and approved by the Council. The improvements may be installed after approval of a preliminary plat or certified survey map by the subdivider or his subcontractors, but not later than 2 years from the date of recording of the final plat, or as provided in the subdivider's agreement. The subdivider's agreement shall specify a completion date for all improvements. In addition:

(a) Plans and specifications for all improvements shall be reviewed and approved by the City Engineer, in writing, prior to commencement of construction. The subdivider may submit an interim final plat with the improvement plans; however, review and approval of a final plat shall not be initiated until the improvement plans have been reviewed and approved and until the subdivider's agreement has been fully executed.

(b) Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights of way as well as the contractors and subcontractors providing such work shall be subject to the prior written approval of the City Engineer in accordance with City standards and specifications.

(c) Governmental units to which these bond and contract provisions apply

may file, in lieu of said 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 within the City or its extraterritorial jurisdictional limits, the subdivider shall install survey monuments placed in accordance with the requirements of §236.15, Wis. Stats., and as may be required by the City Engineer.

(e) Prior to the acceptance of a final plat, the subdivider shall furnish, when required by the City, a consent and waiver of the statutory provisions for special assessments for the installation of sanitary sewer, storm sewer, sewer laterals, water main, water laterals, curb and gutter, sidewalks, street surfacing, underground street lighting services and all other utilities, which shall be in a form approved by the City Attorney, pursuant to §66.0703 (7) (b), Wis. Stats., and shall be recorded in the office of the Register of Deeds in the same manner as a *lis pendens*. Such consent and waiver shall provide that the installation of such services shall be made at the discretion of the Council.

(5) VARIANCES.

(a) Variances Granted by Plan Commission. Where, in the judgment of the Plan Commission, it would be inappropriate to apply literally the provisions of sub. (6) below and sec. 18.07 and sec. 18.08 of this chapter because exceptional or undue hardship would result, the Plan Commission may waive or modify any requirement to the extent deemed just and proper. No variance to the provisions of this chapter shall be granted unless the Plan Commission finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

1. Exceptional Circumstances. There are exceptional, extraordinary or unusual circumstances or conditions where a literal enforcement of the requirements of this chapter would result in severe hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this chapter should be changed.

2. Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

3. Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

(b) Town Land Divisions. The Plan Commission may, with respect to any division of land outside of the corporate limits of the City, waive or modify any requirement imposed by sec. 18.08 of this chapter if the Commission finds that such variance will not impair the sound and orderly future growth of the City. The Commission may require, as a condition of granting any such variance, that the property owner delivered to the City, in accordance with §66.0703 (7) (b), Wis. Stats., a recordable consent and waiver for the

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levying of special assessments by the City for the future installation of such improvements.

(c) Vote Required. A vote of 5 members of the Plan Commission shall be required to grant a variance to the provisions of this chapter.

(d) Variances Granted by Council. The Council may waive the placing of monuments, required under §236.15 (1) (b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond or irrevocable letter of credit to insure the placing of such monuments within the required time limits established by the City.

(6) LAND SUITABILITY. No land shall be subdivided for residential use which is determined to be unsuitable for such use by 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 City. More specifically:

(a) All lots must have at least 50% of their required lot area at an elevation at least 2 feet above the elevation of the 100 year recurrence interval flood.

(b) Lands made, substantially altered or filled with nonearth materials within the preceding 20 years shall not be divided into building sites until soil compaction tests have been made by the developer and reviewed and approved by the City Engineer.

(c) Lands made, substantially altered or filled with earth within the preceding 7 years shall not be divided into building sites until soil compaction tests have been made by the developer and reviewed and approved by the City Engineer.

(d) No lot shall have more than 50% of its minimum required area in slopes of 15% or greater. This requirement may be met after grading when the grading is conducted as set forth in an approved grading plan.

(e) Lands having ground water within 6 feet of the natural undisturbed surface shall not be divided into building sites without the preparation of a plan indicating how the ground water problems will be resolved.

(f) (Am. Ord. #2361 - 2/28/00) Lands covered by wet or organic soils as listed in the following table shall not be divided into lots. Lands partially covered by these soils may be used provided that the building envelope is located at least 15 feet from any of the following soil associations:

<u>S.C.S. Soil Symbol:</u>				
Ak	Dt	MgA	NnA	WmA
AzA	FaA	MmA	Ot	Ww
BsA	Hu	MtA	Pc	YrA
Cw	Km	MzKA	Ph	
DaA			RaA	

(g) The Plan Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use. The subdivider shall be afforded an opportunity pursuant to sub. (5) above to present evidence in rebuttal to a finding of unsuitability if he so desires or he may present engineering plans indicating how the unsuitable condition will be resolved. Thereafter the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

(7) APPEALS. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in §236.13 (5), Wis. Stats., within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action.

18.03 LAND DIVISION PROCEDURE.

(1) PREAPPLICATION. Prior to the filing of an application for the approval of a preliminary plat or certified survey map, the Subdivider shall consult with the City Planning Review Committee in order to obtain their advice and assistance. The Planning Review Committee shall consist of the City Planner, the City Engineer, the City Administrator, the Building Inspector, the City Attorney, the City Clerk, the Park and Recreation Director, the Director of Public Works, the Water Utility Manager, the Sewer Utility Manager, the Police Chief and the Fire Chief. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, other provisions of this Code, sewer and water availability, other engineering considerations, duly adopted City plans and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and the planning staff may reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood and the community. The subdivider will also gain a better understanding of the subsequent required procedures. Any meeting with the Planning Review Committee should be arranged with the City Planner. The subdivider may also wish to meet with the Plan Commission prior to formal submittal of a plat.

(a) The subdivider shall submit to the City Planner sufficient copies of a plan or sketch, drawn to scale, in sufficient detail to evaluate the impact of the proposed land division on the City's supply of available development sites and the demand for City services. In order to assure coordinated site planning, the plan or sketch shall show the entire area contiguous to the plat or certified survey map. This applies not only to lands owned by the subdivider, but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the proposed plat or certified survey map. The City Planner may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and severe hardship would result from strict application thereof.

(b) The City Planner shall prepare minutes of the pre-application conference showing the City Planning Review Committee findings and recommendations. A copy of the minutes shall be submitted to the Plan Commission.

SUBDIVISION AND PLATTING 18.03 (2) (a)

(2) PRELIMINARY PLAT REVIEW WITHIN THE CITY. Before submitting a final plat within the corporate limits of the City for approval, and within 12 months after the pre-application conference, the subdivider shall submit a preliminary plat and a letter of application. The preliminary plat shall be prepared in accordance with this chapter and the subdivider shall file an adequate number of copies of the plat with the appropriate fees and the application with the City Clerk at least 15 days prior to the meeting of the Plan Commission at which first consideration is desired. In addition:

(a) The City Clerk shall, within 2 normal work days after filing, transmit 4 copies to the County Land Use and Park Department; 2 copies to the Director of the Planning Function in the Wisconsin Department of Development; additional copies to the Wisconsin Department of Development for retransmission of 2 copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a State trunk highway or a connecting street, and the Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made, and the Wisconsin Department of Natural Resources if shorelands or floodlands are contained within the proposed subdivision. The Wisconsin Department of Development, the Wisconsin Department of Transportation, the Wisconsin Department of Commerce, the Wisconsin Department of Natural Resources and the Washington County Land Use and Park Department shall hereafter be referred to as objecting agencies.

(b) In lieu of the procedure set forth in par. (a) above, the subdivider may, pursuant to §236.12 (6), Wis. Stats., submit the original drawing of the preliminary plat directly to the Director of the Planning Function of the Wisconsin Department of Development who shall prepare and forward copies of the plat to the objecting agencies. When the subdivider elects to use this alternative procedure, it shall be the responsibility of the subdivider to submit, at his own expense, the additional copies required herein by pars. (c) and (d) below.

(c) The City Clerk shall also transmit sufficient copies of the preliminary plat to the Plan Commission and all affected City committees, commissions or departments for their review and recommendations concerning matters within their jurisdiction. The recommendations of City committees, commissions and departments shall be transmitted to the Plan Commission within 30 days from the date the plat is filed. The preliminary plat shall then be reviewed by the Plan Commission for conformance with this chapter and all other City ordinances, rules, regulations and duly adopted City plans.

(d) The City Clerk shall also transmit 2 copies each of the preliminary plat to the Washington County Land Conservation Committee, the Southeastern Wisconsin Regional Planning Commission, the West Bend School District, the appropriate natural gas company, electric power company, telephone company and cable TV company for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 30 days from the date the plat is filed. The Washington County Land Conservation Committee, the Southeastern Wisconsin Regional Planning Commission, the utility companies and the school district shall hereafter be referred to as advisory agencies.

SUBDIVISION AND PLATTING 18.03 (3) (a)

(3) PRELIMINARY PLAT APPROVAL WITHIN THE CITY. The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the City Clerk. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat. In addition:

(a) The Plan Commission shall, within 90 days of the date of filing of a preliminary plat with the City Clerk, approve, approve conditionally or reject such plat unless an extension of the review period is mutually agreed upon in writing. 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 of transmittal and a copy of the Plan Commission meeting minutes 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 Plan Commission's permanent file.

(b) Failure of the Plan Commission to act within 90 days shall constitute an approval of the plat as filed unless the review period is extended by mutual consent.

(c) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 6 months of preliminary plat approval and conforms substantially to the preliminary plat as indicated in §236.11 (1) (b), Wis. Stats., the final plat shall be entitled to approval. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which shall be subject to further consideration by the Plan Commission at the time of its submission. The subdivider may elect to submit the plat in 2 or more phases of the preliminary plat or, when it is determined that the plat and/or its associated improvements will have an adverse fiscal impact on the City, the Plan Commission may direct the phasing of the plat.

(d) After the preliminary plat is approved and prior to the submittal of a formal final plat, the subdivider may elect to submit an interim final plat which shows the precise location of streets and improvements. The interim final plat is not required, but is intended to assure the developer of the City's intent to approve the location of improvements prior to actual installation.

(4) FINAL PLAT REVIEW WITHIN THE CITY. The subdivider shall submit a final plat and a letter of application, together with appropriate fees, and shall file an adequate number of copies of the plat and the application with the City Clerk at least 15 days prior to the meeting of the Plan Commission at which review is desired. In addition:

(a) The City Clerk shall, within 2 normal work days after filing, transmit 4 copies to the County Land Use and Park Department; 2 copies to the Director of the Planning Function in the Wisconsin Department of Development; additional copies to the Wisconsin Department of Development for retransmission of 2 copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a State trunk highway or a

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connecting street, the Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made, and the Wisconsin Department of Natural Resources if shorelands or floodlands are contained within the proposed subdivision; and the original final plat and an adequate number of copies for review to the Plan Commission.

(b) In lieu of the procedure set forth in par. (a) above, the subdivider may, pursuant to §236.12 (6), Wis. Stats., submit the original drawing of the final plat directly to the Director of the Planning Function of the Wisconsin Department of Development who will prepare and forward copies of the plat to the objecting agencies. When the subdivider elects to use this alternative procedure, it is the responsibility of the subdivider to submit, at his own expense, 7 additional copies of the final plat to the City Clerk for review by the Plan Commission.

(c) The Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; satisfaction of any objections raised by the objecting agencies; and conditions of approval of the preliminary plat; this chapter and all other ordinances, rules, regulations and duly adopted City plans which may affect it and shall recommend approval or rejection of the plat to the Council.

(d) If permitted by the Council, the approved preliminary plat may be final platted phases with each phase encompassing only that portion of the approved preliminary plat which the subdivider proposes to record at one time; however, it is required that each such phase be final platted and be designated as a phase of the approved preliminary plat.

(5) FINAL PLAT APPROVAL WITHIN THE CITY. The objecting agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Plan Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

(a) Submission. (Am. Ord. #2361 - 2/28/00) If the final plat is not submitted within 24 months of the last required approval of the preliminary plat, the Council may reject the final plat in writing, with reasons given.

(b) Plan Commission Recommendation. The Plan Commission shall, within 30 days of the date of filing of the final plat with the City Clerk, recommend approval or rejection of the plat and shall transmit the final plat and application, along with its recommendations, to the Council.

(c) Notification. The Plan Commission shall, at the time it recommends approval or rejection of a plat to the Council and at least 10 days prior to any action of the Council, give notice of its recommendation to the clerk of any municipality within 1,000 feet of the plat.

SUBDIVISION AND PLATTING 18.03 (5) (d)

(d) Council Approval or Rejection. The Council shall, within 60 days of the date of filing the original final plat with the City Clerk, 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 copy of the minutes, together with a letter of transmittal shall be forwarded to the subdivider. The Council may not approve the final plat unless the City Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within 20 days or, if filed, have been met.

(e) Timely Council Action Required. Failure of the Council to take action on the plat within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

(f) Consent and Waiver. Prior to the acceptance of a final plat, the subdivider shall furnish, when required by the City, a consent and waiver of the statutory provisions for special assessment for the installation of sanitary sewer, storm sewer, sewer laterals, water main, water laterals, curb and gutter, sidewalk, street surfacing, underground street lighting services and all other utilities, which will be in a form approved by the City Attorney pursuant to §66.0703 (7) (b), Wis. Stats., and shall be recorded in the office of the Register of Deeds in the same manner as a lis pendens. Such consent and waiver shall provide that the installation of such services shall be made at the discretion of the Council.

(g) Recordation. After the final plat has been approved by the 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 shall further cause the plat to be recorded within 30 days of its approval by the Council.

(h) Duplicate Plat. An identical reproducible copy of the plat on stable drafting film at least 4 mils thick, along with the recording data, shall be placed on file with the City Engineer.

(6) MINOR LAND DIVISION (CERTIFIED SURVEY MAP) WITHIN THE CITY. When it is proposed to divide land within the City into not more than 4 parcels or building sites, any one of which is 10 acres or less in area, or when it is proposed to divide a block, lot or outlot within a recorded subdivision plat into not more than 4 parcels or building sites without changing the boundaries of said block, lot or outlot, the subdivider shall subdivide by use of a certified survey map. The certified survey map shall include all parcels of land 10 acres or less in area and may, at the owner's discretion, include any other parcels containing more than 10 acres. The subdivider shall prepare the certified survey map in accordance with this chapter and shall file an adequate number of copies of the map and the letter of application with the City Clerk at least 15 days prior to the meeting of the Plan Commission at which review is desired.

(a) A pre-application conference similar to the consultation required in sub. (1) above shall be required. Upon completion of the pre-application conference, but not

longer than 12 months thereafter, the subdivider shall submit a certified survey map as set forth herein. In the instance of a simple land division and upon receipt from the subdivider of a notification of intent to file a certified survey map, the City Planner may waive the pre-application conference requirement.

(b) The City Clerk shall, within 2 normal work days after the formal filing of a certified survey map, transmit the copies of the map and letter of application to the Plan Commission.

(c) The Plan Commission shall transmit a copy of the map to all affected City committees, commissions or departments for their review and recommendations concerning matters within their jurisdiction. At the discretion of the City Planner, copies may also be transmitted to the Washington County Land Conservation Committee and to the Southeastern Wisconsin Regional Planning Commission for review and comment. Their recommendations shall be transmitted to the Plan Commission within 15 days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans.

(d) Certified survey maps which do not contain dedication or reservation of streets or other public lands shall be reviewed and acted upon by the Plan Commission. The Plan Commission shall, within 60 days from the date of filing of the map, approve, conditionally approve and thereby require resubmission of a corrected certified survey map, or reject the certified survey map unless the time is extended by mutual agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the Plan Commission meeting and a copy of the minutes, together with a letter of transmittal, shall be forwarded to the subdivider. If the map is approved, the Plan Commission shall cause the City Clerk, the Mayor and the City Engineer to so certify on the face of the original map.

(e) The Plan Commission shall, within 45 days from the date of filing of the map, review all certified survey maps which contain dedication or reservation of streets or other public lands and report its findings to the Council. The Plan Commission shall recommend approval, conditional approval or rejection of the map.

(f) The Council shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map, or reject such certified survey map within 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the Council meeting and a copy of the minutes, together with a letter of transmittal, shall be forwarded to the subdivider. If the map is approved, the council shall cause the City Clerk, the Mayor and the City Engineer to so certify on the face of the original map.

(g) Certified survey maps which require the installation of public improvements shall be accompanied by the consent and waiver required in sub. (5) (f) of this section.

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(h) The City Clerk shall record the map with the Washington County Register of Deeds within 30 days of its approval by the Council and satisfaction of all conditions.

(i) The subdivider shall file an adequate number of copies of the approved and recorded certified survey map with the City Clerk for distribution to the City Engineer, the Building Inspector, the Assessor and other affected departments for their files.

(7) REVIEW AND APPROVAL OF EXTRATERRITORIAL PLATS AND CERTIFIED SURVEY MAPS. (Am.Ord. #2361 - 2/28/00) When it is proposed to divide lands located outside the corporate limits of the City, but within 3 miles of the City, the subdivider shall proceed as specified in subs. (1) through (6) of this section with the following exceptions:

(a) The Town Clerk or the County Planning Agency, to whomever the plat or certified survey map is first submitted, shall be responsible for transmitting copies of the plat or map to designated objecting agencies unless the subdivider has specifically requested that the City assume the responsibility of transmitting all review copies. The subdivider shall specify in his letter of application to whom the original application was submitted.

(b) (Rep. & Recr. Ord. #2361 - 2/28/00) The subdivider need not pay park fees or dedicate park lands to the City.

(c) (Rep. & Recr.Ord. #2361 - 2/28/00) To the extent the improvement requirements of the Town within which the division is located are inconsistent with the improvement requirements of this chapter, the improvement requirements of this chapter shall not apply.

(d) (Cr. Ord. #2361 - 2/28/00) If a proposed CSM is located outside the City's sanitary sewer service area and more than one mile from the City, the Director of Economic and Community Development is authorized to approve the CSM upon determining that it is in compliance with all applicable provisions of this chapter. If the Director has any question about the CSM's compliance, it shall be submitted to the Plan Commission for consideration as provided in this chapter.

(8) REPLAT. (Rep. & Recr. Ord. #2361 - 2/28/00).

(a) Except as provided in paragraph (b), when it is proposed to change the boundaries of all or part of a recorded subdivision, the procedures of subs. (1) to (7) of this section shall be followed. In addition, the City Clerk shall schedule a public hearing before the Plan Commission prior to consideration of the preliminary plat and shall cause a Class 2 notice of the proposed replat and public hearing to be published and shall mail copies of the notice to the last known address of owners of all properties within the limits of the exterior boundaries of the proposed replat and of all properties within 200 feet of the exterior boundaries of the proposed replat to the extent such addresses can be determined from City records.

(b) In the event that a proposed replat changes only lot boundaries without creating new lots and does not involve alteration of areas reserved for, owned by or dedicated to the public and will not involve alteration of any grades, contours or topography, neither a preliminary plat nor a public hearing is required. To the extent they can be determined from City records, the City Clerk shall mail notice of the proposed replat to the last known addresses of owners of property within, or within 200 feet of, the area to be replatted at least five days before the Plan Commission acts on the replat.

18.04 PRELIMINARY PLAT.

(1) GENERAL REQUIREMENTS. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor. The plat shall be prepared on tracing cloth, reproducible drafting film or paper of good quality at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

(a) Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat unless it is an addition to a previously recorded plat and is so stated on the plat.

(b) Property location of a proposed subdivision by government lot, quarter section, township, range, county and State.

(c) General location sketch showing the location of the subdivision within the U.S Public Land Survey quarter section.

(d) Date, graphic scale and north arrow.

(e) Names and addresses of the owner, subdivider and land surveyor preparing the plat.

(2) PLAT DATA. All preliminary plats shall show the following:

(a) Length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.

(b) Existing contours at vertical intervals of not more than 2 feet where the slope of the ground surface is less than 10% and of not more than 5 feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level). Where NGVD datum is not available in the section being surveyed, the best datum available, approved by the Plan Commission, shall be used. Where substantial changes in existing topography will be required, the Plan Commission may further require the submission of proposed topographic information on a separate document.

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(c) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum. Where NGVD datum is not available in the section being surveyed, the best datum available, approved by the Plan Commission, shall be used.

(d) Flood plain limits and the contour line lying a vertical distance of 2 feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, 5 feet above the elevation of the maximum flood of record.

(e) 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.

(f) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1929 datum).

(g) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.

(h) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes; the location of manholes, catchbasins, hydrants, power and telephone lines; and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If the proposed subdivision is located within the adopted sanitary sewer service area of the City, but no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat, and their size and invert elevations.

(i) Locations of all existing property boundary lines, corporate limit lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural or man made features within the tract being subdivided or immediately adjacent thereto.

(j) Setbacks or building lines if required by the Plan Commission in accordance with the guidelines set forth in sec. 18.07 (7) of this chapter.

(k) Location, width and names of all proposed streets and public rights of way such as alleys and easements.

(l) Approximate dimensions of all lots together with proposed lot and block numbers.

(m) Location and approximate dimensions and size of any sites within the plat to be reserved or dedicated for parks, open space, playgrounds, drainageways or other

public use or which are to be used for group housing, shopping centers, church sites or other private uses not requiring lotting. Sites located adjacent to the plat may be dedicated or reserved by means of a separate certified survey map.

(n) Approximate radii of all curves.

(o) Existing zoning on and adjacent to the proposed subdivision.

(p) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

(q) Any proposed lake and stream improvement or relocation.

(r) Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service.

(s) Location of soil boring tests, where required by Wis. Adm. Code Comm 85, made to a depth of 6 feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per 3 acres shall be made initially. The results of such tests shall be submitted along with the preliminary plat.

(t) Location of soil percolation tests where required by Wis. Adm. Code Comm 85, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one test per 3 acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat.

(3) GRADING PLANS AND PROFILES. The Plan Commission, upon recommendation of the City Engineer, may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon mean sea level (1929) datum, and plans and profiles shall be of sufficient detail to determine that streets will conform to the grade of existing streets or their extension or to the established grades of future streets.

(4) TESTING. Where the Washington county operational soil maps show that certain soils have severe or very severe limitations for roadway purposes, utility purposes, recreational purposes, or where adjacent properties may indicate certain limitations, the Plan Commission may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. Where the subdivision will not be served by public sanitary sewer service, the provisions of Wis. Adm. Code H 65 shall be complied with and the appropriate data submitted with the preliminary plat.

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(5) **SOIL AND WATER CONSERVATION.** The City Engineer, upon determining from a review of the preliminary plat that the soil, slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall follow the guidelines and standards set forth in the publication, U.S. Soil Conservation Service Technical Guide, adopted by the Washington County Land Conservation Committee, and to the requirements of ch. 22 of this Code.

(6) **COVENANTS.** The Plan Commission may require submission of a list of existing covenants and a list of covenants with which the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

(7) **AFFIDAVIT.** The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a corrected representation of all existing land divisions and features and that he has fully complied with the provisions of this chapter.

18.05 FINAL PLAT.

(1) **GENERAL REQUIREMENTS.** A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of §236.20, Wis. Stats.

(2) **ADDITIONAL INFORMATION.** The plat shall show correctly on its face, in addition to the information required by §236.20, Wis. Stats., the following:

(a) Exact street width along the right of way line of any obliquely intersecting street.

(b) Railroad rights of way within and abutting the plat.

(c) Setbacks or building lines, if required by the Plan Commission, in accordance with the guidelines set forth in sec. 18.07(7) of this chapter.

(d) Utility and/or drainage easements.

(e) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

(f) Special restrictions required by the Plan Commission relating to access control along public ways, delineation of floodland limits, or to the provision of planting strips.

SUBDIVISION AND PLATTING 18.05 (3)

(3) DEED RESTRICTIONS. The Plan Commission may require that deed restrictions imposed by the subdivider be filed with the final plat.

(4) PLAT RESTRICTIONS. The Plan Commission may require that plat restrictions intended to reflect City plans and ordinances be placed on the face of the plat.

(5) SURVEY ACCURACY. The City Engineer shall examine all final plats within the City and may make, or cause to be made by a registered land surveyor under the supervision or direction of the City Engineer, field checks for the accuracy and closure of survey, the proper kind of location of monuments and the legibility and completeness of the drawing. In addition:

(a) 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 5,000 nor, in azimuth, 20 seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When 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.

(b) 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 field checks disclose an error for any interior line of the plat greater than the ratio of one part in 3,000, or an error in measured angle greater than 2 minutes of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of 1-1/2 minutes multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed 5 minutes of arc.

(6) SURVEYING AND MONUMENTING. All final plats shall meet all the surveying and monumenting requirements of §236.15, Wis. Stats.

(7) STATE PLANE COORDINATE SYSTEM. Where the plat is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the City or the Southeastern Wisconsin Regional Planning Commission, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinates. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure specified in sub. (4) above for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the City's control survey.

(8) CERTIFICATES. All final plats shall provide all the certificates required by §236.21, Wis. Stats. and, in addition, the surveyor shall certify that he has fully complied

with all the provisions of this chapter. As a condition of approval, the City may require that the owner furnish an abstract of title certified to the date of submission of the plat or, at the option of the owner, a policy of title insurance or certification of title from an abstract company for examination in order to ascertain whether all parties in interest have signed the owner's certificate on the plat.

(9) APPROVAL. No final plat shall be approved by the Council until all required improvements have been installed and until all required fees have been paid unless provision for the installation of improvements and payment of fees has been made in an approved subdivider's agreement.

(10) RECORDATION. The final plat shall be recorded with the County Register of Deeds only after the certificates of the Director of the Planning Function in the Wisconsin Department of Development, of the Council, of the surveyor and those certificates required by §236.21, Wis. Stats., are placed on the face of the plat. The City Clerk shall record the plat within 30 days of its approval by the Council. The subdivider shall, however, be responsible for payment of the recording fee.

(11) DUPLICATE PLAT TO BE FILED. An identical reproducible copy, on stable drafting film at least 4 mils thick, along with the recording data, shall be placed on file with the City Engineer.

18.06 CERTIFIED SURVEY MAP

(1) GENERAL REQUIREMENTS. A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of §236.34, Wis. Stats. The minor subdivision shall comply with the design standards and improvement requirements set forth in secs. 18.07 and 18.08 of this chapter.

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

(a) All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division.

(b) Setbacks or building lines if required by the Plan Commission in accordance with the guidelines set forth in sec. 18.07 (7) of this chapter.

(c) Utility and/or drainage easements.

(d) Location and dimensions and size of any sites within the certified survey map to be reserved or dedicated for parks, open space, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other

private uses not requiring lotting. Sites located adjacent to the certified survey map may be dedicated or reserved by means of a separate survey map.

(e) Date of the map.

(f) Flood plain limits and the contour line lying a vertical distance of 2 feet above the elevation of the 100 year recurrence interval flood or, where such date is not available, 5 feet above the elevation of the maximum flood of record.

(g) Graphic scale and north arrow.

(h) Name and address of the owner, subdivider and surveyor.

(3) **ADDITIONAL INFORMATION.** The Plan Commission may, upon the recommendation of the City Planner, require that the following additional information be provided when necessary for the proper review and consideration of the map:

(a) Existing contours of vertical intervals of not more than 2 feet where the slope of the ground surface is less than 10%, and of not more than 5 feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level). Where NGVD datum is not available in the section being surveyed, the best datum available, approved by the Plan Commission, shall be used. Where substantial changes in existing topography will be required, the Plan Commission may further require the submission of proposed topographic information. Topographic data, existing or proposed, may be presented on a separate document as an addendum to the map. The requirement to provide topographic data may be waived if the parcel or parcels created are fully developed.

(b) Soil type, slope and boundaries, as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service.

(c) Location of soil boring tests, where required by Wis. Adm. Code Comm 85, made to a depth of 6 feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per 3 acres shall be made initially. The results of such tests shall be submitted along with the certified survey map.

(d) Location of soil percolation tests where required by Wis. Adm. Code Comm 85 taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one test per 3 acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.

(4) **GRADING PLANS AND PROFILES.** The Plan Commission, upon recommendation of the City Engineer, may require that the subdivider provide street plans

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and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed land division when requested. All elevations shall be based upon mean sea level (1929) datum, and plans and profiles shall be of sufficient detail to determine that streets will conform to the grade of existing streets or their extension, or to the established grades of future streets.

(5) STATE PLANE COORDINATE SYSTEM. Where the map is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the City or the Southeastern Wisconsin Regional Planning Commission, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated, or some corner providing reference to a U.S. Public Land Survey quarter-section corner. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be references to the Wisconsin Coordinate System, South Zone, and adjusted to the City's control survey.

(6) CERTIFICATES. The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter. After reviewing the map, the Plan Commission shall certify its approval on the face of the map; however, when the certified survey map involves the dedication of streets or other public lands, the certified survey map shall be acted upon by the Council. After receiving approval by the appropriate body, such maps shall be certified by the Mayor, the City Clerk and the City Engineer. In addition:

(a) Dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by §236.21 (2) (a), Wis. Stats.

(b) As a condition of approval, the City may require that the owner furnish an abstract of title certified to the date of submission of the map or, at the option of the owner, a policy of title insurance or certification of title from an abstract company for examination in order to ascertain whether all parties in interest have signed the owners certificate on the map.

(7) APPROVAL. No certified survey map shall be approved by the Plan Commission or the Council until all required improvements have been installed and until all required fees have been paid unless provision for the installation of improvements and payment of fees has been made in an approved subdivider's agreement.

(8) RECORDATION. The certified survey map shall only be recorded with the County Register of Deeds after the certificates of the Plan Commission or Council and the surveyor are placed on the face of the map. The City Clerk shall record the map within 30 days of its approval by the Plan Commission or Council.

18.07 DESIGN STANDARDS.

(1) **STREET ARRANGEMENT.** In any new subdivision plat or certified survey map, the street layout shall conform to the arrangement, width and location indicated on the official map, comprehensive plan or plan component 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 the land to be served by such streets and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street. In addition:

(a) **Arterial Streets.** Arterial streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

(b) **Collector Streets.** Collector streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the arterial streets to which they connect.

(c) **Minor Streets.** Minor streets, as hereafter defined, 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.** 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 Plan 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) **Arterial Street and Highway Protection.** Whenever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage with screen planting and/or an earth berm contained in a non-access reservation along the rear or side property line, or by the use of frontage streets.

(f) Stream or Lake Shores. Stream or lake shores shall have a minimum of 60 feet of public access platted to the low water mark at intervals of not more than 1/2 mile as required by §236.16 (3), Wis Stats.

(g) Reserve Strips. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the City under conditions approved by the Plan Commission.

(h) Alleys. Alleys shall be provided in commercial and industrial areas for off-street loading and service access if required by the Plan Commission, but shall not be approved in residential districts. Dead end alleys shall not be approved.

(i) Street Names. Street names shall not duplicate or be similar to existing street names elsewhere in the City and environs, and existing street names shall be projected wherever possible. Elm Street, Elm Avenue and Elm Court would be examples of duplicated or similarly named streets. In addition:

1. All north-south streets shall be called avenues.
2. All east-west streets shall be called streets.
3. All diagonal streets shall be called roads.
4. All curvilinear streets shall be called drives.
5. All cul-de-sacs or dead end streets oriented on a north-south axis shall be called courts.
6. All cul-de-sacs or dead end streets oriented on an east-west axis shall be called places.
7. All cul-de-sacs or dead end streets oriented on the diagonal shall be called lanes.
8. All loop streets shall be called circles.

See Illustration No. 1 on page 24 of this chapter.

(2) LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT OF WAY TREATMENT. Whenever the proposed subdivision contains or is adjacent to a limited access highway such as the USH 45 bypass, or railroad right of way, the design shall provide the following treatment:

(a) 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 30 feet in depth and/or an earth berm shall be provided adjacent to the highway or rail road in

addition to the normal lot depth. This planting strip shall be fully developed by the subdivider pursuant to sec. 18.08 (16) of this chapter. This strip shall be a part of the platted lots, but shall have the following restriction lettered on the fact of the plat: "This strip is reserved for the planting of trees and shrubs, the building of structures and placement of longitudinal easements for utilities hereon is prohibited."

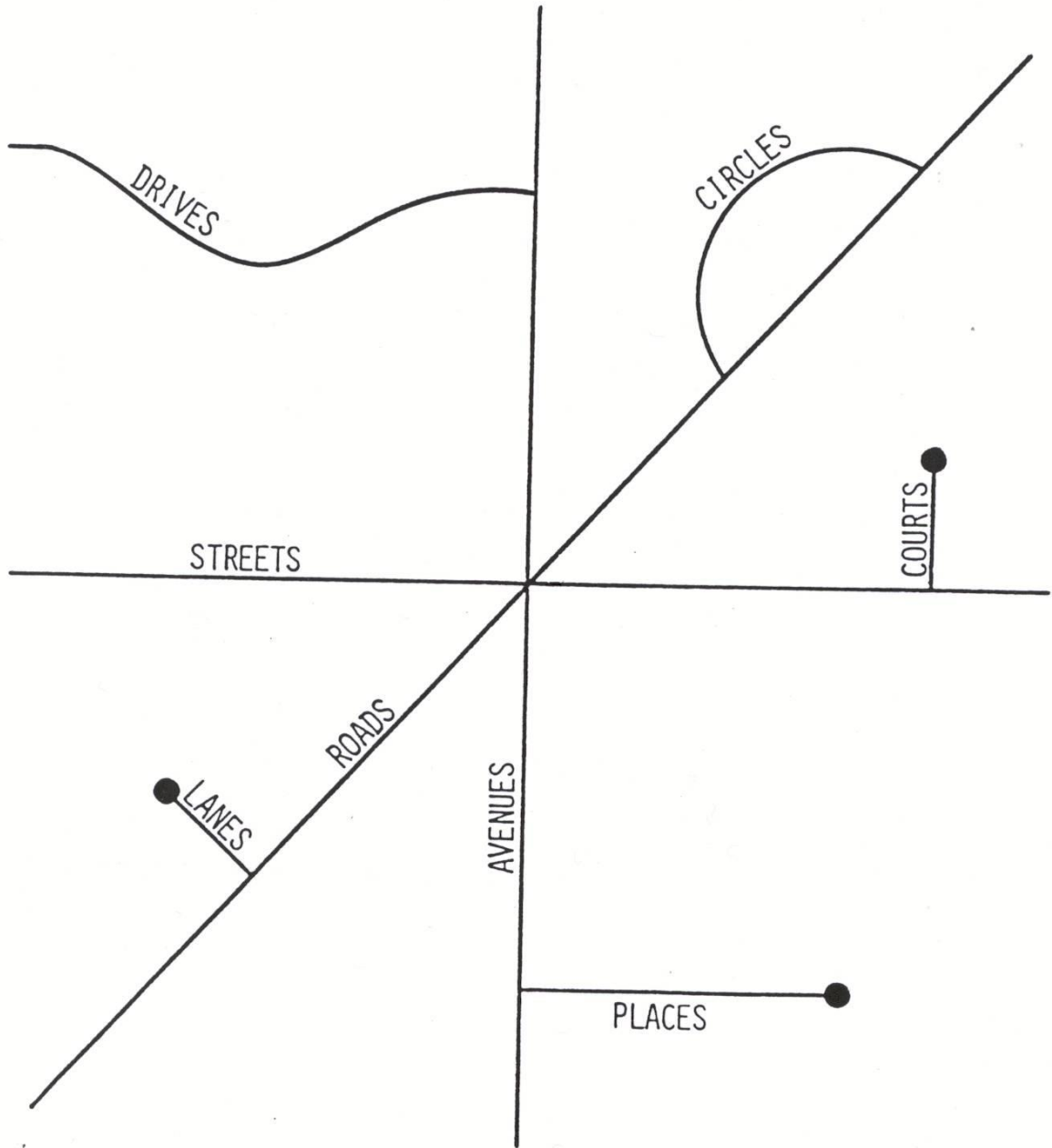
(b) Commercial and industrial properties shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.

(c) Streets parallel to a limited access highway or railroad right of way, when intersecting an arterial street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right of way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(d) 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.

ILLUSTRATION NO. 1

METHOD OF NAMING STREETS



**TABLE 1
REQUIRED STREET CROSS-SECTIONS IN THE CITY OF WEST BEND
AND IN THE CITY’S EXTRATERRITORIAL PLAN REVIEW JURISDICTION**

Type of Street	URBAN STREET SECTION		RURAL STREET SECTION	
	Minimum R-O-W Width to be Dedicated	Minimum Dimensions	Minimum R-O-W Width to be Dedicated	Minimum Dimensions
Arterial Streets	100 feet	<ul style="list-style-type: none"> • 46-foot pavement (face of curb to face of curb)^a • 20-foot tree banks (curb lawn) • 5-foot sidewalk (if required) • 2-foot outside sidewalks 	100 feet	<ul style="list-style-type: none"> • 24-foot pavement • 10-foot shoulders • 28-foot roadside ditches
Collector Streets	80 feet	<ul style="list-style-type: none"> • 40-foot pavement (face of curb to face of curb) • 13-foot tree banks (curb lawn) • 5-foot sidewalk (if required) • 2-foot outside sidewalks 	80 feet	<ul style="list-style-type: none"> • 22-foot pavement • 10-foot shoulders • 19-foot roadside ditches
Minor Streets	66 feet	<ul style="list-style-type: none"> • 36-foot pavement (face of curb to face of curb) • 8-foot tree banks (curb lawn) • 5-foot sidewalk (if required) • 2-foot outside sidewalks 	66 feet	<ul style="list-style-type: none"> • 22-foot pavement • 6-foot shoulders • 16-foot roadside ditches
Cul-de-Sac Turn-around (w/o center island)	60 – foot radius	<ul style="list-style-type: none"> • 45-foot pavement radius • 8-foot tree banks (curb lawn) • 5-foot sidewalk (if required) • 2-foot outside sidewalks 	60 – foot radius	<ul style="list-style-type: none"> • 45-foot pavement • 5-foot shoulders • 16-foot roadside ditches
Cul-de-Sac Turn-around (with center island)	75 – foot radius	<ul style="list-style-type: none"> • 38-foot radius median • 24-foot circumferential pavement • 6-foot tree banks (curb lawn) • 5-foot sidewalk (if required) • 2-foot outside sidewalks 	75 – foot radius	<ul style="list-style-type: none"> • 32-foot pavement • 24-foot circumferential pavement • 5-foot shoulders • 16-foot roadside ditches
Cul-de-Sac Barrel (serving single-family residential development)	50 feet	<ul style="list-style-type: none"> • 32-foot pavement (face of curb to face of curb) • 9-foot tree banks (curb lawn) 	66 feet	<ul style="list-style-type: none"> • 24-foot pavement • 6-foot shoulders • 16-foot roadside ditches
Cul-de-Sac Barrel (serving two-family and multi-family residential development)	60 feet	<ul style="list-style-type: none"> • 36-foot pavement (face of curb to face of curb) • 5-foot tree banks (curb lawn) • 5-foot sidewalk • 2-foot outside sidewalks 	66 feet	<ul style="list-style-type: none"> • 22-foot pavement • 6-foot shoulders • 16-foot roadside ditches

^aArterial streets on the federal aid primary and federal aid urban street system shall have a minimum pavement width of 48 feet (face of curb to face of curb)

Source: SEWRPC

(3) **STREET, ALLEY AND PEDESTRIAN WAY DESIGN STANDARDS.** 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 of the City, or if no width is specified therein, the minimum widths shall be as shown in Table 1 on page 28. Street sections are for standard arterial, collector and local streets only. Cross sections for freeways, expressways and parkways shall be based upon detailed engineering studies. In addition:

(a) Cul-de-sac Streets. Cul-de-sac streets designed to have one end permanently closed shall not exceed 750 feet in length. All urban cul-de-sac streets designed to have one end permanently closed without a center planting island shall terminate in a circular turn-around having a minimum right of way radius of 60 feet and a minimum outside curb radius of 45 feet and all urban cul-de-sac streets designed to have one end permanently closed with a center planting island shall terminate in a circular turn-around having a minimum right of way radius of 75 feet and a minimum outside curb radius of 62 feet.

(b) Temporary Termination. Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by construction of a temporary "T" intersection 33 feet in width and 33 feet in length abutting the right of way lines of the access street on each side.

(c) Roadway Elevations. Elevations of roadways passing through flood plain areas shall be designed in the following manner:

1. Freeways shall be designed so they will not be overtopped by the 100-year recurrence interval flood.
2. Arterial highway shall be designed so they will not be overtopped by the 50-year recurrence interval flood.
3. Collectors and local streets shall be designed so they will not be overtopped by the 10-year recurrence interval flood.

(d) New and Replacement Bridges and Culverts. All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the 100-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.1 foot above the peak stage for the 100-year recurrence interval flood, as established in the adopted Federal Flood Insurance Study. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure provided that flooding easements have been acquired from all property owners affected by the excess stage increases. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris. All new and replacement bridges

shall be constructed in accordance with all applicable State statutes and administrative rules and shall be submitted to the Department of Natural Resources to assure compliance therewith.

(e) Street Grades. 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:

1. Arterial Streets. 6%.
2. Collector Streets. 8%.
3. Minor Streets, Alley and Frontage Streets. 10%.
4. Pedestrian Ways. 12%, unless steps or stairs of acceptable design are provided.
5. The grade of any street shall in no case exceed 12% or be less than 0.5%.

Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for all streets.

(f) Slope Easements. When construction of an arterial highway in areas of rough topography requires control of lands at greater width than the standards set forth in Table 1 on page 28, the City shall require slope easements prior to the final approval of a plat or certified survey map. Easements may be required when excessive road cuts result in potential erosion hazards. The Plan Commission may require easements for slopes that extend up to 30 feet beyond the dedicated right of way. Slope easements in excess of 30 feet shall be negotiated with the subdivider. Slope easements may be coincident with required planting strips.

(g) Radii of Curvature. When a continuous street centerline deflects at any one point by more than 10°, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

1. Arterial Streets and Highways. 500 feet.
2. Collector Streets. 300 feet.
3. Minor Streets. 100 feet.

A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

(h) Half-Streets and Substandard Streets. Where a subdivision or certified survey map encompasses an existing street that has not been constructed in accordance with the standards set forth in this chapter, the City may cause the necessary improvements to be made and may special assess the costs of the improvements to the owners of all benefited lands. Where the right of way of the existing street does not conform to the standards set forth in this chapter, the City shall take appropriate action to secure dedication of the entire street right of way. The dedication of new half-streets shall not be permitted unless the subdivider grants to the City special assessment consents and waivers for street improvements and no access shall be permitted to the half-street until the street is fully improved and, further, no lots shall abut upon a half-street unless access is provided to a separate fully improved street.

(i) Dedication of Streets. All streets and alleys within the limits of the adopted City sanitary sewer service area shall be dedicated. When a subdivider proposes to dedicate 1/2 of an existing street, the City shall take appropriate action to secure dedication of the entire street width. The subdivider shall not be compensated for any dedication; however, the City shall participate in the cost of street pavements in excess of 36 feet in width.

(j) Private Streets. It is the policy of the City that all development abut upon a dedicated public street. However, a variance may be granted to allow for private streets when development is proposed as a "planned unit development" project, or when, in the opinion of the Plan Commission, the construction of a public street would result in an adverse impact on the natural environment. Private streets shall meet all of the requirements of a public street except for those standards for which a variance is granted. In reviewing the request for a variance, the Plan Commission shall consider the following minimum standards to assure safety, access for fire, police and other emergency vehicles as well as to protect environmentally sensitive areas from excessive adverse impact.

1. Pavement Width. 24 foot minimum.
2. Storm Sewer. Ditches may be considered with design standards as outlined under paved ditches.
3. Curb and Gutter. Mountable curb may be permitted if parking must be prohibited on the pavement section.
4. Sidewalk. 4 foot minimum width.
5. Intersection Radii. Turning radii at intersections shall be adequate to allow for negotiations of Fire Department and other emergency equipment, with the minimum of delay. Some minimum standards for intersection radii are as follows:
 - a. 90° intersection of 2 private streets 24 foot pavement sections, shall be 25 foot radii.

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b. 90° intersection of private street with 24 foot pavement section and a public street with a 36 foot pavement, shall be 50 foot radii.

c. All other designs shall be adjusted accordingly to accommodate said emergency equipment.

The above are not intended to be used by the developer as accepted standards for all private streets, but rather they are to be used by the Plan Commission as minimum standards to be used individually or in combination to reduce the environmental impact to an area when it is determined by the Plan Commission to be in the best interest of the City to allow a variance for a private street within the proposed development. If a variance to allow a private street is granted by the Plan Commission, the developer must provide an overall concept for preserving open space, including the location of housing and reducing the environmental impact of the development.

(k) Annexation of Streets. When it is proposed to annex lands to the City which would encompass an existing street right of way which does not conform to the standards set forth in this chapter, the annexation ordinance shall be prepared to include all lands that would be required for the street to meet these right of way standards. The City may take appropriate action to secure the full dedication of the street right of way.

(4) **STREET INTERSECTIONS**. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

(a) The number of streets converging at one intersection shall be reduced to a minimum, preferable not more than 2.

(b) The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,200 feet.

(c) Minor streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such minor streets approach the arterial streets from opposite sides within 250 feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the arterial or collector street is continuous and a job is avoided.

(5) **BLOCKS**. The widths, lengths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic and the limitations and opportunities of topography. In addition:

(a) The length of blocks in residential areas shall not, as a general rule, be less than 600 feet nor more than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

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(b) Pedestrian ways are generally not desired and should be avoided; however, pedestrian ways of not less than 15 feet in width may be required near the center and entirely across any block over 900 feet in length were deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities (see also sub. (3) (e)4. of this section).

(c) The width of blocks shall be wide enough to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

(d) Utility easements for electric power and telephone, cable television and gas service shall, where practical, be placed on mid-block easements along rear lot lines. Utility easements shall not, however, be placed in planting strips required by sub. (2) (a) of this section.

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

(a) Side lot lines shall be at approximately 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.

(b) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(c) Every lot shall front or abut for a distance of at least 50 feet on a public street.

(d) Area and dimensions of all lots shall conform to the requirements of the Zoning Code for the subdivisions within the City and to the applicable town or County zoning ordinance within the City's extraterritorial jurisdictional limits.

(e) Depth of lots shall be a minimum of 120 feet. Excessive depth in relation to width shall be avoided and a proportion of 2:1 shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off street service and parking required by the use contemplated.

(f) Width of lots shall conform to the requirements of the Zoning Code or other applicable ordinance and in no case shall a lot be less than 60 feet in width at the building setback line.

(g) Corner lots shall have an extra width of 10 feet to permit adequate building setbacks from side streets.

(h) Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.

(7) BUILDING AND SETBACK LINES. Building setback lines appropriate to the location and type of development contemplated which are more restrictive than the regulation of the zoning district in which the plat is located may be required by the Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, or setting special yard requirements to protect natural resource elements.

(8) EASEMENTS. (Am. Ord. #2221 – 8/21/95) The Plan Commission may require utility easements of widths deemed adequate for the intended purpose be shown on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable. Such easements may be for City services such as water lines, storm sewer or sanitary sewer, or may be private easements for services such as electric power and communication lines, cable television lines or gas distribution lines. Easements may be used in the calculation of lot area, but shall be kept free of structures unless otherwise provided in the easement. In addition, where a subdivision is traversed by a drainageway, an easement shall be provided as may be required by the Plan Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the City Engineer, and parallel streets or parkways may be required in connection therewith. Unless provided otherwise in the Stormwater Management System Plan or an approved stormwater management plan under ch. 23 of this Code, stormwater drainage shall be maintained by facilities adequate to hydraulically accommodate the runoff attendant to a 100-year recurrence interval storm event. The design details are subject to review and approval by the City Engineer.

(9) PUBLIC SITES AND OPEN SPACES. In the design of a plat or certified survey map, due consideration shall be given to the provision of suitable sites of adequate area for future parks and playgrounds. If designated on the City Master Plan for Parks and Recreation or the Official Map, such areas within the plat or certified survey map shall be made a part of the plat as stipulated in sec. 18.02(3) of this chapter. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, wetlands, lakes and ponds, watercourses, watersheds and ravines.

(a) Park Lands. Each subdivider of land in the City shall, at the discretion and direction of the Plan Commission, either dedicate park lands designated on the City Comprehensive Plan or plan component; or reserve for future purchase by the City such

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park lands and pay a park fee; or, where no parks lands are directly involved, pay a park fee. The Plan Commission shall, at the time of reviewing the preliminary plat or certified survey map, and upon receiving the recommendation of the City Park and Recreation Commission, select one of a combination of the following options and record such selection in the minutes of the meeting at which the preliminary plat is presented for approval.

1. **Dedication of Site Option.** Whenever a proposed park, designated on the City's Master Plan for Parks and Recreation, is encompassed, all or in part, within a tract of land to be subdivided, the park shall be made a part of the plat and shall be dedicated to the public by the subdivider. Such dedication shall be at least equal in value to the park fee as set forth in subpar. 3. below. Should the park dedication be less than the value of the park fee, the subdivider shall be required to pay to the City the difference between the value of the park fee and the value of the park dedication. Should the park dedication be in excess of the value of the park fee, any such lands in excess of the value of the park fee shall be reserved for a period not to exceed 3 years, unless extended by mutual agreement, for purchase by the City at a price agreed upon in the subdivider's agreement. If the lands in excess of the established rate are not acquired within the 3 year period, as set herein, the land will be released from reservation to the owner.

2. **Reservation of Site Option.** Whenever a proposed park, designated on the City's Master Plan for Parks and Recreation, is encompassed, all or in part, within a tract of land to be subdivided, the proposed park lands shall be made a part of the plat and reserved at the time of final plat approval for a period not to exceed 3 years, unless extended by mutual agreement, for acquisition at a price agreed upon in the subdivider's agreement, by the City, and the subdivider shall pay a park fee at the time of application for final plat approval at the rate and according to the procedures set forth in subpar. 3. below. If the land is not acquired within the 3 year time period, as set forth herein, the land will be released to the owner from reservation. The Plan Commission may require the subdivider to prepare a sketch or plat or survey showing how the land would be developed if the City were not to purchase the reserved site. The sketch is to show that the reserved lands can be platted in a manner compatible with adjacent development and be capable of providing adequate access for streets and City services. When such a contingency sketch is prepared, the subdivider's agreement should specify the amount of any park fee to be paid if the contingency plan is later approved as a plat.

3. **Park Fee Option.** If the proposed subdivision does not encompass a proposed public park or if the Plan Commission requires the reservation of land as set forth in subpar 2. above, a fee for the acquisition of park sites to serve the future inhabitants of the proposed subdivision shall be paid to the City Treasurer at the time of first application for approval of a final plat of said subdivision or part thereof in the amount specified in sec. 18.10 of this chapter. Park fees collected by the City Treasurer shall be placed in a nonlapsing fund for City parks and shall be separate from the general fund of the City, and said special fund shall be used exclusively for the acquisition and development of parks and other open space areas. If a certified survey map divides a parcel of land with an existing dwelling and the existing dwelling is to be maintained, the public sit fee shall be applicable only to those additional lots created. The subdivider may elect to defer for a period not to

exceed 3 years or until the building permit is issued, whichever comes first. payment of the park fee for single- or 2-family residential development. Multi-family park fees may be deferred until the building permit is issued. If the park fee is deferred, it shall be provided for in the subdivider's agreement and any deferred park fee shall be paid at the rate set forth in this chapter on the date the fee is paid. The subdivider shall provide an irrevocable letter of credit or other approved surety in the amount of the fee calculated at the time the final plat is approved when the park fee is deferred.

(b) Open Space Lands. Whenever a tract of land to be divided within the jurisdiction of this chapter encompasses all or any part of open space lands, as defined in sec. 18.12 of this chapter, said open space lands shall be protected. The Plan Commission may, upon recommendation from the Park and Recreation Commission, require that open space lands be dedicated or reserved. Open space lands may also be protected by easement or through zoning.

1. When it is determined that open space lands are to be reserved for future acquisition, the open space shall be reserved at the time of final plat approval for a period not to exceed 3 years unless extended by mutual agreement, for acquisition, at a price agreed upon in the subdivider's agreement by the City and the subdivider. If the land is not acquired within the 3 year time period, as set forth herein, the land will be released to the owner from reservation.

2. When it is determined that open space lands are to be dedicated by the subdivider, they shall be so designated on the final plat. Such dedication shall be equal in value to the park fee as set forth in par. (a)3. above. Should the open space dedicated be less than the value of the park fee, the subdivider shall be required to pay to the City the difference between the value of the park fee and the open space dedication. Should the open space dedication be in excess of the value of the park fee, any such lands in excess of the value of the park fee shall be reserved for a period not to exceed 3 years, unless extended by mutual agreement, for purchase by the City at a price agreed upon in the subdivider's agreement.

(c) Other Residential Construction Subject to Park Fees (Rep. Ord. #2041 – 6/10/91).

18.08 REQUIRED IMPROVEMENTS.

(1) **SURVEY MONUMENTS.** The subdivider shall install survey monuments placed in accordance with the requirements of §236.15, Wis. Stats., and as may be required by the City Engineer.

(2) **CONSTRUCTION STANDARDS.** All work performed within the City and within the adopted sanitary sewer service area shall conform to the Standard Specifications for Public Works Construction, City of West Bend, Wisconsin, as may be amended from time to time.

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(3) **GRADING.** After the installation of temporary block corner monuments by the subdivider, establishment of street grades by the City Engineer and execution of the subdivider's agreement, the subdivider shall grade the full width of the right of way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the City Engineer. The subdivider shall grade the roadbeds in the street rights of way to subgrade together with side slopes beyond the street right of way when required. Cut and filled lands shall be graded to a maximum slope of 3:1 or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.

(4) **SURFACING.** After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by this section and the transportation plan or plan components of the City. Said surfacing shall be done in accordance with plans and standard specifications approved by the City Engineer. Existing roadways which do not meet City specifications shall be improved by the subdivider before they will be accepted by the City. The cost of surfacing in excess of 36 feet in width that is not needed to serve the needs of the subdivision shall be borne by the City.

(5) **CURB AND GUTTER.** In all subdivisions and minor land divisions within the adopted sanitary sewer service area, the subdivider shall construct concrete curb 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 Council may waive the requirement of curb and gutter in commercial areas, industrial areas and planned unit developments.

(6) **RURAL STREET SECTIONS.** When a permanent rural street section has been approved, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the City Engineer and as set forth in sub. (4) above.

(7) **SIDEWALKS.** In all subdivisions and minor land divisions within the adopted sanitary sewer service area, the subdivider shall construct a concrete sidewalk on one side of all frontage streets and on both sides of all other through and/or continuous streets within the subdivision. The Council may waive the construction of sidewalks or may require sidewalk on one side of streets in commercial areas, in industrial areas, in planned unit developments, on cul-de-sacs and on approved private streets. In addition, wider than standard sidewalks may be required by the Council in the vicinity of commercial areas and other places of public assemblage and the Council may require the construction of sidewalks in locations other than required under the preceding provisions of this subsection if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

(8) **PUBLIC SANITARY SEWERAGE.** The subdivider of land within the adopted sanitary sewer service area of the City shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision or minor land division. Such facilities shall be designed and constructed in

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accordance with all applicable rules and regulations of Wis. Adm. Code NR 110, sub. (2) above and the City Sanitary Sewer System Plan. In addition:

(a) Laterals. The Council shall require the installation of sewer laterals to the street lot line, where practical.

(b) Specifications. The location, size, type and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with the City Sanitary Sewer System Plan.

(c) Oversized Sanitary Sewer Mains. (Am. Ord. #2095 – 1/25/93). All sanitary sewer mains in excess of 10 inches in diameter within or abutting the subdivision shall be constructed by the City and the subdivider shall share in the cost thereof, as provided in sub. (10) below.

(d) Sanitary Sewer Mains Traversing or Bordering Other Lands. If it is necessary to traverse other unimproved land or to install sanitary sewer mains in a street bordering the subdivision to serve the subdivision with sanitary sewer, the City may install such sanitary sewer mains and the subdivider shall pay the total cost thereof. The City shall reimburse the subdivider to the extent that special assessments can be levied; however, in the event special assessments are deferred, the subdivider shall be reimbursed when the special assessments are paid or when installment payments commence.

(e) Lift Stations. In the event a lift station is required to serve the subdivision and other lands, it shall be constructed by the City in accordance with the City Sanitary Sewer System Plan. The subdivider shall pay the cost of the lift station and associated force main in the same ratio that the benefiting land area of the subdivision bears to the total area served by the lift station.

(9) WATER SUPPLY FACILITIES. The subdivider of land within the adopted sanitary sewer service area of the City shall cause water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision or minor land division. The subdivider of land outside the adopted sanitary sewer service area shall make provision for adequate private water systems in accordance with the standards of the Wisconsin Department of Commerce. In addition:

(a) Laterals. The Council shall require the installation of water laterals to the street lot line, where practical.

(b) Specifications. The locations, size, type and installation of all public water mains proposed to be constructed shall be in accordance with the Comprehensive Water Plan for the City and with plans and standard specifications approved by the Council.

(c) Oversized Water Mains. (Am. Ord. #2095 – 1/25/93). All water mains in excess of 8 inches in diameter shall be constructed by the City and the subdivider shall share in the cost thereof, as provided in sub. (10) below.

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(d) Water Mains Traversing or Bordering Other Lands. If it is necessary to traverse other unimproved land or to install water mains in a street bordering the subdivision to serve the subdivision with water, the City may install such water mains and the subdivider shall pay the total cost thereof. The City shall reimburse the subdivider to the extent that special assessments can be levied; however, in the event special assessments are deferred, the subdivider shall be reimbursed when the special assessments are paid or when installment payments commence.

(10) OVERSIZED SEWER AND WATER MAINS. (Rep. & Recr. Ord. #2095 – 1/25/93).

(a) Sewer Mains. All sanitary sewer mains in excess of 10 inches in diameter shall be constructed by the City. The subdivider shall pay the City the cost of a 10 inch equivalent main plus the subdivision's share of the over sizing costs determined by dividing the acreage of the subdivision by the total acreage benefited. The City may levy special assessments on other lands benefiting by the over sizing for the remainder of the over sizing costs.

(b) Water Mains. All water mains in excess of 8 inches in diameter shall be constructed by the City. The subdivider shall pay the City the cost of an 8 inch equivalent main.

(c) Construction by Subdivider. The City may permit the subdivider to construct oversize sanitary sewer or water mains.

(11) STORM WATER MANAGEMENT. (Rep. & Recr. Ord. #2201 – 3/27/95)
The sub divider shall provide for erosion control and storm water management as provided in chapters 22 and 23.

(a) The subdivider shall provide storm water analysis and a proposed storm water management plan with the preliminary plat.

(b) The storm water management plan must be approved prior to approval of the final plat.

(c) Where sump pumps are required, the subdivider shall install a collection line parallel to the curb line for conducting sump waters to a storm sewer or other approved discharge point.

(12) OTHER UTILITIES. The subdivider shall cause appropriate utilities such as gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision or minor land division. The subdivider shall notify the cable television company of his intent to plat so that that company may plan for the installation of its facilities. No such electrical, cable television or telephone service shall be located on overhead poles. In addition, plans indicating the

proposed location of all gas, electrical power, telephone and cable television distribution and transmission lines required to service the plat shall be approved by the City Engineer.

(13) **STREET LAMPS.** The Council shall require the subdivider to install street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed or pay a fee equal to the cost of their installation. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the City Engineer. The street lamp fee, if required, shall be specified in the subdivider's agreement. Street lamp installation may be deferred until development begins to occur in a given subdivision. If deferred, however, the Plan Commission may require the installation of wiring to accommodate the street lamps.

(14) **STREET SIGNS.** The subdivider shall pay the cost of the City to install street signs of a design as approved by the City Engineer at the intersection of all streets to be dedicated.

(15) **SEDIMENT CONTROL.** See ch. 22 of this Code regarding sediment control requirements.

(16) **PLANTING STRIPS.** When required by this chapter or the Plan Commission, a planting strip shall be constructed in accordance with the requirements of the City Park, Recreation and Forestry Department. Plant species, size and spacing shall be approved by the Plan Commission upon receipt of a recommendation from the Park, Recreation and Forestry Department. An earthen berm may be permitted to supplement or replace some of the Plan Commission's requirements. If plantings are not installed prior to approval of a final plat or certified survey map, a planting schedule shall be specified in the subdivider's agreement and appropriate sureties shall be provided.

(17) (Cr. Ord. #2361 - 2/28/00) **STREET TREES.** The subdivider shall plant trees in streets in accordance with a plan approved by the Department of Parks, Recreation and Forestry. In lieu of planting such trees, the subdivider may pay a street tree fee.

18.09 CONSTRUCTION.

(1) **COMMENCEMENT.** No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat or certified survey map has been approved and the City Engineer has given written authorization. Inspection fees shall be required as specified in sec. 18.10 of this chapter.

(2) **BUILDING PERMITS.** No building, zoning or sanitary permits shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met unless otherwise provided for in the subdivider's agreement. In exceptional circumstances, the Board of Public Works may authorize the issuance of a building permit prior to the completion of all improvements; however, no occupancy permit shall be issued prior to the completion of all improvements.

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(3) PLANS. The following plans and accompanying construction specifications may be required by the City Engineer before authorization of construction or installation of improvements:

(a) Grading plans for the entire subdivision and such areas surrounding the subdivision showing existing and proposed grades at no less than a 2 foot interval contour.

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

(c) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities when located within the planned sanitary sewer service area.

(d) Storm sewer plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.

(e) (Am. Ord. #1933 – 1/9/89). Storm water management facility plans for facilities other than storm sewers. Such plans should be based on a detailed storm water management plan as set forth in sec. 18.08 (11) of this chapter.

(f) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities when located within the planned sanitary sewer service area.

(g) Erosion and sedimentation control plans as required in ch. 22 of this Code.

(h) Planting plans for multi-family residential, commercial and industrial developments showing the locations, age, caliber and species of any required grasses, vines, shrubs and trees.

(i) Street lamp installation plan showing lamp design, lighting intensity, lamp spacing and lamp height.

(j) Additional special plans or information as required. These may include hydraulic and hydrologic studies, additional design considerations and computations used in developing required plans.

(4) EROSION CONTROL. The subdivider shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be so mulched, seeded, sodded or otherwise protected that erosion, siltation, sedimentation and washing are prevented, in accordance with ch. 22 of this Code, and plans and specifications approved by the City Engineer.

(5) EXISTING FLORA. The subdivider shall take steps to protect and retain existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.

(6) INSPECTION. The subdivider shall cause to be inspected and tested all construction associated with the subdivision or minor land division to assure that it complies with all the construction and improvement requirements of the City. The subdivider shall either provide a full time inspector for this purpose or shall pay the inspection fee required in sec. 18.10 of this chapter to help defray the cost of any City Engineering Department inspection. If the developer hires an inspector, the inspector shall be an engineer, registered in the State, who shall certify, upon completion of the project that it complies with all the construction and improvement requirements of the City. Before any sureties are released to the subdivider, the City Engineer shall report the satisfactory completion of all improvements to the Board of Public Works and the Council.

(7) INSTALLATION OF IMPROVEMENTS. Except as otherwise provided in this chapter, all improvements in subdivisions shall be installed by the subdivider according to the following procedure:

(a) The subdivider shall cause all construction plans, specifications and cost estimates to be prepared. The sanitary sewer plans shall be prepared by a professional engineer registered in Wisconsin. Other plans shall be prepared by a competent technician approved by the City Engineer.

(b) The City Engineer shall review or have reviewed the construction plans, specifications and cost estimates for conformance with the requirements of the City and shall approve, reject or conditionally approve, in writing, the proposed construction plans, specifications and cost estimates for conformance with the requirements of the City.

(c) The subdivider shall supply the City with cash, an irrevocable letter of credit or other financial security all of which must be approved by the City Attorney and the Council in the amount of estimated cost of improvements as approved by the City Engineer. The Council, upon recommendation of the City Engineer, may, from time to time, raise the amount of the estimated costs of said improvements, and the subdivider shall, within 30 days of written notice of said change, increase his financial security by the amount or any other amount acceptable to the Council. Reduction of the financial security for any purpose shall be made only after written approval of the Council after receiving the recommendation of the City Engineer. As the required improvements are installed and accepted, the Council may authorize reduction of the financial security in the amount deemed appropriate.

(d) After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location and elevation of all valves, manholes, stubs, catch basins,

sanitary sewer mains, sanitary sewer and water laterals, storm sewer mains, water mains and such other facilities as the City Engineer shall require. This map shall be prepared in black ink on reproducible drafting film at least 4 mils thick and shall bear the signature and seal of a professional engineer or land surveyor registered in Wisconsin. Manufacturers' guarantees on equipment shall be furnished where in force. A utility inventory and cost data shall be provided to the City by the subdivider to aid the City in determining system costs for insurance and other purposes. The presentation of the map and other as-built drawings, utility inventory and manufacturers guarantees shall be a condition of final acceptance of the improvements and release of the final payment.

(e) The subdivider shall, without charge to the City, upon completion of all of the above described improvements, unconditionally give, grant, convey and fully dedicate the same to the City, its successors and assigns, forever, free and clear of all encumbrances whatever, together with, including without limitation because of enumeration, all land, buildings, structures, mains, conduits, pipes, lines, plant machinery, equipment, appurtenances and habiliments which may in any way be a part of or pertain to such improvements and together with any and all necessary easements for access thereto. After such dedication, the City shall have the right to connect or integrate other sewer or water facilities provided hereunder as the City determines, with no payment or award to, or consent required of, the subdivider. In the event the developer requests that the Council accept the final plat prior to completion of any improvements, the developer shall file with the City a cash bond or letter of credit in an amount as established by the City Engineer that will reasonably compensate the City for completion of said improvements. Dedication shall not constitute acceptance of any improvement by the City. All improvements will be accepted by the City by separate resolution at such time as said improvements are in acceptable form and according to City specifications. Upon completion of each improvement, the subdivider shall provide the City with as-built plans and a final report of improvement costs.

18.10 FEES.

(1) GENERAL. The subdivider shall pay the City Treasurer all fees as hereinafter required and at the times specified or as specified in the subdivider's agreement before being entitled to the recording of a plat, replat or certified survey map.

(2) PRELIMINARY PLAT AND CERTIFIED SURVEY MAP REVIEW FEE. The subdivider shall pay a fee as set forth in sec. 18.11 of this chapter for each preliminary plat or certified survey map at the time of first application for approval of any preliminary plats or certified survey maps to assist in defraying the cost of review. A reapplication fee, as set forth in sec. 18.11 of this chapter, shall be paid to the City Treasurer at the time of reapplication for approval of any preliminary plat which was previously been reviewed.

(3) IMPROVEMENT REVIEW FEE. The subdivider shall pay a fee as set forth in sec. 18.11 of this chapter at the time of the submission of improvement plans and

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specifications to partially cover the cost to the City of checking and reviewing such plans and specifications.

(4) INSPECTION FEE. The subdivider shall pay a fee based on the actual cost of inspections performed.

(5) FINAL PLAT REVIEW FEE. The subdivider shall pay a fee as set forth in sec. 18.11 of this chapter to the City Treasurer at the time of first application for final plat approval of said plat to assist in defraying the cost of review. A reapplication fee, as set forth in sec. 18.11 of this chapter, shall be paid to the City Treasurer at the time of a reapplication for approval of any final plat which has previously been reviewed.

(6) PARK FEE. If the subdivision does not contain lands to be dedicated as required in secs. 18.02 (3) and 18.07 (9) of this chapter or if the dedication is not equivalent to the required fee, the Plan Commission shall require a fee for the acquisition and development of public sites to serve the future inhabitants of the City. Said fee shall be paid to the City Treasurer at the time of first application for approval of a final plat of said subdivision in the amount set forth in sec. 18.11 of this chapter. Public site fees shall be placed in a separate Park Trust Fund by the City Treasurer to be used only for the acquisition and development of park sites.

(7) STREET LAMP FEE. If the subdivider does not install street lamps in the subdivision or minor land division, as set forth in sec. 18.08(12) of this chapter, the Plan Commission shall require a fee equal to the cost of the City to acquire and install street lamps.

(8) STREET SIGN FEES. The subdivider shall pay the cost to the City to acquire and install street signs of a design as approved by the City Engineer at the intersection of all streets to be dedicated.

(9) DEFERRAL OF FEES. The subdivider may elect to defer payment of the improvement review fee, the inspection fee, the park fee, the street lamp fee, and the street sign fee. If one or more of these fees is deferred, it shall be provided for in the subdivider's agreement and any deferred fees shall be paid at the rate set forth in this chapter in effect on the date the fee is paid. The deferred fee shall be paid not later than the time that a building permit is secured. The subdivider shall provide a cash bond, irrevocable letter of credit or other approved surety in the amount of the fee calculated at the time the final plat is approved. Park fees for single- and 2-family residential development shall not be deferred more than 3 years. The preliminary plat and certified survey map review fee, the final plat review fee and the recording fee shall not be deferred.

(10) RECORDING FEE. The subdivider shall pay to the City Clerk an amount equal to the cost of recording the approved final plat or certified survey map with the Washington County Register of Deeds plus a fee to defray the administrative costs of the City Clerk.

18.11 FEE SCHEDULE. (Rep. & Recr. Ord. # 2361 - 2/28/00) The fees for permits, inspections, reports, applications, reviews, improvements, street trees and other matters under this chapter shall be determined from time to time by the Common Council. A schedule of such fees shall be kept on file in the office of the Department of Economic and Community Development.

18.12 DEFINITIONS. For the purpose of this chapter, the following definitions shall be used:

(1) **ADVISORY AGENCY.** Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the City and may suggest that certain changes be made to the plat or certified survey map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Council or on the Plan Commission. Examples of advisory agencies include the U.S. Soil Conservation Service, the Southeastern Wisconsin Regional Planning Commission, local school boards and local utility companies.

(2) **ALLEY.** A special public way affording only secondary access to abutting properties.

(3) **ARTERIAL STREET.** A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highways and parkways.

(4) **BLOCK.** A tract of land bounded by streets or a combination of streets, public parks, cemeteries, railroad rights of way, shorelines of navigable waters and municipal boundaries.

(5) **BUILDING ENVELOPE.** The portion of a lot within which principal buildings may be erected, moved or altered. The building envelope is normally bounded by the street yard (setback), 2 side yards and the rear yard, as specified in the Zoning Code. Generally, some accessory structures are permitted to be erected outside the building envelope. Deed restrictions and/or plat restrictions may impose stricter building envelope requirements than those set forth in the Zoning Code.

(6) **BUILDING LINE.** A line parallel to a lot line and at a distance from the lot line to comply with the terms of this chapter.

(7) **COLLECTOR STREET.** A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.

(8) **COMMUNITY.** A town, municipality or a group of adjacent towns and/or municipalities having common social, economic or physical interests.

(9) **COMPREHENSIVE PLAN.** The extensively developed plan, also called a master plan, adopted by the Plan Commission and certified to the Council, pursuant to §62.23, Wis. Stats., including detailed neighborhood plans, proposals for future land use, transportation, parks and recreation, urban redevelopment and public facilities. Devices for the implementation of these plans such as zoning, official map and land division ordinances, and capital improvement programs shall also be considered a part of the comprehensive plan.

(10) **CROSS SECTION, RURAL.** A description of the elements of roadway construction in a rural area. Rural cross sections are generally used in areas where urban utilities such as public water supply, sanitary sewerage facilities and storm sewers are not available. Rural cross sections are generally characterized by narrower pavement widths, roadside shoulders and open drainage ditches.

(11) **CROSS SECTION, URBAN.** A description of the elements of roadway construction in urban areas. Urban cross sections are generally used in areas provided with urban utilities such as public water supply, sanitary sewerage facilities and storm sewers. Urban cross sections are generally characterized by wider pavement widths with parking lanes, curb and gutter and sidewalks.

(12) **CUL-DE-SAC.** A local street with only one outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.

(13) **DRAINAGEWAY.** A man-made improvement intended to convey water within or through a subdivision during periods of high runoff. Drainageways will normally be dry for long periods of time. Drainageways are usually privately owned and protected by easements; however, some major drainageways may be dedicated. Drainageways may also be called drainage swales or grass water- ways.

(14) **EXTRATERRITORIAL PLAT APPROVAL JURISDICTION.** The unincorporated area within 3 miles of the City corporate limits.

(15) **FINAL PLAT.** A map prepared in accordance with the requirements of Ch. 236, Wis. Stats., and this chapter for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.

(16) **FLOOD PROTECTION ELEVATION.** An elevation 2 feet above the elevation of the 100-year recurrence interval flood or, where such data is not available, 5 feet above maximum flood of record.

(17) **FLOODLANDS.** Those lands, including the channels, floodways and flood plain fringe of any given reach which are subject to inundation by a flood with a given

recurrence frequency. The 100-year recurrence interval flood (or that flood having a 1% probability of occurring in any given year) is generally used for zoning regulation. Other flood events used in this chapter are the 50-year recurrence interval flood (or that flood having a 2% probability of occurring in any given year) and the 10-year recurrence interval flood (or that flood having a 10% probability of occurring in any given year). Where detailed flood data is not available, the maximum flood of record is used.

(18) 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.

(19) HIGH GROUNDWATER ELEVATION. The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red and brown colors are intermingled giving a multi-colored effect.

(20) HIGH WATER ELEVATION (SURFACE WATER). The average annual high water level of a pond, stream, lake, flowage or wetland referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in or destruction of vegetation or other easily recognized topographic, geologic or vegetative characteristic.

(21) INTERIM FINAL PLAT. An optional document or map prepared subsequent to the approval of a preliminary plat, but prior to the formal submittal of a final plat. The interim final plat shows precise locations of lots and other improvements, but the improvements have not been installed nor has their installation been assured. The purpose of the interim final plat is to secure a commitment of approval from the City so improvements may be installed, or arrangements made to assure their installation, prior to submission of a formal final plat.

(22) IRREVOCABLE LETTER OF CREDIT. An agreement entered into by a bank, savings and loan or other financial institution which is authorized to do business in the State and which has a financial standing acceptable to the City and which is approved, as to form, by the City Attorney.

(23) LOT. A parcel of land of at least sufficient size to meet minimum zoning requirements for use, width and area as set forth in the Zoning Code.

(24) LOT, CORNER. A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side.

(25) LOT, DOUBLE FRONTAGE. A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have 2 front yards and 2 side yards and no rear yard. Double frontage lots shall not generally be permitted

unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.

(26) MINOR LAND DIVISION. Any division of land not defined as a subdivision. Minor land divisions include the division of land by the owner or subdivider resulting in the creation of 2, but not more than 4, parcels or building sites, any one of which is less than 10 acres in size; or the division of a block, lot or outlot within a recorded subdivision plat into not more than 4 parcels or building sites without changing the exterior boundaries of said block, lot or outlot. Such minor land divisions shall be made by a certified survey map prepared in accordance with sec. 18.06 of this chapter.

(27) MINOR STREET. A street used, or intended to be used, primarily for access to abutting properties.

(28) MUNICIPALITY. An incorporated village or city.

(29) NATIONAL MAP ACCURACY STANDARDS. Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all Federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in Southeastern Wisconsin.

(30) NAVIGABLE STREAM. Any stream capable of floating any boat, skiff or canoe of the shallowest draft used for recreational purposes.

(31) OBJECTING AGENCY. An agency empowered to object to a subdivision plat pursuant to Ch. 236, Wis. Stats. The City may not approve any plat upon which an objection has been certified until the objection has been satisfied. On any plat, the objecting agencies may include the Wisconsin Department of Development, the Wisconsin Department of Transportation, the Wisconsin Department of Natural Resources, the Wisconsin Department of Commerce and the Washington County Park and Planning Commission.

(32) OPEN SPACE. Within the meaning of this chapter, open space is an area containing significant natural resources that should be protected from intensive urban use. The natural resources, which may include wetlands, woodlands, rough topography or geologically or scientifically significant lands may be protected through public acquisition, easement or zoning.

(33) OUTLOT. A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size which can be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots.

(34) PARK. Within the meaning of this chapter, a park is an area of publicly owned land which may include areas of intensive activity such as playgrounds and play fields and may also include green spaces for passive recreation activities such as picnicking.

(35) PLANNED UNIT DEVELOPMENT. A totally integrated self-contained unit which encourages a variety of residential housing types and which may also include commercial, public facilities and other supplemental uses designed in such a manner to preserve open space, utilize the land area to the greatest advantage and to provide for an enjoyable neighborhood environment.

(36) PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided and shows the approximate location of lots and other improvements.

(37) PUBLIC WAY. Any public road, street, highway, walkway, drainageway or part thereof.

(38) REPLAT. The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map or part thereof. The division of a large block, lot or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot or outlot is not a replat.

(39) RESERVATION. A means of setting aside a parcel of land for a specific use in the future. Counter to the principle of dedication, the land is not owned by the public and must be purchased or released from reservation at some future date. The date by which the land must be purchased may be specified in the reservation.

(40) SANITARY SEWER SERVICE AREA. The area within and surrounding the City that is planned to be served with public sanitary sewerage facilities by the year 2000. This service area has been adopted by the City and approved by the Wisconsin Department of Natural Resources and is set forth in SEWRPC Community Assistance Planning Report No. 35, Sanitary Sewer Service Area for the City of West Bend, Washington County, Wisconsin, as it may be amended.

(41) SERVICE ROAD. A minor road, sometimes in private ownership, which is auxiliary to a business or industrial use, such as a service road behind a store where merchandise to be sold is delivered.

(42) SHORELANDS. Those lands, in the unincorporated areas of Washington County, lying within the following distances: 1,000 feet from the high water elevation of navigable lakes, ponds and flowages or 300 feet from the high water elevation of navigable streams or to the landward side of the flood plain, whichever is greater.

(43) SOIL MAPPING UNIT. Soil type, slope and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service.

(44) STANDARD SPECIFICATIONS. Those standards set forth in The Standard Specifications for Public Works Construction in the City of West Bend, Wisconsin, latest edition, including all revisions, special provisions and other documents made a part of said document by the reference in said document.

(45) SUBDIVIDER. Any person or his agent dividing or proposing to divide land resulting in a subdivision, minor land division (certified survey map) or replat.

(46) SUBDIVIDER'S AGREEMENT. An agreement by which the City and the subdivider agree in reasonable detail as to all of those matters which the provisions of these regulations permit to be covered by the subdivider's agreement and which shall not come into effect unless and until an irrevocable letter of credit or other appropriate surety has been issued to the City.

(47) SUBDIVISION. The division of a lot, parcel or tract of land by the owners thereof or their agents for the purpose of transfer of ownership or building development where the act of division creates 5 or more parcels or building sites of 1-1/2 acres each or less in area; or where the act of division creates 5 or more parcels or building sites or 1-1/2 acres each or less in area by successive division within a period of 5 years.

(48) SURETY BOND. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

(49) WATERCOURSE. A river, stream or brook characterized by a channel which carries flowing water for all or most of the year, as opposed to a drainageway, which may be dry for significant periods of time.

(50) WETLANDS. Areas commonly called marshes, swamps, thickets, bogs or wet meadows; areas where water stands at, above or within approximately 18 inches below soil surface for significant portions of years with normal precipitation; areas with soils of the type identified on soils maps as histosols (peat and muck) or as mineral soils that are "somewhat poorly drained," "poorly drained," or "very poorly drained," or as "wet alluvial lands," "marsh," "water;" and areas where aquatic or semiaquatic vegetation is dominant.

18.13 VIOLATIONS. It shall be unlawful to build upon, divide, convey, record or place monuments on 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, minor land division or replat not of record as of 5-6-85, until the provisions and requirements of this chapter have been fully met. The City may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

18.14 PENALTIES AND REMEDIES.

(1) PENALTY. Any person who violates or fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 plus the cost of prosecution for each offense and the penalty for default of payment of such forfeiture and costs shall be imprisonment in the County Jail until payment thereof, but not exceeding 6 months. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:

(a) Recordation improperly made carries penalties as provided in §236.30, Wis. Stats.

(b) Conveyance of lots in unrecorded plats carries penalties as provided for in §236.31, Wis. Stats.

(c) Monuments disturbed or not placed carries penalties as provided for in §236.32, Wis. Stats.

(2) REMEDY. An assessor's plat made under §70.27, Wis. Stats., may be ordered as a remedy by the City at the expense of the subdivider when a subdivision, as defined herein, is created by successive divisions.