

TITLE 14

Subdivision Regulations

Chapter 1 Subdivision Regulations

CHAPTER 1

Subdivision Regulations

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ARTICLE A

Adoption; Introduction

SEC. 14-1-1 INTRODUCTION AND PURPOSE.

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

[State Law Reference: Chapter 236, Wis. Stats.](#)

SEC. 14-1-2 ABROGATION AND GREATER RESTRICTITONS.

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

SEC. 14-1-3 INTERPRETATION.

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

SEC. 14-1-4 SEVERABILITY.

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

SEC. 14-1-5 REPEAL.

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

SEC. 14-1-6 TITLE.

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

SEC. 14-1-7 THROUGH SEC. 14-1-9 RESERVED FOR FUTURE USE.

ARTICLE B

Definitions

SEC. 14-1-10 DEFINITIONS.

- (a) The following definitions shall be applicable in this Chapter:
- (1) Alley. A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
 - (2) Arterial Street. A street which provides for the movement of relatively heavy traffic to, from or within the City. It has a secondary function of providing access to abutting land.
 - (3) Block. An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
 - (4) Collector Street. A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
 - (5) Commission. The Plan Commission created by the Common Council pursuant to [Sec. 62.23 of the Wisconsin Statutes](#).
 - (6) Comprehensive Development Plan. A comprehensive plan prepared by the City indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the City and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
 - (7) Cul-de-sac. A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
 - (8) Division of Land. Where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, or a certified survey.
 - (9) Easement. The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
 - (10) Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities.
 - (11) Final Plat. The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.
 - (12) 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.
 - (13) Improvement, Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the City may ultimately assume the responsibility for maintenance and operation.
 - (14) Local Street. A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
 - (15) Lot. A parcel of land having frontage on a public street or other officially approved means of access occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
 - (16) Lot, Area. The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
 - (17) Lot, Corner. A lot abutting intersecting streets at their intersection.
 - (18) Lot, Reversed Corner. A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.

- (19) Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.
- (20) Lot Lines. The peripheral boundaries of a lot as defined herein.
- (21) Lot Width. The width of a parcel of land measured along the front building line.
- (22) Major Thoroughfare. A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.
- (23) Minor Street. A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."
- (24) Minor Subdivision. The division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels or building sites.
- (25) Owner. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.
- (26) Pedestrian Pathway. A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (27) Plat. The map, drawing or chart on which the subdivider's plat of subdivision is presented to the City for approval.
- (28) Preliminary Plat. The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission for its consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
- (29) Protective Covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to [Sec. 236.293, Wis. Stats.](#), which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (30) Replat. The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (31) Shorelands. Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (32) Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
- (33) Subdivision. The division of a lot, outlot, parcel, or tract of land by the owner thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of one and one-half (1-1/2) acres or less in area, or where the act of division creates five (5) or more parcels or building sites by successive division within a period of five (5) years, whether done by the original owner or a successor owner.
- (34) Wetlands. An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. [Sec. 23.32\(1\), Wis. Stats](#)
- (35) Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by [Sec. 35.03 and Chapter 227 of the Wisconsin Statutes](#), including subsequent amendments to those rules.

SEC. 14-1-11 THROUGH SEC. 14-1-19 RESERVED FOR FUTURE USE.

ARTICLE C

General Provisions

SEC. 14-1-20 GENERAL PROVISIONS.

- (a) **Compliance.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division or a replat as defined herein; no such subdivision, land division, minor land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following:
- (1) The provisions of [Ch. Comm 85, WI Admin. Code, Ch. 236 and Sec. 80.08, Wis. Stats.](#)
 - (2) The rules of the Department of commerce and Department of Natural Resources for subdivisions not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in [WI Admin. Code Ch. Trans 233](#) for subdivisions which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for Floodplain Management Program.
 - (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Common Council.
 - (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
 - (7) The City of Ladysmith Master Plan, or components thereof, and applicable ordinances of any city or village whose extraterritorial jurisdiction extends into the City.
 - (8) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.
- (b) **Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the City of Ladysmith. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
- (1) Transfers of interests in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
 - (3) The 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 this Chapter or other applicable laws or ordinances.
- (c) **Certified Survey.** Any division of land other than a subdivision as defined in [Sec. 236.02\(8\), Wis. Stats.](#), shall be surveyed and a certified survey map prepared as provided in [Sec. 236.34, Wis. Stats.](#)
- (d) **Building Permits.** The City of Ladysmith shall not issue any building permit relating to any parcel of land forming all or any parcel of lands included in a subdivision, land division, replat or certified survey originally submitted to the City of Ladysmith on or after the effective date of this Chapter until the applicant has complied with all of the provisions and requirements of this Chapter.
- (e) **Plats Within the Extraterritorial Plat Approval Jurisdiction.** Plats within the extraterritorial plat approval jurisdiction of the City are subject to this Chapter pursuant to [Sec. 236.45\(3\), Wis. Stats.](#)
- (f) **Condominium.** The provisions contained in this Chapter relating to subdivisions and other land divisions shall apply to condominiums.
- (g) **Role of City Engineer.** As found in this Chapter, the term "City Engineer" shall mean the Director of Public Works, City Engineer or consulting engineering firm engaged by the City.

SEC. 14-1-21 LAND SUITABILITY.

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

SEC. 14-1-22 THROUGH SEC. 14-1-29 RESERVED FOR FUTURE USE.

ARTICLE D

Plat Review and Approval

SEC. 14-1-30 PRELIMINARY CONSULTATION.

Before filing a Preliminary Plat or certified survey map, the subdivider is encouraged to consult with the Plan Commission for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the City Clerk. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, comprehensive plan, comprehensive plan components and duly adopted plan implementation devices of the City and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

SEC. 14-1-31 SUBMISSION OF PRELIMINARY PLAT.

- (a) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The subdivider shall submit twelve (12) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file copies of the Plat and the application as required by this Section with the City Clerk at least thirty (30) days prior to the meeting of the Plan Commission at which action is desired. The City Clerk shall submit a copy of the Preliminary Plat to the Plan Commission and to the City Engineer for review and written report of his recommendations and reactions to the proposed plat.
- (b) **Public Improvements, Plans and Specifications.** Simultaneously with the filing of the Preliminary Plat of map, the owner shall file with the City Clerk twelve (12) complete sets of engineering reports, plans and specifications for the construction of any public improvements, required by this Chapter, specifically addressing sewer and water service feasibility, drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the subdivision.
- (c) **Property Owners Association; Restrictive Covenants.** A draft of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the City pursuant to [Sec. 236.293, Wis. Stats.](#), and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the City Clerk.
- (d) **Affidavit.** The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter.
- (e) **Supplementary Data to be Filed with Preliminary Plat.** The following shall also be filed with the Preliminary Plat:
 - (1) **Use Statement.** A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - (2) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - (3) **Area Plan.** Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission may require that the subdivider submit a Preliminary Plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.

- (f) **Street Plans and Profiles.** The subdivider shall provide street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.
- (g) **Soil Testing.** The subdivider shall provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in Section 14-1-21, the City Engineer may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.
- (h) **Referral to Other Agencies.**
 - (1) The City Clerk shall, within two (2) days after filing, transmit copies to the County Planning Agency, copies to the Director of the Planning Function in the Wisconsin Department of Development, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Commerce and Wisconsin Department of Natural Resources if the subdivision is not served by the public sewer and provision for such service has not been made, and an adequate number of copies to the Plan Commission. The County Planning Agency, the Wisconsin Department of Development, the Wisconsin Department of Transportation, the Wisconsin Department of Commerce and Wisconsin Department of Natural Resources shall be hereinafter referred to as objecting agencies. The Plan Commission shall also transmit a copy of the Preliminary Plat to all affected City boards, commissions or departments and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction.
 - (2) Within twenty (20) days of the date of receiving the copies of the plat, any state or county agency having authority to object under Subsection (h)(1) above shall notify the subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty (20) day limit it shall be deemed to have no objection to the plat. The recommendations of City agencies shall also be transmitted to the Plan Commission within twenty (20) days from the date the plat is filed.
- (i) **Drafting Standards.** The subdivider shall submit to the City Clerk and to those agencies having the authority to object to plats under provisions in [Chapter 236 of the Wisconsin Statutes](#) copies of a Preliminary Plat (or certified survey) based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

SEC. 14-1-32 PRELIMINARY PLAT REVIEW AND APPROVAL.

- (a) **Plan Commission Review, Public Hearing.** The City Clerk shall schedule a public hearing on the Preliminary Plat before the Plan Commission. The City Clerk shall give notice of the Plan Commission's review and public hearing on the Preliminary Plat by listing it as an agenda item in the Commission's meeting notice published in the official City newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners within two hundred (200) feet of the proposed land division shall receive written notice of the public hearing.
- (b) **Commission Action.** The Plan Commission shall, within ninety (90) days of the date the Plat was filed with the City Clerk, approve, approve conditionally or reject such plat and shall state, in

writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the Plan Commission to act within ninety (90) days or extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat. The City Clerk shall communicate to the subdivider the action of the Plan Commission. If the preliminary plat is approved, the City Clerk shall endorse it for the Plan Commission.

- (c) **Effect of Preliminary Plat Approval.** Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the Plan Commission and Common Council at the time of its submission.
- (d) **Preliminary Plat Amendment.** Should the subdivider desire to amend the Preliminary Plat as approved, he may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Plan Commission, of such scope as to constitute a new plat, in which such case it shall be refiled.

SEC. 14-1-33 FINAL PLAT REVIEW AND APPROVAL.

- (a) **Filing Requirements.**
 - (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file twelve (12) copies of the Plat and the application with the City Clerk at least twenty-one (21) days prior to the meeting of the Plan Commission at which action is desired. The owner or subdivider shall file twelve (12) copies of the Final Plat not later than six (6) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the City. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the City Attorney may require showing title or control in the applicant. A written transmittal letter shall identify all substantial changes that have been made to the plat since the Preliminary Plat. When the subdivider expects the City to act as the transmitting authority in accordance with [Sec. 236.12, Wis. Stats.](#), the application shall state that transmittal responsibilities lie with the City and shall contain a list of the other authorities to which the plat must be subjected and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.
 - (2) The City Clerk shall, within two (2) days after filing, transmit copies to the County Planning Agency, copies to the Director of the Planning Function in the Wisconsin Department of Development, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Commerce and Wisconsin Department of Natural Resources if the subdivision is not served by a public sewer and provision for service has not been made, to all affected City boards, commissions and committees and the original Final Plat and adequate copies to the Plan Commission. The County Planning Agency, the Wisconsin Department of Commerce, the Wisconsin Department of Natural Resources, and the Wisconsin Department of Transportation, shall be hereinafter referred to as objecting agencies.
 - (3) The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by [Sec. 236.12\(2\)](#).
 - (4) Simultaneously with the filing of the Final Plat or map, the owner shall file with the City Clerk twelve (12) copies of the final plans and specifications of public improvements required by this Chapter.

- (5) The City Clerk shall refer two (2) copies of the Final Plat to the Plan Commission, one (1) copy to the City Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report may be referred to the City Attorney for his examination and report. The City Clerk shall also refer the final plans and specifications of public improvements to the City Engineer for review. The recommendations of the Plan Commission and City Engineer shall be made within thirty (30) days of the filing of the Final Plat. The City Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify in writing to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the City Engineer shall return them to the owner and so advise the Plan Commission.
- (b) **Plan Commission Review.**
 - (1) The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Plan Commission.
 - (2) The objecting state and county agencies shall, within fifteen (15) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Development has thirty (30) days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the City. If an objecting agency fails to act within fifteen (15) days, it shall be deemed to have no objection to the Plat.
 - (3) If the Final Plat is not submitted within six (6) months of the last-required approval of the Preliminary Plat, the Plan Commission may refuse to approve the Final Plat.
 - (4) The Plan Commission shall, within thirty (30) days of the date of filing of the Final Plat with the City Clerk, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Plan Commission. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.
- (c) **Council Review and Approval.**
 - (1) The Plan Commission shall, within sixty (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 written statement of the reasons forwarded to the subdivider. The Plan Commission may not inscribe its approval on the Final Plat unless the City Clerk certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met.
 - (2) The Plan Commission shall, when it determines to approve a Final Plat, give at least ten (10) days' prior written notice of its intention to the Municipal Clerk of any municipality within one thousand (1,000) feet of the Final Plat.
 - (3) Failure of the Plan Commission to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
- (d) **Recordation.** After the Final Plat has been approved by the Plan Commission and required improvements either installed or a contract and sureties insuring their installation is filed, the City Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the county register of deeds. The register of deeds cannot record the Plat unless it is offered within six (6) months from the date of last approval.
- (e) **Final Copies.** The subdivider shall file ten (10) copies of the Final Plat with the City Clerk for distribution to the approving agencies, affected utilities and other affected agencies for their files.

- (f) **Partial Platting.** The Final Plat may, if permitted by the Plan Commission, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at the time.

SEC. 14-1-34 MINOR LAND DIVISION (CERTIFIED SURVEY MAP).

- (a) **Use of Certified Survey Map.** When it is proposed to divide land into at least two (2) but no more than four (4) parcels or building sites, or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or outlot, or when it is proposed to divide any number of parcels greater than one and one-half (1-1/2) acres in size (thus not constituting a "subdivision" as defined in this Chapter), the subdivider shall prepare a certified survey map in accordance with this Chapter and shall file fifteen (15) copies of the map and the letter of application with the City Clerk at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired.
- (b) **Referral to Plan Commission.** The City Clerk shall, within two (2) normal work days after filing, transmit the copies of the map and letter of application to the Plan Commission.
- (c) **Review by Other City Agencies.** The Plan Commission shall transmit a copy of the map to all affected City boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within ten (10) 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, comprehensive plan components and neighborhood plans.
- (d) **Review and Approval.** The Plan Commission shall, within thirty (30) days from the date of filing of the certified survey map, recommend approval, conditional approval or rejection of the map and shall transmit the map along with its recommendations to the Common Council. Following public hearing in the manner used for preliminary plats, the Common Council shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map or reject such certified survey map within sixty (60) days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written, statement forwarded to the subdivider. If the map is approved, the Common Council shall cause the City Clerk to so certify on the face of the original map and return the map to the subdivider.
- (e) **Recordation.** The subdivider shall record the map with the County Register of Deeds within thirty (30) days of the approval.
- (f) **Copies.** The subdivider shall file five (5) copies of the certified survey map with the City Clerk for distribution to the City Engineer, Building Inspector, Assessor and other affected departments for their files.

SEC. 14-1-35 REPLAT.

- (a) Except as provided in [Section 70.27\(1\), Wis. Stats.](#), when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in [Sections 236.40 through 236.44 of the Wisconsin Statutes](#). The subdivider or person wishing to replat shall then proceed, using the procedures for Preliminary and Final Plats.
- (b) The City Clerk shall schedule a public hearing before the Plan Commission when a Preliminary Plat of a replat of lands within the City is filed, and shall cause notices of the proposed Replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed Replat.
- (c) Where lots are more than double the minimum size required for the applicable zoning district, the Plan Commission may require that such lots be arranged so as to allow resubdivision of such parcels into normal lots in accordance with the provisions of the Chapter.

SEC. 14-1-36 DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES AND SERVICES.

- (a) A Preliminary Plat, Final Plat or certified survey shall not be approved unless the Plan Commission and the Common Council determine that adequate public facilities and public services are available to meet the needs of the proposed land division and that no public funds, other than those already provided in an adopted capital or operating budget, are required.
- (b) The applicant shall furnish any data requested by the City Clerk who shall transmit this information to the appropriate commission(s), committee(s) and staff for review; the City Clerk shall act as coordinator of the reports from staff to the Plan Commission and Common Council on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, transportation facilities and schools.
- (c) Public facilities and public services for a proposed land division may be found to be adequate when the following conditions exist:
 - (1) The proposed land division is located in an urban service area where adequate sewer service is presently available for extension, under construction or designated by the Common Council for extension of sewer service within the current capital budget year and funds are specifically provided for such extension either from public or private financing. The Plan Commission and the Common Council shall consider the recommendations of the City Engineer and/or the appropriate committee(s) on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.
 - (2) The proposed land division is located within an urban service area contiguous to an arterial transmission water main of adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction within the current budget year, and funds, either public or private, are available for the program. The Plan Commission and the Common Council shall consider the recommendations of the City Engineer and the appropriate committee(s) on line capacities, water sources and storage facilities, as well as any other information presented.
 - (3) The City Treasurer verifies to the Plan Commission and the Common Council that adequate funds, either public or private, are available to insure the installation of all necessary storm water management facilities.
 - (4) The Director of Public Works can demonstrate to the Plan Commission and the Common Council that street maintenance and refuse collection services, either public or private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety or general welfare to the future residents of the proposed land division or existing City residents.
 - (5) The Police Department, E.M.S. and Fire Department verify that timely and adequate service can be provided to the residents.
 - (6) The proposed land division is accessible by existing or officially mapped, publicly maintained, all-weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division in accordance with the Official Map and City Standards.
- (d) Where the Plan Commission and the Common Council determine that one (1) or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being, adequate, conditional approval may include only such portions or may specify phasing of the development.
- (e) No land shall be divided which has been officially mapped as public lands storm water management facility or is determined by the Common Council to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations for development, severe erosion potential or unfavorable topography, or any other feature likely to be harmful to health, safety or welfare of future residents or landowners in the proposed land division or of the community.

- (f) The above requirements shall not apply to those areas outside the corporate limits of the City of Ladysmith and within the City's extraterritorial limits, except for those areas within the City's urban service area. Areas within the urban service area of the City shall be required to connect to the City of Ladysmith public water distribution and/or public sewerage system if determined by the City Engineer to be feasible. If such connection(s) are not determined feasible, the proposed land division shall provide for adequate on-site systems and such special piping provisions as may be necessary to serve the anticipated development during the interim period until such City public water and/or sewerage systems are determined by the City Engineer to be feasibly available for connection. The subdivider, and his heirs and assigns, shall, by written plat restriction, agree to abandon the interim water and sewerage facilities and connect to the City public water and sewerage facilities upon a determination by the City Engineer that such facilities are available for feasible connection.

SEC. 14-1-37 DISCLAMERS ON APPROVALS.

- (a) The purpose of requiring approvals under this Chapter is to insure the health, safety, morale, comfort, prosperity and general welfare of the City. This Chapter shall not be interpreted as placing any responsibility or liability on any City official, City employee or the City as a municipality corporation for the granting of approval or the denial of any approval. All approvals rendered as part of this Chapter shall be considered as being approved conditionally based on the information and circumstances apparent at that time.
- (b) Approvals issued by the City shall not be construed as an assumption or expression of any responsibility, warranty or guarantee for the design or construction of any improvements within the land division.

SEC. 14-1-38 THROUGH SEC. 14-1-39 RESERVED FOR FUTURE USE.

ARTICLE E

Technical Requirements for Plats and Certified Surveys

SEC. 14-1-40 TECHNICAL REQUIREMENTS FOR PRELIMINARY PLATS.

- (a) **General.** A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on mylar or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
- (1) Title under which the proposed subdivision is to be recorded.
 - (2) Location of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) Date, Scale and North Point.
 - (4) Names and Addresses of the owner, subdivider and land surveyor preparing the plat.
 - (5) Entire Area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.
- (b) **Plat Data.** All Preliminary Plats shall show the following:
- (1) Exact Length and Bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
 - (2) Locations of all Existing Property Boundary Lines, structures, drives, stream and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
 - (3) Location, Right-of-Way Width and Names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
 - (4) Location and Names of any Adjacent Subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.
 - (5) Type, Width and Elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.
 - (6) Location, Size and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
 - (7) Corporate Limit Lines within the exterior boundaries of the plat or immediately adjacent thereto.
 - (8) Existing Zoning on and adjacent to the proposed subdivision.
 - (9) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the City Engineer, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.

- (10) High-Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
 - (11) Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
 - (12) Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
 - (13) Location and Results of Percolation Tests within the exterior boundaries of the plat conducted in accordance with Comm 85 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
 - (14) Location, Width and Names of all proposed streets and public rights-of-way such as alleys and easements.
 - (15) Approximate Dimensions of All Lots together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
 - (16) Location and Approximate Dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.
 - (17) Approximate Radii of all Curves
 - (18) Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
 - (19) Any Proposed Lake and Stream improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
 - (20) Where the Plan Commission or City Engineer finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the subdivider.
- (c) **Additional Information.** The Plan Commission and/or City officials may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

SEC. 14-1-41 TECHNICAL REQUIREMENTS FOR FINAL PLATS.

- (a) **General.** A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of [Section 236.20, Wis. Stats.](#), and this Chapter.
- (b) **Additional Information.** The Final Plat shall show correctly on its face, in addition to the information required by [Section 236.20, Wis. Stats.](#), the following:
 - (1) Exact Length and Bearing of the center line of all streets.
 - (2) Exact Street Width along the line of any obliquely intersecting street:
 - (3) Exact Location and Description of street lighting and lighting utility easements.
 - (4) Railroad Rights-of-Way within and abutting the plat.
 - (5) All Lands Reserved for future public acquisition or reserved for the common use of property owners within the Plat.
 - (6) Special Restrictions required by the Common Council, upon the recommendation of the Plan Commission, relating to access control along public ways or to the provision of planting strips.
 - (7) Taxes. Certifications by attached information showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full.
 - (8) Drainage Flows. The subdivider shall cause to be set upon the final plat arrows indicating the directions of drainage flows for each property line not fronting on a street on all parcels and along each street as will result from the grading of the site, the construction of the required

public improvements, or which are existing drainage flows and will remain. The arrows indicating the directions of flows shall be appropriately weighted so as to differentiate between the minor and major (one hundred (100) year event] drainage components. The arrows shall be accompanied on the plat with the following note:

Arrows indicate the direction of drainage flows in various components resulting from site grading and the construction of required public improvements. The drainage flow components located in easements shall be maintained and preserved by the property owner unless approved by the City Engineer.

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

Subsoil information indicates the presence of ground water conditions that may require basement elevations on Lot(s) _____ to be at elevation _____ or higher, or that a modified structural plan of the structure's foundation shall be submitted to the Building Inspector for approval with the application for a Building Permit as required information.

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

- (c) **Deed Restrictions.** Restrictive covenants and deed registrations for the proposed subdivision shall be filed with the Final Plat.
- (d) **Property Owners Association.** The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.
- (e) **Survey Accuracy.**
- (1) Examination. The Common Council, Plan Commission, or their designees, shall examine all Final Plats within the City and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
 - (2) Maximum Error of Closure. Maximum error of closure, before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in five thousand (1:5,000), nor in azimuth, four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
 - (3) Street, Block and Lot Dimensions. All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the plat greater than the ratio of one part in three thousand (1:3,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side of the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.
 - (4) Plat Location. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the City, the tie required by [Section 236.20\(3\)\(b\), Wis. Stats.](#), may be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated

section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.

- (f) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of [Section 236.15, Wis. Stats.](#)
- (g) **State Plane Coordinate System.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the City, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the City's control survey.
- (h) **Certificates.** All Final Plats shall provide all the certificates required by Section 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

SEC. 14-1-42 TECHNICAL REQUIREMENTS FOR CERTIFIED SURVEY LAND DIVISIONS; REVIEW AND APPROVAL.

- (a) **Certified Survey Requirements.** When it is proposed to divide land into two (2) or no more than four (4) building sites, any one (1) of which is less than forty (40) acres, or when it is proposed to divide a block, lot or outlot into not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of the block, lot or outlot, the subdivider shall subdivide by use of a certified survey map, prepared in accordance with [Section 236.34, Wis. Stats.](#), and this Chapter.
- (b) **Submission and Review.** The subdivider is encouraged to first consult with the Plan Commission regarding the requirements for certified surveys before submission of the final map. Following consultation, two (2) copies of the final map in the form of a certified survey map shall be submitted to the City. The certified survey shall be reviewed, approved or disapproved by the Plan Commission and Common Council pursuant to the procedures used for Preliminary Plats in Sections 14-1-30 through 14-1-32, including notice and hearing requirements.
- (c) **Additional Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by [Section 236.34, Wis. Stats.](#), the following:
 - (1) All Existing Buildings, watercourses, drainage ditches and other features pertinent to proper division.
 - (2) Setbacks or Building Lines required by the Common Council and the City Zoning Code.
 - (3) All Lands Reserved for future acquisition.
 - (4) Date of the Map.
 - (5) Graphic Scale.
 - (6) Name and Address of the owner, subdivider and surveyor.
 - (7) Square Footage of each parcel.
 - (8) Present Zoning for the parcels.
- (d) **State Plane Coordinate System.** Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the City, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the City's control survey.
- (e) **Certificates.** The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this Chapter. The Common Council, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

- (f) **Street Dedication.** Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by [Section 236.21\(2\)\(a\) of the Wisconsin Statutes](#).
- (g) **Recordation.** The subdivider shall record the map with the County Register of Deeds within thirty (30) days of its approval by the Common Council and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the map by the Common Council.
- (h) **Requirements.** To the extent reasonably practicable, the certified survey shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than one and one-half (1-1/2) acres or three hundred (300) feet in width.

SEC. 14-1-43 THROUGH SEC. 14-1-49 RESERVED FOR FUTURE USE.

ARTICLE F

Required Improvements

SEC. 14-1-50 IMPROVEMENTS REQUIRED.**(a) General Requirement.**

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

(b) General Standards. The following required improvements in this Chapter shall be installed in accordance with the engineering standards and specifications which have been adopted by the Common Council. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the City Engineer. When new or revised standards and/or specifications have been adopted by the City, work on public improvements not begun within five (5) years of the date of Final Plat adoption shall be made to the new or revised standards and/or specifications. The City Engineer shall review and approve the construction plans, specifications and calculations for the construction of the required public improvements.

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

SEC. 14-1-51 REQUIRED AGREEMENT PROVIDING FOR PROPER INSTALLATION OF IMPROVEMENTS; SURETY.

(a) Contract. Prior to installation of any required improvements and prior to approval of the Final Plat, the subdivider shall enter into a written contract with the City requiring the subdivider to

furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction details by the City Engineer. The contract form shall be provided by the City and may provide for a phasing of public improvements construction, providing such phasing is approved by the Common Council. The City reserves the right to control the phasing through limits, sequence and/or additional surety so as to provide for continuity of streets, sewers, water mains and other necessary public improvements within and between the phases.

(b) **Financial Guarantees.**

- (1) The subdivider shall file with said contract, subject to the approval of the City Attorney, a bond, a certificate of deposit, irrevocable letter of credit or certified check in an amount equal to one hundred ten percent (110%) of the estimate of the cost prepared by the City Engineer as surety to guarantee that such improvements will be completed by the subdivider or his contractors not later than twenty-four (24) months from the date of recording the plat.
- (2) However, the subdivider may elect, with the approval of the City, to install the improvements in construction phases provided that:
 - a. The phases are specified in the contract for land division improvements;
 - b. The developer submits surety in an amount equal to one hundred ten percent (110%) of the estimate of the City Engineer sufficient for the construction of all phases of construction or park improvement in progress;
 - c. The developer records deed restrictions approved by the City Attorney which specify that the lots which are included in future construction phases of the land division will not be transferred or sold unless the city's approval is obtained;
 - d. The subdivider minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and
 - e. Erosion control plans and measures submitted and approved herein shall address the individual phases of construction.
- (3) The time limit for completion of a phased improvement program shall take into account the needs and desires of the City and adjacent property owners for street and other improvements to serve lands adjacent to and within the land division.
- (4) As work progresses on installation of improvements constructed as part of the contract, the City Engineer, upon written request from the subdivider from time to time, is authorized to recommend a reduction in the amount of surety as hereinafter provided. When portions of construction (water, sanitary sewer, street, sidewalk, greenway or other improvements) are completed by the subdivider and determined acceptable by the City Engineer, the City Administrator is authorized, upon submission of lien waivers by the subdivider's contractors, to reduce the amount of surety. The amount of surety remaining shall be equal to one hundred ten percent (110%) of the estimate of the City Engineer of costs of work remaining to be completed and accepted and to insure performance of the one (1) year guarantee as specified in Subsection (d) below against defects in workmanship and materials on work accepted. When the work on the major components of construction has been substantially completed, except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the City Engineer are valid for noncompletion, the City Administrator is authorized to accept a reduction in the amount of surety to an amount in the estimate of the City Engineer, sufficient to cover the work remaining to be completed, including performance of the one (1) year guarantee period against defects in workmanship and materials. As a further guarantee that all obligations under contract for work on the development are satisfied, the contractor and subcontractors who are to be engaged in the construction of utilities or street improvements on the street right-of-way to be dedicated shall be approved for such work by the City Engineer prior to commencing construction. The Common Council, at its option, may extend the bond period for additional periods not to exceed two (2) years each.
- (5) Governmental units to which these bond and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in their behalf, agreeing to comply with the provisions of this Section.

- (6) The subdivider shall agree in the development contract to pay all street and sidewalk assessments, including all area charges for sanitary sewer interceptors, force mains, pumping stations and all water main assessments, including where the land division abuts existing streets which are not improved within the City standard street improvements (including, but not limited to curb and gutter, local storm sewer, sidewalks and a bituminous pavement).
- (c) **Waiver of Special Assessment Notice and Hearing.** The subdivider shall file with said contract, subject to the approval of the City Attorney, a waiver of special assessment notices and hearings such that the subdivider, his heirs and assigns (including purchasers of property from the subdivider), waive notice and hearing for and authorize the assessment for any and all of the required public improvements in phases of the land division intended for future development in accordance with [Sec. 66.0703 \(7\) \(b\), Wis. Stats.](#)
- (d) **Improvement Guarantee.** The subdivider shall include in said contract an instrument of public improvement guarantee by irrevocable letter of credit, certified check, cash escrow deposit or performance bond whereby a bonding company [with assets exceeding Ten Million Dollars (\$10,000,000.00) and authorized to do business in the State of Wisconsin] guarantees maintenance, repair, replacement by the developer of said public improvements which deteriorate or fail to meet performance or operating standards during the bond term, or any penalties which may be incurred as a result thereof, equal to fifteen percent (15%) of the City Engineer's estimate of the cost of the public improvements. If, within one (1) year after the date of final acceptance of any public improvement by the Common Council (or such longer period of time as may be prescribed by laws or regulations or by the terms of any special guarantee required by the terms of said contract as may be necessary due to the phasing of the construction of public improvements), any work on any public improvement is found to be defective, the subdivider shall remove it and replace it with nondefective work in accordance with written instructions given by the City Engineer. If the subdivider does not promptly comply with the terms of such instructions, or in an emergency where delay would cause serious risk of loss or damage, the City may cause the removal and replacement of said defective work and charge all direct, indirect and consequential costs of such removal and replacement to the performance bond or improvement guarantee instrument.

SEC. 14-1-52 REQUIRED CONSTRUCTION PLANS; CITY REVIEW; INSPECTIONS.

- (a) **Engineering Reports, Construction Plans and Specifications.** As required by Section 14-1-31, engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Preliminary Plat. At the Final Plat stage, construction plans for the required improvements conforming in all respects with the standards of the City Engineer and the ordinances of the City shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the City Engineer for his approval and for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the Final Plat with the City Clerk, or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements:
- (1) Street Plans and Profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - (2) Sanitary Sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (3) Storm Sewer and Open Channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (4) Water Main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - (5) Erosion and Sedimentation Control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the City's Erosion Control Chapter (Building Code).

- (6) Planting Plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - (7) Additional special plans or information as required by City officials.
- (b) **Action by the City Engineer.** The City Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent City ordinances and design standards recommended by the City Engineer and approved by the Common Council. If the City Engineer rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the City Engineer shall approve the plans and specifications for transmittal to the Common Council. The Common Council shall approve the plans and specifications before the improvements are installed and construction commenced.
- (c) **Construction and Inspection.**
- (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the City Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. Building permits shall not be issued until all improvements required by this Chapter are satisfactorily completed.
 - (2) During the course of construction, the City Engineer shall make such inspections, as the Common Council deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the City for such inspections. This fee shall be the actual cost to the City of inspectors, engineers and other parties necessary to insure satisfactory work.
- (d) **Subdivider to Reimburse the City for Costs Sustained.** The subdivider of land divisions within the City shall reimburse the City for its actual cost of design, inspection, testing, construction and associated legal and real estate fees for the required public improvements for the land division. The City's costs shall be determined as follows:
- (1) The cost of City employees' time engaged in any way with the required public improvements based on the hourly rate paid to the employee multiplied by a factor determined by the City Administrator to represent the City's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
 - (2) The cost of City equipment employed.
 - (3) The cost of mileage reimbursed to City employees which is attributed to the land division.
 - (4) The actual costs of City materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
 - (5) All consultant fees associated with the public improvements at the invoiced amount plus administrative costs. Unless the amount totals less than One Hundred Dollars (\$100.00), the City shall bill the subdivider monthly for expenses incurred by the City. Bills outstanding for more than thirty (30) days shall accrue interest at the rate of one percent (1%) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the subdivider's surety agency for payment. Amounts less than One Hundred Dollars (\$100.00) shall be held for billing by the City until amounts total more than One Hundred Dollars (\$100.00) or until the conclusion of project activities.
- (e) **Record Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made three (3) copies of record plans showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the City Engineer shall require. These plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion. Two (2) copies shall be retained by the City and one (1) copy of such record plans shall be forwarded to the appropriate sanitary district.

SEC. 14-1-53 STREET IMPROVEMENTS.

The subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this Chapter:

- (a) **General Considerations.** The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as stream and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (b) **Construction Standards.** Construction of all streets shall conform to the current standards as established by the City and shall be subject to approval of the City Engineer before acceptance.
- (c) **Conform to Official Map.** The arrangement, width, grade and location of all streets shall conform to the Official Map.
- (d) **Survey Monumentation.** Before final approval of any plat or certified survey within the corporate limits of the City, the subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats., or as may be required by the City Engineer. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The City Engineer may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider executes a survey to insure the placing of such monuments within the time required. On behalf of the City, the City Administrator is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the City Engineer. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes and established one-half (1/2), one-quarter (1/4), one-quarter one-quarter (1/4-1/4), or such other section monument, the established monument shall be preserved and/or fully restored by the subdivider at his cost.
- (e) **Grading.**
 - (1) With the submittal of the Final Plat, the subdivider shall furnish drawings which indicate the existing and proposed grades of roads, streets and alleys shown on the plat.
 - (2) Proposed grades will be reviewed by the City Engineer for conformance with City standards and good engineering practice. Street grades require the approval of the Common Council after receipt of the City Engineer's recommendations.
 - (3) After the installation of temporary block corner monuments by the subdivider and establishment of street grades according to standards approved by the governing body, the subdivider shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on corner lots.
 - (4) In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line.
 - (5) The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation.
 - (6) The City Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved.
 - (7) Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of the final grade by the subdivider, prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.
- (f) **Street Construction.** After the installation of all utility and storm water drainage improvements, the subdivider shall prepare for surfacing all roadways in streets proposed to be dedicated, to the widths prescribed by these regulations, by placing crushed rock on said roadways and, in addition, shall surface said street, in a manner and quality consistent with plans and specifications approved by the City Engineer. The subdivider shall surface roadways to the widths prescribed by City specifications. Construction shall be to City standard specifications for street improvements.

- (g) **Street Cross Sections.** When permanent street cross sections have been approved by the City, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the City Engineer.
- (h) **Completion of Street and Sidewalk Construction.**
- (1) Prior to any building permits being issued on lands adjacent to streets and/or sidewalks, all street and sidewalk construction shall be completed by the subdivider, approved by the City Engineer and accepted by the Common Council.
 - (2) The Common Council may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the discretion of the Common Council.
 - (3) The subdivider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Common Council. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

SEC. 14-1-54 CURB AND GUTTER.

After the installation of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the City Engineer. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts. The cost of installation of all inside curbs and gutters for dual roadway pavements shall be borne by the City. The requirement for curb and gutter installation may be waived when a permanent rural street section has been approved by the Common Council.

SEC. 14-1-55 SIDEWALKS.

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

SEC. 14-1-56 SANITARY SEWERAGE SYSTEM.

The City shall require the construction of sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision if the sewer utility for the City of Ladysmith finds the plat economically feasible to serve. If public sewer facilities are not available, the subdivider shall make provisions for adequate private sewer disposal systems as specified by the City, County Board of Health and the State of Wisconsin. The City of Ladysmith shall require the installation of sewer laterals to the street lot line, if at the time of final platting sanitary facilities are not available to the plat but will become available within a period of five (5) years from the date of recording such plat. The subdivider

shall install or cause to be installed sanitary sewers and sewer laterals to the street line in accordance with this Section and shall cap all laterals in accordance with specifications to be furnished by the City Engineer. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications as approved by the City Engineer.

SEC. 14-1-57 WATER SUPPLY FACILITIES.

The City shall require the construction of water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified by the City, County Board of Health and State of Wisconsin. The City of Ladysmith may require the installation of water laterals to the street lot line if at the time of final platting municipal water service facilities are not available to the plat but will become available within a period of five (5) years from the date of plat recording. The size, type and installation of all public water mains proposed to be constructed must be in accordance with plans and specifications approved by the City Engineer, the Ladysmith Water Utility and the State of Wisconsin. The subdivider shall install, and the City shall pay for, all necessary fire hydrants.

SEC. 14-1-58 STORM WATER DRAINAGE FACILITIES.

Pursuant to Section 14-1-74, the subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, the type of facility required, the design criteria and the sizes and grades to be determined by the City Engineer. Storm drainage facilities shall be so designed as to present no hazard to life or property, minimize shoreland erosion and siltation of surface waters, shall prevent excess run-off on adjacent property and shall provide positive drainage away from on-site sewage disposal facilities. The size, type and installation of all storm water drain and sewers proposed to be constructed shall be in accordance with this Chapter and plans and standard specifications approved by the City Engineer. Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the City Engineer. Storm sewers oversized to handle runoff from offsite properties will be installed by the subdivider; however, the cost of oversizing above a twenty-four (24) inch diameter storm sewer shall be paid by other users connecting to the system.

SEC 14-1-59 OTHER UTILITIES.

- (a) The subdivider shall cause gas, electric power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified survey or land division. All new electrical distribution, television cables and telephone lines from which lots are individually served shall be underground unless the Plan Commission specifically allows overhead poles for the following reasons:
 - (1) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
 - (2) The lots to be served by said facilities can be served directly from existing overhead facilities.
- (b) Plans indicating the proposed location of all gas, electrical power, cable television and telephone distribution and transmission lines required to service the plat shall be approved by the City Engineer.

SEC- 14-1-60 STREET LAMPS.

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

SEC. 14-1-61 STREET SIGNS.

The subdivider shall arrange with the City and pay the costs of providing the street signing necessary to serve the development. Such signing shall include all street name signs, including such temporary barricades and "road closed" signs as may be required by the City Engineer until the street improvements have been accepted by Common Council resolution, but not other traffic control signing.

SEC. 14-1-62 EROSION CONTROL.

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

SEC. 14-1-63 PARTITION FENCES.

When the land included in a subdivision plat or certified map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the Final Plat or certified survey map.

SEC. 14-1-64 EASEMENTS.

- (a) **Utility Easements,** The Common Council, on the recommendation of appropriate departments and agencies serving the City, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) **Drainage Easements.** Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
 - (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
 - (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.
 - (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet. If, in the opinion of the City Engineer, the easement will be for a major drainage swale the easement shall be of sufficient width to contain a one hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.

- (c) **Easement Locations.** Such easements shall be at least twelve (12) feet wide, or wider where recommended by the City Engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished to the Plan Commission and Common Council that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

SEC. 14-1-65 EXTRA-SIZED AND OFF-SITE FACILITIES.

- (a) **Extraordinary Costs.** The City will be responsible for any extraordinary costs for major utility and street improvements (including right-of-way acquisition) which benefit a broader area than the subdivider under consideration. Such costs shall include:
- (1) That portion of the cost of installing sanitary sewers over and above the cost of installing eight (8) inch diameter main where larger mains are required.
 - (2) That portion of the cost of installing sewage lift stations and force main over and above the cost of installing sewage lift stations and force mains sufficient in size to serve the subdivision.
 - (3) That portion of the cost of installing water lines over and above the cost of installing eight (8) inch diameter mains where larger mains are required.
 - (4) That portion of the cost of street construction over and above the cost of constructing a street with sixty-six (66) feet of right-of-way and thirtyfour (34) feet of pavement where greater widths are required. The cost of acquiring such additional right-of-way is to be considered as an extraordinary cost also.
 - (5) That portion of the cost of constructing bridges and installing culverts over and above the cost of constructing bridges and installing culverts sufficient to serve the subdivision.
- (b) **Design Capacity; Lift Stations.** When any public improvements of adequate capacity are not available at the boundary of a proposed land division, the City, or its duly authorized representative, shall require, as a prerequisite to approval of a Final Plat or certified survey map, assurances that such improvement extensions shall be provided as follows in accordance with the following standards:
- (1) Design Capacity. All improvements within or entering or leaving the proposed development shall be installed to satisfy the service requirements for the entire service or drainage area in which the development is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service area involved.
 - (2) Lift Stations. Where sanitary or storm sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider shall have plans, profiles, specifications and estimated operation and maintenance costs prepared for the installation of such facilities to the City Engineer's requirements. Equipment similar to existing City equipment shall be utilized whenever possible. The installation, inspection, supervision and engineering fees for lift stations and/or force mains shall be paid for by the subdivider unless otherwise determined and agreed upon by the Common Council. Gravity sanitary sewer service shall be employed whenever determined by the City Engineer to be feasibly accessible.

SEC. 14-1-66 ACCEPTANCE OF IMPROVEMENTS AND DEDICATIONS.

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

has not yet been accepted by the City, the costs of such measures shall hereby be determined to be City-incurred costs to be reimbursed to the City by the subdivider in accordance with the provisions of this Chapter.

- (b) (1) **Inspection and Certification of Improvements.** After any of the following increments of the required improvements have been installed and completed, the subdivider shall notify the City Engineer, in writing, that the work is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements and shall file lien waivers or affidavits, in a form acceptable to the City Engineer and approved by the City Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no moneys are owned to any surveyor, mechanic, contractor, subcontractor, materialman or laborer after all required improvements have been installed. Acceptance of the improvements may be requested in the following increments:
 - a. Sewer mains and services (either storm or sanitary).
 - b. Water mains and services.
 - c. Streets comprised of all grading, gravel, curb and gutter, culverts and paving.
 - d. Other miscellaneous appurtenances to the above increments such as sidewalks, bikeways, street lighting, street signing, etc.
 - (2) The City Treasurer shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the area of acceptance and shall prepare a final billing for engineer, inspection and legal fees and submit it to the subdivider for payment. The City Engineer shall conduct any necessary final inspections of the improvements and forward a report to the City Treasurer recommending either approval or disapproval. When the engineering, inspection, taxes, special assessments and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, the report of the City Engineer, together with the recommendation of the City Treasurer, shall be forwarded to the Common Council for approval and acceptance of the improvements and dedications.
- (c) (1) No such resolution shall be adopted unless the subdivider has deposited with the City Treasurer an instrument of guarantee or corporate surety performance bond in accordance with Section 14-1-51.
 - (2) Prior to any maintenance, repair or replacement being performed by the developer during the bond period, it shall notify the City Engineer at least one (1) workday prior to the doing of the work and obtain approval of the City Engineer as to the nature and manner of work to be done.

SEC. 14-1-67 THROUGH SEC. 14-1-69 RESERVED FOR FUTURE USE.

ARTICLE G

Design Standards

SEC. 14-1-70 GENERAL STREET DESIGN STANDARDS.

- (a) **Compliance with Statutes.** In laying out a subdivision, the owner shall conform to the provisions of [Chapter 236, Wis. Stats.](#), and all applicable City regulations. In all cases where the requirements of this Chapter are different from the requirements of [Chapter 236](#), the more restrictive provision shall apply.
- (b) **Dedication.** The subdivider shall dedicate land and improve streets as provided in this Chapter and Section 14-1-53. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the Common Council. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.
- (c) **Compliance with Comprehensive Plan.** The arrangement, character, extent, width, grade and location of all streets shall conform to any City Comprehensive Development Plan and to this Chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.
- (d) **Areas Not Covered by Official Map.** In areas not covered by a City Comprehensive Plan, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
- (e) **Street Classifications.** Streets shall be classified as indicated below.
 - (1) **Arterial Streets.** Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles. Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, shopping areas, recreation areas and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
 - (2) **Collector Streets.** Collector streets shall be arranged so as to provide ready collection of traffic from commercial and residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
 - (3) **Minor/Local Streets.** Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
 - (4) **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.

- (f) **Reserve Strips.** Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the City under conditions approved by the Plan Commission.
- (g) **Alleys.**
- (1) Commercial and Industrial. Alleys shall be provided in all commercial and industrial districts, except that the Plan Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed.
 - (2) Residential. Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.
 - (3) Dead End. Dead-end alleys are prohibited except under very unusual circumstances, and crooked and 'T' alleys shall be discouraged. Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.
- (h) **Continuation.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Common Council, upon the recommendation of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over five hundred (500) feet in length will be approved when necessitated by the topography.
- (i) **Minor Streets.** Minor streets shall be so laid out so as to discourage their use by through traffic.
- (j) **Frontage Roads.** Where a subdivision abuts or contains an existing or proposed arterial highway, the Plan Commission may require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (k) **Private Streets.** Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.
- (l) **Visibility.** Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. As required by the City Engineer, sufficient vision clearance triangles shall be provided at intersections.
- (m) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.
- (n) **Street Grades.**
- (1) Unless necessitated by exceptional topography subject to the approval of the Plan Commission, the maximum centerline grade of any street or public way shall not exceed the following:
 - Arterial streets: six percent (6%).
 - Collector streets: eight percent (8%).
 - Minor streets, alleys and frontage streets: ten percent (10%).
 - Pedestrian ways: twelve percent (12%) - unless steps of acceptable design are provided. The grade of any street shall in no case exceed twelve percent (12%) or be less than one-half (1/2) of one percent (1%).
 - (2) Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography.
 - (3) All pavement shall have a minimum cross slope of 0.020 ft/ft and a minimum longitudinal slope of 0.50 percent.
- (o) **Radii of Curvature.** When a continuous street centerline deflects at any one (1) point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
- Arterial streets and highways: three hundred (300) feet.
 - Collector streets: two hundred (200) feet.

Minor streets: one hundred (100) feet.

Curves should be provided when centerline deflections exceed one (1) degree in rural areas and in urban areas when deflection exceeds three (3) degrees. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for all major streets and one-half (1/2) this minimum for all other streets.

- (p) **Half Streets.** Where an existing dedicated or platted half-street is adjacent to the subdivision, the other half-street shall be dedicated by the subdivider. The platting of half-streets should be avoided where possible.
- (q) **Intersections.**
- (1) Property Lines. Property lines at street intersections of major thoroughfares shall be rounded with a radius of fifteen (15) feet or of a greater radius where the City Engineer considers it necessary.
 - (2) Angle of Intersect. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
 - (3) Number of Streets Converging. The number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2). Cross-type intersections on local streets shall be avoided whenever possible in favor of T-type intersections. Intersections of local streets shall be at least one hundred twenty-five (125) feet from each other.
 - (4) Number of Intersections. The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than twelve hundred (1,200) feet.
 - (5) Property Lines at Street Intersections. Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the Plan Commission or shall be terminated by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.
 - (6) Local Streets. Local streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such local streets approach the major streets from opposite sides within three hundred (300) feet of each other, measured along the centerline of the arterial or collector streets, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous.
 - (7) Additional Sight Easements. At any intersection determined by the City Engineer, restricted development easements or additional street right-of-way shall be platted to provide for adequate sight distances in every direction of travel. At a minimum, the subdivider shall grade, clear or otherwise provide for an unobstructed sight triangle at all intersections incorporating the area within a triangle formed by the intersection of the street right-of-way lines and a point on each right-of-way line being not less than thirty (30) feet from the intersection point.
- (r) **Street Names.**
- (1) New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Plan Commission and Common Council.
 - (2) All streets shall be named in conformity with the street naming plan of the City or with adjoining streets. In the case of diverging streets, the name shall be repeated. New street names shall not duplicate the names of existing streets, provided, however, that streets that are obviously in alignment with others already existing and names shall bear the names of the existing streets. Long or continuous thoroughfares running north and south shall be named avenues; those running east and west shall be named streets; diagonal thoroughfares shall be named roads; and curving thoroughfares shall be named drives. Short or discontinuous thoroughfares running north and south shall be named courts; those running east and west shall be named places; diagonal thoroughfares shall be named ways; and curving thoroughfares shall be named lanes.
- (s) **Cul-de-sacs.**

- (1) Cul-de-sacs. Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed one thousand (1,000) feet in length. All Cul-de-sac streets designed to have one (1) end permanently closed shall terminate with a turnaround of not less than one hundred twenty (120) feet in diameter of right-of-way and a roadway of not less than one hundred (100) feet in diameter. The use of cul-de-sacs should be avoided where possible.
 - (2) Temporary Dead-ends or Cul-de-sacs. All temporary dead-ends shall have a maximum length of five hundred (500) feet and a temporary cul-de-sac shall have a minimum right-of-way radius of sixty-six (66) feet and a minimum inside curb radius of forty (40) feet.
- (t) **Limited Access Highway and Railroad Right-of-way Treatment.** Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:
- (1) Subdivision Lots. When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."
 - (2) Commercial and Industrial Districts. Commercial and industrial districts shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.
 - (3) Streets Parallel to a Limited Access Highway. Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
 - (4) Minor Streets. Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.
 - (5) Rural Street Sections. When permanent rural street sections have been approved by the City Council, 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.

SEC. 14-1-71 SPECIFICATIONS FOR PREPARATION, CONSTRUCTION AND DEDICATION OF STREETS AND ROADS.

- (a) **General Requirements.**
- (1) Construction Standards. All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this Chapter, whichever is more restrictive. The design requirements of this Section and Section 14-1-70 shall be applicable to all streets and roads that are to be dedicated to the City, regardless of whether such streets or roads are part of a new subdivision or land division. Design requirements for the pavement shall be adequate for the zoning classification of the area served by the subject street. A street which divides areas with different zoning classifications shall be constructed in accordance with the requirements of the area requiring the higher quality pavement. Any variation of this must have prior approval of the City Engineer. Combination concrete curb and gutter is required on all streets. (Refer to the Section describing requirements for curbs and gutters.) A copy of all

design assumptions and computations on which the proposed design is based shall be submitted to the City Engineer.

- (2) Project Costs. All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants. This includes any expense incurred by the City in the preparation of plans and review and inspection of plans and construction.
 - (3) Preliminary Consultation. Prior to the design, preparation and construction of any roadway to be dedicated to the City, the applicant shall notify the City Engineer. An on-site meeting will then be arranged to be attended by the City Engineer and the applicant. Plans must be provided in order for the City Engineer to check the design and the drainage.
 - (4) Material Slips. Copies of material slips for all materials furnished for the road construction projects shall be delivered to the City before the City approves the final construction.
 - (5) Required Inspections. Prior to the commencement of any street construction, the subdivider shall notify the City Engineer, at least one (1) workday in advance, as to the nature of the work being done. The City Engineer shall be contacted for required inspections after the following phases of construction:
 - a. Subbase grading;
 - b. Crushed aggregate base course;
 - c. Bituminous surface course; and
 - d. Shouldering.

Any deficiencies found by the City Engineer shall be corrected before proceeding to the next phase of construction.
 - (6) Tests of Materials. The City reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.
 - (7) Pavement Samples. Samples of bituminous concrete will be taken by the City during pavement construction operations for purposes of determining that the material meets specifications.
- (b) **Construction Standards.** All streets and highways constructed in the City or to be dedicated to the City shall fully comply with the following construction standards:
- (1) Right-of-Way and Pavement Width. The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component or official map or, if no width is specified therein, the minimum widths shall be as specified below. Cross sections for freeways and parkways should be based upon detailed engineering studies.

URBAN CROSS SECTION

<u>Type of Street</u>	<u>R.O.W. Width to be Reserved</u>	<u>R.O.W. Width to be Dedicated</u>	<u>Pavement Width (Face of Curb to Face of Curb)</u>
Major Streets	80 feet	80 feet	48 feet
Collector Streets	70 feet	70 feet	40 feet
Minor Streets, 1,000 feet or more in length.	66 feet	66 feet	38 feet
Minor Streets, less than 1,000 feet in length, cul-de-sac and frontage streets.	58 feet*	58 feet*	32 feet*
	50 feet**	50 feet**	24 feet**

Alleys	20 feet	20 feet	20 feet
Pedestrian Ways	10 feet	10 feet	5 feet

- * If on-street parking is allowed on only one side of street
 - ** If on-street parking is not allowed on either side of street
- Ordinance No. 2002-03 adopted June 10, 2002.*

RURAL SECTION (Including Extraterritorial Jurisdiction Area)

Major Streets and Highways	120 feet	80 feet	Dual 24 feet 10 feet outside, shoulders -- 4 feet inside, shoulders -- (24 feet median)
Collector Streets	80 feet	80 feet	22 feet, 10 feet outside shoulders
Minor Streets	66 feet	66 feet	22 feet, 3 feet outside shoulders

- (2) Roadway Ditches. Where curb and gutter is not required by the City for rural cross-section streets, the minimum ditch slope shall be fifty one-hundredths percent (0.50%).
- (3) Roadway Base Thickness.
 - a. Residential streets shall have a minimum roadway base thickness of six (6) inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 and No. 2 in the lower level.
 - b. On commercial, arterial or other heavy-use streets, as determined by the City Engineer, a base course of eight (8) inches compacted shall be constructed upon an inspected and approved subgrade, either wellgraded crushed gravel from a state-approved pit with a maximum stone of one and one-half (1-1/2) inches and no greater than ten percent (10%) by weight passing a No. 200 sieve or No. 3 crushed rock approximately six (6) inches in depth and one (1) or more layers of fine aggregate, either three-fourths (3/4) inch crushed gravel, well-graded with no greater than ten percent (10%) passing a No. 200 sieve, or three-fourths (3/4) inch traffic-bound crushed rock.
 - c. In the case of commercial, arterial or other heavy-use roads, the Common Council may, in the alternative to the above standards, have the City Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.
 - d. In any case, the Common Council shall have the sole discretion in determining the use and construction classification to be adhered to.
 - e. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.
- (4) Roadway Base Quality. All subgrade material shall have a minimum California Bearing Ratio (CBR) of three (3). Subgrade material having a CBR less than three (3) shall be removed and replaced with a suitable fill material, or the pavement must be designed to compensate for the soil conditions. The soil support CBR values selected for use by the designer should represent a minimum value for the soil to be used.

- (5) Roadway Sub-Base. Stable and nonorganic sub-base material is required. Unstable and organic material must be subcut, removed and replaced with a suitable granular or breaker-run material approved by the City Engineer.
- (6) Pavement Thickness. Residential streets shall have a minimum of two and one-half (2-1/2) inches thick compacted bituminous concrete pavement, placed in two (2) layers -- a binder course and one and one-half (1-1/2) inches thick and a surface course of one (1) inch. On commercial, arterial or other heavy-use streets, there shall be a minimum of three and one-half (3-1/2) inches of bituminous concrete pavement, placed in two (2) layers -a binder course of two (2) inches thick and a surface course of one and one-half (1-1/2) inches thick. In the case of commercial, arterial or other heavy-use roads, the Common Council may, in the alternative to the above standards, have the City Engineer provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Common Council shall have the sole discretion in determining the use and construction classification to be adhered to.
- (7) Roadway Culverts and Bridges. Roadway culverts and bridges shall be constructed as directed by the City Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage," of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls.
- (8) Driveway Culverts. Driveway culverts shall be sized by the City Engineer (if appropriate). The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and they shall be provided with concrete, metal or landscape timber endwalls.
- (9) Topsoil, Grass, Seed, Fertilizer and Mulch. All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four (4) inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway with greater than a two and one-half percent (2.5%) slope shall be protected by erosion control materials such as hay bales, sod, erosion control mats, etc.
- (10) Drainage Improvements. In the case of all new roads and streets, the City Engineer may require that storm water retention areas and storm sewers be constructed in order to provide for proper drainage.
- (11) Continuity and Transitions.
 - a. All street pavement widths on streets continued from previously developed or platted streets shall, wherever practical, provide for the greater of either the existing or required pavement type, width, grade and cross slope.
 - b. Where it is necessary to provide for a transition of pavement width and/or type between new and existing streets, the transition shall occur in a safe manner at an intersection. In the event a transition in pavement width cannot safely occur at an intersection, it shall not occur closer than two hundred fifty (250) feet to the intersection of right-of-way lines. In width transitions, the ratio of the transition length to width shall not be less than fifteen to one (15: 1) unless the City Engineer determines that special circumstances prevent use of such ratio, in which case the minimum transition ratio shall be ten to one (10: 1).

SEC. 14-1-72 BLOCK DESIGN STANDARDS.

- (a) **Length; Arrangement.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed one thousand five hundred (1,500) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than six hundred (600) feet in length. Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots.
- (b) **Pedestrian Pathways.** Pedestrian pathway easements not less than ten (10) feet wide, may be required by the Plan Commission, through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

SEC. 14-1-73 LOT DESIGN STANDARDS.

- (a) **Size.**
 - (1) The size, shape and orientation of lots shall be appropriate for the location of topography of the subdivision, the type of sewerage or septic system to be utilized, and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the City Zoning Code.
 - (2) Lot dimensions, shape and size shall provide for conformance to the requirements of the Zoning Code for the permitted land use(s) without the need for the granting of Zoning Code variances by the Zoning Board of Appeals.
- (b) **Commercial Lots.** Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the City Zoning Code.
- (c) **Lots Where Abutting or Highway.** Residential lots adjacent to major and minor arterial streets and highways and/or railroads shall be platted with an extra fifteen (15) feet of lot and an extra fifteen (15) feet of minimum yard setback and shall otherwise be designed to alleviate the adverse effects on residential adjacent lots platted to the major street, highway, railroad or other such features.
- (d) **Corner Lots.** Corner lots for residential use shall have extra width of ten (10) feet to permit full building setback from both streets.
- (e) **Access to Public Streets.** Every lot shall front or abut on a public street. Every lot shall front or abut for a distance of at least thirty (30) feet on a public street and shall be not less than sixty (60) feet in width at the building setback line, including cul-de-sac lots, or as required by the City Zoning Code, the more restrictive of which shall apply.
- (f) **Side Lots.** Side lot lines shall be substantially at right angles to or radial to abutting street lines. Lot lines shall follow City boundary lines.
- (g) **Double and Reversed Frontage Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (h) **Natural Features.** In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- (i) **Land Remnants.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (j) **Large Lots.** In case a tract is divided and results in parcels of more than twice the minimum lot size provided for by the City Zoning Code for the zoning district in which the land is located, such parcels shall be so arranged to permit redividing into parcels in accordance with this Chapter and with the Zoning Code.
- (k) **Trunk Highway Proximity.** All lots adjacent to state trunk and federal highways shall be platted with additional depth necessary to provide for a building setback line not less than fifty (50) feet from the nearer right-of-way line or one hundred ten (110) feet from the centerline, whichever is more restrictive (Ref. Wis. Adm. Code Trans 233). The subdivider may appeal this requirement to the City Engineer. Upon written request of the City Engineer; the Wisconsin Department of Transportation is hereby authorized to then determine building setback requirements equal to or less than those required above in all land divisions (including certified surveys) adjacent to state and federal highways in accordance with the authority granted in the Administrative Code. The required building setback line and additional lot depth shall be platted so as to accommodate such required building setbacks.
- (l) **Easement Allowance.** Lots containing pedestrian or drainage easements shall be platted to include additional width in allowance for the easement.

SEC. 14-1-74 DRAINAGE SYSTEM.

- (a) **Drainage System Required.** As required by Section 14-1-56, a drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A Final Plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Common Council, upon the recommendations of the Plan Commission and City Engineer.
- (b) **Drainage System Plans.**
- (1) The subdivider shall submit to the City at the time of filing a Preliminary Plat a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:
 - a. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
 - (2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
 - (3) The design criteria for storm drainage systems shall be based upon information provided by the City Engineer.
 - (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the City Engineer.
- (c) **Drainage System Requirements.** The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section.
- (1) **Street Drainage.** All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage. No storm water shall be permitted to be run into the sanitary sewer system within the proposed subdivision.
 - (2) **Off-Street Drainage.** The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement to the City to provide for the future maintenance of said system.
- (d) **Protection of Drainage Systems,** The subdivider shall adequately protect all ditches to the satisfaction of the City Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to one percent [1%] shall be seeded; those with grades up to four percent [4%] shall be sodded and those with grades over four percent [4%] shall be paved.)
- (e) **Drainage Easements.** Where a land division is traversed by a watercourse, drainageway, channel or stream:
- (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
 - (2) The watercourse, drainageway, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section; or
 - (3) Wherever possible, drainage shall be maintained in an easement by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such

easements shall be of a minimum width established at the high water mark or, in the absence of such specification, not less than thirty (30) feet.

- (f) **Dedication of Drainageways.** Whenever a parcel is to be subdivided or consolidated and embraces any part of a drainageway identified on a City Comprehensive Storm Water Management Plan, master plan and/or official map or any portion thereof, such part of said existing or proposed public drainageway shall be platted and dedicated by the subdivider as an easement or right-of-way in the location and at the size indicated along with all other streets and public ways in the land division. Whenever any parcel is to be subdivided or consolidated and is part of a drainage district established under the authority of [Chapter 88, Wis. Stats.](#), the subdivider shall petition the Circuit Court to transfer the jurisdiction of that portion of the drainage district being subdivided or consolidated to the City in accordance with [Chapter 88.83, Wis. Stats.](#)
- (g) **Dedication/Preservation of Storm Water Management Facilities.** The subdivider shall dedicate sufficient land area for the storage of storm water to meet the needs to be created by the proposed land development and in accordance with the standards for on-site detention and as determined by the City Engineer. Whenever a proposed storm water management facility (e.g., detention or retention basin) shown on the Comprehensive Storm Water Management Plan, master plan and/or official map is located, in whole or in part, within the proposed land division, ground areas for providing the required storage capacity in such proposed public facility shall be dedicated to the public to the requirements of the master plan and/or official map. Storage areas necessary to serve areas outside the land division shall be held in reserve for a period of five (5) years from the date of final plat approval for future acquisition by the City or other appropriate agency having the authority to purchase said property. The subdivider and City shall enter into an agreement with the City to provide for the purchase of the lands held in reserve prior to the conclusion of the five (5) year reserve period.
- (h) **Storm Drainage Facilities.**
- (1) The subdivider, at his cost, shall install all drainage facilities identified in the Erosion Control Plan (Building Code) or determined by the City Engineer as being necessary for the management of all lands and roadways within the development. In addition, drainage capacity through the development from other areas shall be provided in accordance with a Comprehensive Surface Water Management Study, if applicable. All required storm drainage facilities shall be constructed and operational prior to acceptance of any dedications and/or public improvements served by the storm drainage facilities.
 - (2) The subdivider shall submit to the City Engineer for his review and approval, a report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the land division to handle the additional runoff which would be generated by the development of the land within the land division. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed land division. The report shall also include:
 - a. Estimates of the quantity of storm water entering the land division naturally from areas outside the land division.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
 - (3) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the land division.
 - (4) The design criteria for storm drainage systems shall be reviewed by the City Engineer and approved or modified.
 - (5) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with standards and specifications provided by City ordinance and/or the City Engineer.
- (i) **Minor Drainage System.** The subdivider shall install all minor drainage system components necessary to reduce inconvenience and damages from frequent storms. Minor drainage components shall include all inlets, piping, gutters, channels, ditching, pumping and other facilities designed to accommodate the postdevelopment runoff resulting from a two (2) year, twenty-four (24) hour

rainfall [ten (10) year, twenty-four (24) hour rainfall for commercial zoning district] event as determined in the most current edition of the Soils Conservation Service Technical Release 55 (TR 55). Temporary accumulations of storm runoff from ponding or flowing water, in or near minor system components, shall be permitted providing such accumulations do not encroach on any traffic lane of any collector or arterial street, nor on the center twenty-four (24) feet of any local street, except on cul-de-sac or permanently dead-end streets serving less than ten (10) dwelling units, where such accumulations may not overtop the curb. In drainageways and drainageway easements, accumulations of water shall not inundate beyond the limits of the drainageway or drainageway easement. Cross-street drainage channels (valley gutters) shall not be permitted except on cul-de-sac or permanent dead-end streets serving less than ten (10) dwelling units and where the minimum grade in the valley gutter and street gutter between the valley gutter and the next downstream drainage inlet is not less than one percent (1.0%).

- (j) **Major Drainage System.** The subdivider shall install all major drainage system components necessary to reduce inconvenience and damages from infrequent storms. Major system components shall include large channels and drainageways, streets, easements and other paths and shall be capable of accommodating post development runoff in excess of that accommodated by minor system components resulting from twenty-four (24) hour rainfall events for storms with return frequencies greater than two (2) years up to and including the one hundred (100) year return event (as identified in TR 55). On local and collector streets and drainageways and drainage easements, accumulations of water shall not inundate any buildings at the ground line, unless such buildings are flood-proofed. On arterial streets and in commercial zoning districts, accumulations of water shall not inundate any buildings at the ground line, unless such buildings are flood-proofed and the depth of water at the street crown shall not exceed six (6) inches to permit operation of emergency vehicles.
- (k) **Drainage Piping Systems.**
 - (1) Unless otherwise approved by the City Engineer, all drainage piping of twelve (12) inches diameter and greater in street rights-of-way shall be constructed of Class Three (3) reinforced concrete pipe. Piping materials outside of rights-of-way shall be subject to approval of the City Engineer. Open drainage inlet pipes or culverts with any opening dimension in excess of eighteen (18) inches shall be equipped with debris grates having an exposed area at least seven (7) times the pipe opening area to avoid backwater accumulations from trash buildup and unsafe stream velocities and a maximum opening size of six (6) inches. Drainage piping outfalls with any opening dimension in excess of thirty-six (36) inches shall be protected from unauthorized entry by fencing, partial or total submergence of the outlet, debris grates or other methods approved by the City Engineer unless in such a location as to render routine maintenance operations impossible. Outfalls and their channels shall be protected from damages due to scour and erosion to the satisfaction of the City Engineer.
 - (2) When, on the basis of the soils information, the City Engineer determines that the ground water elevation is less than nine (9) feet below the proposed street centerline elevation and the adjacent lots have access to a storm drainage piping system, the subdivider shall be required to provide approved sump pump laterals from the storm sewer piping system to the property line of each lot for connection by the property owner.
 - (3) Agricultural drain tiles which are disturbed during construction shall be restored, reconnected or connected to public storm drainage facilities.
- (l) **Open Channel Systems.**
 - (1) Where open channels are utilized in either the minor or major drainage system, they shall be designed so as to minimize maintenance requirements and maximize safety. Drainage easements (in lieu of dedications) shall be utilized to accommodate open channels provided adequate access by the City for maintenance of drainage capacity. Side slopes shall not exceed a four-to-one (4:1) slope. Drainageways with grades of 0.75% or less, or where subject to high ground water, continuous flows, or other conditions as determined by the City Engineer that would hamper maintenance operations due to consistently wet conditions, shall have a paved concrete invert of not less than eight (8) feet wide and side slopes to a point one (1) foot above the channel invert.

- (2) In areas where invert paving is not required, the drainageway bottom shall be grass. If the drainageway has a bare soil bottom or the natural grasses in the drainageway are disturbed due to development operations, the drainageway bottom shall be sodded and securely staked to one (1) foot above the elevation of inundation resulting from a predevelopment five (5) year, twenty-four (24) hour storm event. Other disturbed areas shall be seeded and prepared in accordance with the City's Erosion Control requirements. Velocities for grass-lined channels shall not exceed those in the City's Surface Water Management Study.
- (m) **Standards for On-Site Detention Storage.** The subdivider may employ on-site detention to control erosion and sedimentation, reduce the post-development peak runoff rate or temporarily store storm water runoff due to inadequate downstream drainage facilities. The detention (storage) facilities shall be subject to regulation in accordance with the following standards:
- (1) Where on-site detention is temporarily employed for erosion and sedimentation control, the detention facilities shall safely contain the predevelopment runoff from a twenty-five (25) year storm event of twenty-four (24) hour duration within the limits of the facility.
 - (2) Where on-site detention is permanently employed to reduce the postdevelopment peak runoff, the detention facility shall safely contain the post-development runoff from a twenty-five (25) year storm event of twenty-four (24) hour duration within the limits of the facility.
 - (3) Detention facility peak discharge rates for the maximum storm required to be contained shall not exceed the predevelopment peak discharge rate from a five (5) year storm event of twenty-four (24) hour duration or the capacity of the downstream drainage facilities, whichever is less.
 - (4) All temporary detention facilities shall safely contain or pass the runoff from any storm of any duration which exceeds the maximum storm required to be contained up to the one hundred (100) year storm event of twenty-four (24) hour duration.
 - (5) All permanent detention facilities shall safely contain the runoff from the one hundred (100) year storm event of twenty-four (24) hour duration on both public and, if necessary, private properties without inundating any building at the ground elevation, the travel lanes of any arterial street, the center ten (10) feet of any collector street or the top of the curb on any local street.
 - (6) Determination of on-site detention volumes shall be computed by procedures established by the United States Soil Conservation Service in the most current edition of its technical publication entitled "Urban Hydrology for Small Watersheds, TR-55," and as accepted and approved by the City Engineer.
 - (7) The storage of storm water runoff shall not encroach on any public park (except parks designed with detention facilities) or any private lands outside the land division unless an easement providing for such storage has been approved and recorded for said lands.
 - (8) All detention facilities shall be designed with the safety of the general public and any considerations for ease of maintenance as top properties.
 - (9) Any wet detention facilities shall include riprap to not less than two (2) feet above the normal pool elevation for protection from wave action.
 - (10) The sides of all detention facilities shall have a maximum slope ratio of four to one (4:1) (horizontal to vertical), with flatter slopes being required where determined practical by the City Engineer.
 - (11) The Common Council, upon recommendation by the City Engineer, may require the installation of fencing or other such security measures in facilities with excessively long down times or permanent water features, or other features requiring additional security for safety reasons.

SEC. 14-1-75 NON-RESIDENTIAL SUBDIVISIONS.

(a) **General.**

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the City may require.

- (2) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the City Building Code. A non-residential subdivision shall be subject to all the requirements of this Chapter, as well as such additional standards required by the City and shall conform to the proposed land use standards established by any City Comprehensive Plan or Official Map and the City Zoning Code.
- (b) **Standards.** In addition to the principles and standards in this Chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Common Council that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - (3) Special requirements may be imposed by the Common Council, upon the recommendation of the City Engineer, with respect to street, curb, gutter and sidewalk design and construction.
 - (4) Special requirements may be imposed by the Common Council, upon the recommendation of the City Engineer, with respect to the installation of public utilities, including water, sewer and storm water drainage.
 - (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
 - (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

SEC. 14-1-76 GRADING.

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

- (a) The divider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans, including the grading of site triangles at each intersection.
- (b) Block grading shall be completed by one (1) or more of the following methods:
 - (1) Regrading along the side or rear lot lines which provides for drainage to the public drainage facilities.

Subdivision Regulations

- (2) Parts of all lots may be graded to provide for drainage to a ditch or to a swale, provided any ditches or swales are in public drainage easements.
- (3) Draining across rear or side lot lines may be permitted provided that the course of drainage is within a public drainage easement and is toward public drainage facilities.
- (c) Lot grading shall be completed so that water drains away from each building site toward public drainage facilities at a minimum grade of two percent (2%) and provisions shall be made to prevent drainage onto properties adjacent to the land division unless to a public drainage facility.
- (d) Grading activities shall not result in slopes greater than three to one (3:1) on public lands or lands subject to public access.
- (e) The topsoil stripped for grading shall not be removed from the site unless identified in the Erosion Control Plan approved by the City Engineer as not being necessary for erosion control or site landscaping purposes. Topsoil shall be uniformly returned to the lots when rough grading is finished. Topsoil piles shall be leveled and seeded for erosion control prior to the City releasing the one (1) year guarantee provision on public improvements in the streets adjacent to the lots on which the topsoil is stockpiled.

- (f) Such grading shall not result in detriment to any existing developed lands, either within or outside of the corporate limits.

SEC. 14-1-77 THROUGH SEC. 14-1-79 RESERVED FOR FUTURE USE.

ARTICLE H**Park and Public Land Dedications****SEC. 14-1-80 GENERAL PARK AND PUBLIC LAND DEDICATION REQUIREMENTS.**

- (a) **Dedication Requirement.** In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall be required to dedicate land or fees in lieu of land for park or other public uses.
- (b) **General Design.** In the design of a subdivision, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainage-ways and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, and shall comply with the City Master Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

SEC. 14-1-81 LAND DEDICATION.

- (a) **Dedication Calculation.**
 - (1) Where feasible and compatible with the comprehensive plan of the City, the developer or subdivider shall provide and dedicate to the public adequate land to provide for park, recreation, open space and school needs of the development or subdivision within the limits of the City of Ladysmith at the rate of one (1) acre for each twenty-five (25) proposed dwelling units; and said proposed public lands other than streets or drainage way, in excess of the rate established herein, shall be reserved for a period not to exceed two (2) years unless extended by mutual agreement for purchase by the public agency having jurisdiction.
 - (2) In lieu of the above paragraph, the City may, at its option, if land within the tract is not designated for a proposed playground, park, school site or other public land, other than streets or drainageways in the comprehensive plan or comprehensive plan component, levy a public site fee against the subdivider at the time of application for Final Plat approval at the rate and according to the procedures established in Section 14-1-84.
 - (3) The Common Council, upon the recommendation of the Plan Commission, shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- (b) **Unknown Number of Dwelling Units.** Where the plat does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the City Zoning Chapter and this Chapter.
- (c) **Deeded to the City.** Land dedicated for public purposes shall be deeded to the City at the time the Final Plat is approved.
- (d) **Access to Dedicated Land.** All dedicated land shall have frontage on a public street and shall have unrestricted public access.
- (e) **Utility Extensions.** The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

SEC. 14-1-82 RESERVATION OF ADDITIONAL LAND.

When public parks and sites for other public areas as shown on the Master Plan or Master Plan component lie within the proposed area for development and are greater in area than required by Section

14-1-81, the owner shall reserve for acquisition by the City, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year of Final Plat approval unless extended by mutual agreement.

SEC. 14-1-83 DEVELOPMENT OF PARK AREA.

- (a) When parklands are dedicated, the subdivider is required to:
 - (1) Properly grade and contour for proper drainage;
 - (2) Provide surface contour suitable for anticipated use of area; and
 - (3) Cover areas to be seeded with a minimum of four (4) inches of quality topsoil, seed as specified by the City Engineer, fertilized with 16-6-6 at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one (1) year following issuance of the first building permit within that land division unless otherwise authorized by the City Engineer. The improved area shall not be deemed officially accepted until a uniform grass cover to a two (2) inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the City accepts the dedication.
- (b) A neighborhood park area shall be provided by the subdivider with a standard residential water service unless located directly adjacent to a fire hydrant. A community park area shall be provided by the developer with a minimum six (6) inch water service or at least one (1) fire hydrant, and at least one (1) four (4) inch sanitary sewer lateral, all located at the street property line.
- (c) The Common Council may require certification of compliance by City officials. The cost of such report shall be paid by the subdivider.
- (d) Development of parklands is to be completed as soon as twenty percent (20%) of the planned lots in the subdivision are sold or developed, as determined by the Common Council.
- (e) If the subdivider fails to satisfy the requirements of this Section, the Common Council may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

SEC. 14-1-84 FEES IN LIEU OF LAND.

- (a) **Method of Calculation.** Where, in the opinion of the Plan Commission, there is no land suitable for parks within the proposed subdivision or the dedication of land would not be compatible with the City's comprehensive development or park plan, or City officials determine that a cash contribution would better serve the public interest, the Plan Commission may require the subdivider to contribute cash payment in lieu of land. In the case of land divisions other than subdivisions, the subdivider shall be required to pay a fee according to the schedule set forth in Subsection (b) of this Section. The fees collected shall be held in a nonlapsing fund to be used for purchase, development, improvement and maintenance of parks, playgrounds, open spaces and other recreational sites and facilities.
- (b) **Computation of Fees in Lieu of Dedication.**
 - (1) Fee. One Hundred Fifty Dollars (\$150.00) per residential lot per residential subdivision and Fifty Dollars (\$50.00) for the first bedroom unit with Seventy-Five Dollars (\$75.00) for each additional bedroom unit or other residential development, such as an apartment project, planned unit development and multi-family development created by the subdivision or development, and the same shall be placed in a nonlapsing fund to be used for park, recreation or open-space use or development.
 - (2) Exemptions. Where a lot or parcel for which payment has once been made is further divided, payment shall be required only for the additional lots or parcels created.
 - (3) Time of Payment. Payment may be in a lump sum at the time for first application for a final plat, or fifty percent (50%) may be paid when twenty percent (20%) of the lots are sold and

- the remaining fifty percent (50%) paid when one-half or fifty percent (50%) of the lots are sold, such deferred payment to be guaranteed by a surety bond or other satisfactory financial guarantees to the City.
- (c) **Dedication Criteria.** The Plan Commission shall determine whether the subdivider shall be required to dedicate land or pay a fee in lieu of dedication. The Plan Commission shall also determine the location of sites dedicated to such public uses and the types of uses to which said sites shall be put. In making these determinations, consideration shall be given to the needs of the community in general and of the residents of the proposed subdivision or other land division, correlation with existing and planned sites and facilities dedicated for such public uses, feasibility and practicality of requiring dedication of land, zoning regulations and compatibility with a comprehensive community development plan or a park and open space plan.
- (d) **Park Fund.** Funds paid to the City under any Fees in Lieu of Land provision or contributed from other sources for park development and improvement are to be placed in a separate account designated for park development and improvement projects. The Common Council shall have the final right to approve or reject such projects. Said account shall be a continuing account and shall not lapse at the end of a budget period.

SEC. 14-1-85 THROUGH SEC. 14-1-89 RESERVED FOR FUTURE USE.

ARTICLE I

Fees

SEC. 14-1-90 ADMINISTRATIVE AND OTHER FEES.

- (a) **General.** The subdivider shall pay the City all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map.
- (b) **Engineering Fee.** The subdivider shall pay a fee equal to the actual cost to the City for all engineering work incurred by the City in connection with the plat or certified survey map, including inspections required by the City. The subdivider shall pay a fee equal to the actual cost to the City for such engineering work and inspection as the Common Council and/or City Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the City or any other governmental authority. Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work.
- (c) **Administrative Fee.** The subdivider shall pay a fee to the City equal to the cost of any legal, administrative or fiscal work which may be undertaken by the City in connection with the plat or certified survey map.
- (d) **Preliminary Plat Review Fee.**
 - (1) The subdivider shall pay a fee for the plat review plus a per dwelling fee for each dwelling unit within the Preliminary Plat or certified survey map to the City Clerk at the time of first application for approval of any Preliminary Plats or certified survey maps to assist in defraying the cost of review. The City of Ladysmith has established the fee for reviewing the plans which fee schedule is permanently on file in the Clerk's office and will be made available for inspection upon request. *Ord. 2010-10 adopted 5/6/2010.*
 - (2) A reapplication fee shall be paid to the City Clerk at the time of reapplication for approval of any Preliminary Plat which has previously been reviewed. The City of Ladysmith has established the reapplication fee which fee schedule is permanently on file in the Clerk's office and will be made available for inspection upon request. *Ord. 2010-10 adopted 5/6/2010.*
- (e) **Final Plat Review Fee.**
 - (1) The subdivider shall pay a fee for review of the final plat plus a per dwelling fee for each dwelling unit within the Final Plat to the City Clerk at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review. The City of Ladysmith has established the fee for reviewing the final plat which fee schedule is permanently on file in the Clerk's office and will be made available for inspection upon request. *Ord. 2010-10 adopted 5/6/2010.*
 - (2) A reapplication fee shall be paid to the City Clerk at the time of a reapplication for approval of any Final Plat which has previously been reviewed. The City of Ladysmith has established the reapplication fee which can be found in the fee schedule which is permanently on file in the Clerk's office and will be made available for inspection upon request. *Ord. 2010-10 adopted 5/6/2010.*
- (f) **Objecting Agency Review Fees.** The subdivider shall transmit all fees required for state agency review to the City Clerk at the time of application. Said review fees shall be retransmitted to the proper state review agency by the City Clerk. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Development, Wisconsin Department of Transportation, Wisconsin Department of Commerce and the Wisconsin Department of Natural Resources.
- (g) **Public Site Fee.** If the subdivision does not contain lands to be dedicated as required in this Chapter, the City Clerk shall require a fee pursuant to Section 14-1-84 for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision.

- (h) **Certified Survey.** The subdivider shall pay an application fee for each certified survey which results in two (2) or less lots, outlots or parcels within the certified survey. The City of Ladysmith has established said application fee, which is included in the fee schedule permanently on file in the Clerk's office and will be made available for inspection upon request. *Ord. 2010-10 adopted 5/6/2010.*

SEC. 14-1-91 THROUGH SEC. 14-1-99 RESERVED FOR FUTURE USE.

ARTICLE J

Variances; Penalties and Violations

SEC. 14-1-100 VARIATIONS AND EXCEPTIONS.

- (a) Where, in the judgment of the Plan Commission, it would be inappropriate to apply literally the provisions of this Chapter because exceptional or undue hardship would result, the Plan Commission may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the Preliminary Plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Plan Commission in the analysis of the proposed project.
- (b) The Plan Commission shall not grant variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
- (c) The Plan Commission, if it approves of the variance, shall do so by motion or resolution and instruct the City Clerk to notify the subdivider.
- (d) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the City in accordance with any City Comprehensive Plan or component thereof, this Chapter, or the City Zoning Code. A majority vote of the entire membership of the Plan Commission shall be required to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Plan Commission.
- (e) The Plan Commission may waive the placing of monuments, required under [Sec. 236.15\(b\), \(c\) and \(d\), Wis. Stats.](#), for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

SEC. 14-1-101 ENFORCEMENT, PENALTIES AND REMEDIES.

- (a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the City authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The City may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Penalties.**
 - (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in [Sec. 236.30, Wis. Stats.](#)
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in [Sec. 236.31, Wis. Stats.](#)
 - (4) Monuments disturbed or not placed have penalties as provided for in [Sec. 236.32, Wis. Stats.](#)

- (5) Assessor's plat made under [Sec. 70.27 of the Wisconsin Statutes](#) may be ordered by the City at the expense of the subdivider when a subdivision is created by successive divisions.
- (c) **Revocation of Permits and/or Approvals.**
- (1) The City Administrator may revoke or suspend any permit or approval issued under the regulations of this Chapter and may stop construction or use of unapproved materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the City Engineer shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the subdivider or his contractor has refused to conform after written warning or instruction has been issued to him.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.
 - d. Whenever, in the opinion of the City Engineer, the subdivider has provided inadequate management of the project.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the City Engineer for the use of all materials, equipment, methods of construction, devices or appliances.
 - (2) The notice revoking a permit or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and/or on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the premises in question by the City Engineer.
 - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the City Engineer may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.
 - (5) Any appeals of such revocations or suspensions must be made in writing and within seven (7) calendar days to the City Clerk for consideration by the Common Council at its next regularly scheduled meeting, provided the appeal is filed not less than seven (7) days prior to the meeting date.
 - (6) The Building Inspector is hereby directed to withhold the issuance of building permits within the land division until compliance with the provisions of this Chapter is obtained.
 - (7) The Building Inspector is hereby directed to withhold the issuance of occupancy permits within the land division if violations of this Chapter may result in health or safety problems for the occupants.
- (d) **Appeals.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom as provided in [Sections 236.13\(5\) and 62.23\(7\)\(e\)10, 14 and 15 of the Wisconsin Statutes](#), within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.