

## CHAPTER 20

### SUBDIVISION AND PLATTING

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## SUBDIVISION AND PLATTING 20.01

**20.01 INTRODUCTION.** (1) **AUTHORITY.** This chapter is adopted pursuant to the authority granted by §236.45, Wis. Stats., and for the purpose listed in §§236.01 and 236.45, Wis. Stats.

- (2) **PURPOSE.** The provisions of this chapter shall be held to the minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the City.
- (3) **INTERPRETATION.** This shall not repeal, impair or modify private covenants or public ordinance, except that it shall apply whenever it imposes stricter restrictions on land use.

**20.02 GENERAL PROVISIONS.** (1) A subdivision shall include any division of a parcel of land by the owner or his agent for the purpose of sale or building development where the act of division creates 2 or more parcels of 5 acres or less each, or where 2 or more parcels of 5 acres or less each are created by successive divisions within a 5 year period, provided, however, that this chapter shall not apply for the following:

- (a) Transfers of interest in land by will or pursuant to court order.
  - (b) Leases for a term not to exceed 10 years, mortgages or easements.
  - (c) 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.
- (2) No division of land within the City or within its extraterritorial plat approval jurisdiction shall be permitted if it results in a subdivision unless a plat of the subdivision is submitted and approved in accordance with this chapter and Ch. 236, Wis. Stats.
  - (3) In addition to the provisions of this chapter and Ch. 236, Wis. Stats., all subdivisions shall conform to the City Zoning Code and the Comprehensive Plan for the City and its extraterritorial planning area.
  - (4) For all subdivision improvements required to be installed by the subdivider, the subdivider shall provide satisfactory proof that he has contracted to install such improvements or shall file a performance bond ensuring installation of such improvements within the time required by the Plan Commission and the Council.
  - (5) The specifications for all improvements shall be approved by the Plan Commission. Prior to either acceptance of the improvement by the Council or release of the subdivider's development agreement, all improvements shall be inspected and found to have been installed according to the specifications.

**20.03 DEFINITIONS.** For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meaning given in this section. The word "shall" is always mandatory and not merely directory.

- (1) **ATTORNEY OR ENGINEER.** The attorney or engineer employed by the City unless otherwise stated in the text.

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- (2) **BLOCK.** An area of land within a subdivision that is entirely bounded by a street or combination of streets, exterior boundary lines of a subdivision and streams or water bodies.
- (3) **BOND.** Any form of security, including cash deposit, surety bond, collateral, property or instrument of credit, in any amount and form satisfactory to the City. All bonds shall be approved by the Plan Commission upon recommendation of the City Attorney.
- (4) **BOULEVARD.** That portion of the street right of way between the curb line and the property line.
- (5) **BUILDING LINE OR BUILDING SETBACK.** A line on a plat, parallel to the street, indicating the limit beyond which no building may be erected. The building line shall be consistent with the front yard setback of the zoning district in which the plat is located.
- (6) **BLUFFSLOPE:** That area within the boundaries of the Saint Croix Riverway (NR118) which is greater than a 12% slope when measured by the Riverway standards.
- (7) **BLUFFLINE:** That area at the top of the slope outside of the Riverway boundaries whereby the rise becomes less than a 12% grade, roughly being Day Road and Day Road extended.
- (8) **CONSTRUCTION PLAN.** The maps or drawings accompanying a subdivision plat showing the specific location and design of improvements to be installed by the subdivision either in accordance with the requirements of this chapter or conditions placed on the plat by the Plan Commission.
- (9) **CUL-DE-SAC.** A local street with only one outlet having an appropriate terminal for the safe and convenient reversal of traffic movement. Cul-de-sacs may be either temporary or permanent.
- (10) **EASEMENT.** Authorization by a property owner for use of land by another person for a specific purpose.
- (11) **EXTRATERRITORIAL PLAT APPROVAL JURISDICTION.** The unincorporated area within 1-1/2 miles of the City in which the City has the authority to approve subdivision plats.
- (12) **FINAL PLAT.** The final plat map and supporting data described in sec. 20.04(3) of this chapter which is submitted to the Plan Commission and the Council for approval.
- (13) **FLOODPLAIN.** Those lands subject to inundation by a 100 year interval flood, as determined by the Plan Commission from official floodplain maps or other applicable data.
- (14) **FRONTAGE.** The side or sides of a lot adjacent to a public right of way or private road.

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- (15) **IMPROVEMENT, PUBLIC.** Any sanitary sewer, storm sewer, open channel drainage way, water main roadway, park, sidewalk or a pedestrian way, or other facility for which the City may ultimately assume the responsibility for maintenance and operation.
- (16) **LOT.** A parcel of land having frontage on a public street or approved private road, intended as a unit for the purpose, whether immediate or future, of transfer of ownership or building development.
- (17) **LOT, BUTT.** A lot at the end of a block and located between 2 corner lots.
- (18) **LOT, CORNER.** A lot at the intersection of 2 or more streets with 2 or more adjacent sides of the lot abutting a street.
- (19) **LOT, THROUGH.** A lot with 2 opposite sides abutting 2 or more streets.
- (20) **OUTLOT.** A parcel of land in a subdivision which, for one reason or another, cannot be included in a lot.
- (21) **OWNER.** Any person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.
- (22) **PEDESTRIAN WAY.** The right of way across or within a block for use by pedestrian traffic whether designated as a pedestrian way, crosswalk or however otherwise designated.
- (23) **PRELIMINARY PLAT.** The preliminary map of a subdivision described in sec. 20.04(2) of this chapter, indicating the proposed layout of the subdivision. The preliminary plat shall be submitted to the Plan Commission for approval.
- (24) **PROTECTIVE COVENANTS.** Contracts entered into between parties and which constitute a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (25) **RIGHT OF WAY.** A strip of land occupied or intended to be occupied by a street, curb and gutter, ditches, public sewer and water, other utilities and sidewalks.
- (26) **STREETS AND ALLEYS.** (a) Alley. A minor way which is used as a secondary means of vehicular traffic to the side or rear of abutting lots.
  - (b) Arterial Street. A street primarily designed to carry large volumes of traffic and provide traffic movement from one part of the City to another. Examples of arterial streets are State and County roads and major through streets.
  - (c) Collector Street. A street which carries traffic from minor streets to arterial streets or from arterial street to arterial street. It includes the principal streets of large residential subdivisions.

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- (d) Cul-de-sac. A minor street with only one outlet having an appropriate terminal for the safe and convenient reversal of traffic movement. Cul-de-sacs may be either temporary or permanent.
  - (e) Minor Street. A street of limited continuity used primarily for access to the abutting properties and serving the local needs of a neighborhood.
  - (f) Private Street. A privately-owned street serving 2 or more lots.
  - (g) Service Street. A limited access street which is parallel and adjacent to an arterial street which provides access to abutting properties and protection from through traffic.
  - (h) Street. A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial, parkway, throughway, road, avenue, lane or place.
- (27) **SUBDIVIDER**. Any person commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.
- (28) **SUBDIVISION**. The division of a parcel of land into more lots or successive divisions creating 2 or more lots or parcels within a 5 year period, any of which resultant parcels is less than 5 acres in area, for the purpose of transfer of ownership or building development, or if new street is involved, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

**20.04 SUBDIVISION PROCEDURE.** Any division of land within the City which results in a subdivision, as herein defined, shall follow the procedures as outlined in this section.

- (1) **SKETCH PLAN.** (a) Subdividers are invited to prepare, for review with the Plan Commission and the City Administrator, a sketch plan of the proposed subdivision. The sketch plan shall contain, at a minimum, the following information:
- 1. Site location within the City showing adjacent streets and adjoining development types.
  - 2. Subdivision boundaries.
  - 3. Topographic and physical features.
  - 4. Proposed general street design.
  - 5. Proposed lot layout.
  - 6. Proposed surface water drainage.
- (b) The sketch plan shall be considered as a basis for discussion between the subdivider and the Plan Commission. The Commission shall unofficially advise the subdivider of the extent to which the proposed subdivision

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conforms to this chapter and other applicable City ordinances, and shall discuss possible modifications to the subdivision proposal. No fee shall be required of the subdivider for the submission of sketch plans.

- (2) **PRELIMINARY PLAT.** (a) Submission to Plan Commission. 1. At least 15 days prior, the Plan Commission meeting at which a plat is to be reviewed, the subdivider shall file 3 copies of the plat with the City Clerk. The preliminary plat shall be prepared by a registered land surveyor and shall meet the requirements for preliminary plats, as outlined in Ch. 236, Wis. Stats.
2. A fee of \$100 plus \$1.00 per lot shall be paid by the subdivider to the City upon submission of the preliminary plat. The fee shall be used for public expenses incurred in connection with the approval of the preliminary and final plat. An additional fee of \$10 per final plat may be charged for each final plat in excess of one.
  3. The City Clerk shall transmit one copy to the Director of Public Works and City Administrator for his review and comment.
  4. The Plan Commission shall have the preliminary plat on the agenda for its next regular meeting.
  5. Within 90 days of receipt of the plat, the Plan Commission shall approve, approve conditionally or reject such plat and shall state, in writing, any conditions for approval or reasons for rejection. Failure to take action on the plat within 90 days shall constitute approval unless the subdivider agrees to an extension of the review period.
  6. Approval or rejection of a preliminary plat by the Plan Commission shall be conditioned on compliance with the provisions of the following:
    - a. Chapter 236, Wis. Stats.
    - b. This chapter.
    - c. The Zoning Code or other applicable ordinances.
- (b) Submission to Objecting Agencies. 1. The subdivider shall submit the original of the preliminary plat to the Department of Development. The Department shall, at the subdivider's expense, forward copies to the following agencies who have the authority to object to plats:
- a. The State Department of Transportation if the subdivision abuts a State Trunk Highway.
  - b. The Department of Commerce if not served by public water and sewer facilities.
  - c. The Polk County Planning and Zoning Office.

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2. Within 20 days of the receipt of the copies, the Department shall notify the subdivider, the City and other objecting agencies of any objections made to the plat. If no objections are made, the Department shall so certify on the face of the plat and so notify the subdivider and the City.
- (c) Preliminary Plat Information Required.
1. Existing Conditions.
    - a. Boundary line survey, including measured distances and angles which shall be tied to the nearest 1/4 corner section corner by traverse.
    - b. Existing zoning classifications for land in and abutting the subdivision.
    - c. Total acreage.
    - d. Location, right of way width and names of existing streets or other public ways, parks or other public lands, buildings and structures, easements, section and corporate limits within the plat and to a distance of 100 feet beyond the plat.
    - e. Location and size of existing sewers, water mains, culverts, utilities or other like facilities within the plat area and to a distance of 100 feet beyond. Such data as grades, invert elevations and locations of catch basins, manholes, hydrants and street pavement width and type shall also be included.
    - f. Boundary lines of adjoining subdivided or un-subdivided land within 100 feet of the plat boundary, identified by name and ownership, including all adjoining land owned by the subdivider not proposed to be subdivided.
    - g. Topographic data, including vertical intervals of not more than 2 feet, watercourses, wetlands, wooded area, rock outcrops and other significant features.
    - h. A copy of proposed private restrictions and restrictive covenants.
    - i. Soil tests conducted according to the standards of Wis. Adm. Code H 65 for all lots to be served by septic system seepage beds.
  2. Subdivision Design Features.
    - a. Layout of proposed streets showing right of way widths and proposed names of streets.
    - b. Locations and widths of proposed alleys, pedestrian ways and utility easements.
    - c. Proposed layout of streets and blocks.
    - d. Minimum front and side street building setback lines.

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- e. Location and size of proposed sewer lines and water mains.
  - f. Gradients of proposed streets, sewer lines and water mains.
  - g. Parks, pedestrian ways or other areas intended to be dedicated or reserved for public use.
  - h. Sites, if any, for multiple family dwellings, shopping centers, churches, industry or other uses, except single-family dwellings.
3. Supplementary Data to be Supplied With Preliminary Plat.
- a. Statement of the proposed use of lots stating type of residential building with proposed number of dwelling units or type of business or industry so as to reveal the effect of development on traffic, fire hazards and congestion.
  - b. Source of water supply and sanitary waste disposal.
  - c. Provisions for surface water drainage, flood control and storm water run-off, as required in sec. 8.15(5) of this Code.
  - d. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
  - e. 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 sketch plan of the remainder of the parcel so as to show the possible relationships between the proposed subdivision and future subdivision.
  - f. Other information as may be requested by the Plan Commission or the Director of Public Works.
- (3) FINAL PLAT. (a) Submission to Plan Commission. Within 6 months of approval of the preliminary plat, the developer shall submit a final plat to the Plan Commission for consideration. If the subdivider fails to submit a final plat within the 6 months time limit, the Commission may, at its option, void the preliminary plat and require the subdivider to resubmit an amended preliminary plat. The final plat shall incorporate any conditions placed on the approval of the preliminary plat. If the final plat conforms to the layout of the preliminary plat, including any conditions of that approval, it shall be entitled to approval. The subdivider may submit only a portion of the preliminary plat for final plat approval. In such cases, the subdivider shall submit a phasing plan for final approval of the remaining portions of the final plat to be approved by the Plan Commission. Any amendments to the phasing plan shall be submitted in writing by the developer for approval by the Commission.
- (b) Submission to Objecting Agencies. Prior to the submittal of the final plat to the Plan Commission for review, the subdivider shall submit the original to the Department of Development for distribution to the objecting agencies. The Department shall certify on the face of the plat that the objecting agencies have no objections and shall return the plat to the subdivider. The

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subdivider shall submit the certified original to the Plan Commission for review and approval.

- (c) Submission and Approval of the Final Plat. 1. At least 15 days prior to the Plan Commission meeting at which a plat is to be reviewed, the subdivider shall file the certified original and 3 copies of the final plat and supplementary documents with the City Clerk. The Clerk shall transmit one copy to the Director of Public Works and one copy to the City Attorney for their review and comment.
2. The plat shall be placed on the agenda for the next Plan Commission meeting.
  3. The Plan Commission shall review the plat and supplementary data and shall consider the recommendation of the City Attorney and the Director of Public Works and shall approve or reject the plat. If rejected, the Commission shall state the reasons for rejection, in writing, and shall return the plat to the subdivider.
  4. If approved by the Plan Commission, the final plat shall be forwarded to the Council for final approval. The plat shall be placed on the agenda for the next regular Council meeting. The Council may approve or reject the plat. If the plat is rejected, the Council shall state the reasons for rejection in writing and shall return it to the subdivider. If approved, the Mayor shall sign on the designated place on the face of the plat.
  5. The time period for review of the final plat from the date of submittal to the City Clerk to the final approval by the Council shall be 60 days. Failure to act within the 60 day period shall constitute approval unless the subdivider agrees to an extension.
- (d) Final Plat Information Required. The following information shall be submitted either on the final plat or as accompanying documents as designated below:
1. Required Information.
    - a. Accurate angular and lineal dimensions for all lines, angles and curvatures used to describe boundaries, streets, alleys, easements and areas to be reserved for public use. Dimensions of lot lines shall be shown in feet and hundredth. When lot lines are not at right angles to the street right of way line, the width of the lot shall be indicated at the building setback line.
    - b. A numbered identification system for all lots and blocks.
    - c. A boundary line survey, including the measured distance and angles and the true list distance and bearing between a known point on the boundary and the nearest official monument, which shall be accurately described on the plat.
    - d. Municipal, township and section lines accurately tied to the lines of the subdivision by distances and angles.

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- e. Radii, internal angles, points and curvatures, tangent bearings and lengths of arcs.
  - f. Name and location of the subdivision.
  - g. Accurate location of all monuments.
  - h. Graphic scale and north point.
  - i. Certifications required by Ch. 236, Wis. Stats.
  - j. Names of all streets.
  - k. Location of water bodies.
2. Required Supplementary Data.
- a. A copy of private restrictions or restrictive covenants, if any.
  - b. Certifications showing that all taxes due on the property to be subdivided have been paid in full.
  - c. A drainage plan for the subdivision showing anticipated flow of storm water from its origin within the subdivision to its termination either in the City storm sewer system or natural watercourse. The Plan Commission may require runoff calculations to ensure adequate sizing of sewer lines and drainage ditches.
- (4) CERTIFIED SURVEY MAPS. (a) When it is proposed to divide land into 2 parcels or not more than 4 parcels any one of which is less than 5 acres in size, or when it is proposed to divide a block, lot or outlot into not more than 4 parcels or building sites within a recorded subdivision plat without changing the boundaries of said block, lot or outlot, the subdivider shall subdivide by use of a certified survey map. The subdivider shall prepare the certified survey map in accordance with this chapter and shall file 5 copies of the map and the letter of application with the City Clerk at least 15 days prior to the meeting of the Plan Commission at which action is desired.
- (b) The City Clerk shall, within 2 working days after filing, transmit copies of the map and letter of application to Council members and the Plan Commission.
  - (c) The Plan Commission shall transmit a copy of the map to all affected boards, commissions, departments and all affected public utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Commission within 10 days from the date the map is filed. The map shall be reviewed by the Commission for conformance with this chapter and all ordinances, rules, regulations, general plan and general plan components which affect it. The Commission shall, within 30 days from the date of filing of the map, recommend approval, conditional approval or rejection of the map, and shall transmit the map along with its

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recommendations to the Council.

- (d) The Council shall approve, approve conditionally or reject such map within 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement supplied the subdivider. If the map is approved, the Council shall cause the City Clerk to so certify on the face of the original map and return the map to the subdivider.
- (e) The City Clerk shall record the map with the County Register of Deeds within 10 days of its approval. The subdivider shall be responsible for the recording fee.
- (f) The subdivider shall file 5 certified copies of the certified survey map with the City Clerk for distribution to appropriate local agencies and offices.

**20.05 DESIGN STANDARDS.** (1) **STREETS AND LOTS.** (a) The subdivider shall dedicate land for and improve streets as approved herein. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities, land uses, and public convenience and safety.

- (b) All lots shall have sufficient frontage on a public street to allow vehicular access.
- (c) Street locations shall be consistent with the Comprehensive Plan. The minimum right of way and roadway width of all proposed streets and alleys shall be the width specified therein. The minimum widths shall be as follows:

URBAN SECTION

<u>Street Type</u>	<u>R.O.W. Width to be Dedicated</u>	<u>Pavement Width (face of curb to face of curb)</u>
Arterial streets	80 feet	48 feet
Collector streets	66 feet	36 feet
Minor street 1,000 feet or more in length	66 feet	32 feet
Minor streets less than 1,000 feet in length, cul-de-sac and frontage streets with one sided parking only	Up to 66 feet	28 feet
Alleys (two 8 foot lanes for two-way traffic, or one 12 foot lane for one-way traffic)	20 feet	20 feet
Internal network streets, one-way, no on-street parking (queuing lane)	30 feet	14 feet

RURAL SECTION

<u>Street Type</u>	<u>R.O.W. Width to be Dedicated</u>	<u>Pavement Width (face of curb to face of curb)</u>
Arterial streets, not divided	80 feet	24 feet
Collector streets	66 feet	24 feet
Minor streets	66 feet	24 feet

(d) Unless necessitated by exceptional topography subject to the approval of the Plan Commission, the maximum centerline grade of any street or public way shall not exceed the following:

1. Arterial Streets. 6%.
2. Collector Streets. 8%.
3. Minor Streets, Alleys and Frontage Streets. 10%.
4. Pedestrian Ways. 12% unless steps of acceptable designs are provided.

The grade of any street shall in no case exceed 12% or be less than 1/2 of 1%. 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.

(e) When a continuous street centerline deflects at any one point by more than 100 feet, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

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

(f) Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.

(g) Minor streets shall be laid out so as to discourage their use by through traffic.

(h) The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.

(i) Where a subdivision abuts or contains an existing or proposed arterial highway, the Plan Commission shall require a frontage road, non-access

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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.

- (j) Reserve strips controlling access to streets shall be prohibited.
  - (k) A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets.
  - (l) Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable.
  - (m) Dedication of half-width streets shall be prohibited.
  - (n) Permanent dead-end streets or cul-de-sacs shall not be longer than 600 feet, shall have a minimum width of 50 feet and terminate with a turnaround having an outside roadway diameter of at least 90 feet, and a street property line of 100 feet and such shall only be allowed where site dynamics necessitate such dead-end or cul-de-sac terminus.
  - (o) Where possible, lot lines shall be perpendicular to the street line and to the tangent at the lot corner or curved streets.
  - (p) Lots shall follow rather than cross municipal boundary lines whenever practicable.
  - (q) No street names shall be used which will duplicate or may be confused with the names of existing streets. Street names shall be subject to the approval of the Plan Commission.
  - (r) If paving is necessitated in the future, the entire cost and expense incurred shall be assessed under §66.0703, Wis. Stats., as a special assessment by the City to the buildable lots of the subdivision.
  - (s) Where rural road sections have been approved by the Plan Commission and paving has been waived, the non-paved road standards on file in the City Clerk's office shall apply.
- (2) BLOCK DESIGN. (a) The length, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated.
- (b) To provide access and circulation to community facilities, sidewalks, trails or paths shall be provided by the subdivider and where a block exceeds 1,000 feet in length, a crosswalk through the center of blocks shall be provided. Center crosswalks shall not be less than 10 feet wide. Sidewalks shall be installed simultaneous to road construction and the City shall not formally accept any subdivision improvements unless and until sidewalks for each specific phase are completed.
  - (c) The Plan Commission may require that certain species of trees be planted on both sides of all streets.

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- (d) Subdivision lots in the City shall be in conformance with the area and width requirements of the City Zoning Code. Area and width requirements of subdivision lots in the extraterritorial plat approval jurisdiction shall conform to town zoning ordinances and Wis. Adm. Code H 65.
- (3) COMMUNITY CHARACTER REVIEW. (a) Purpose. 1. To implement residential subdivision design standards that will preserve or protect important natural, scenic and historic resources while allowing for future growth.
- 2. To encourage unique residential subdivision designs that incorporate special features that define 'community character'
  - 3. To uphold the Public Purpose Doctrine that natural resources such as rivers, lakes, wetlands, and streams, are the common property of all the people and such natural, scenic, historic and aesthetic values of the community shall be preserved for future generations, and that government has the responsibility to ensure that such natural resources be set aside as common property.
- (b) Requirements. Land may be subdivided only where it is demonstrated by the applicant that the property as it exists is suitable for residential development, excepting rezoning where such is deemed appropriate. The Council reserves the right to decline approval of a subdivision if due regard is not shown for the preservation of natural features such as large trees, watercourses, scenic points, historical spots and similar community assets, which, if preserved, will add attractiveness and stability to the proposed development of the property and preserve community character. All residential subdivisions, beginning with the sketch plan and incorporated into the preliminary plat, shall identify the following:
- 1. Environmental Resources/Preservation Plan. Concurrent with the submission of a site concept plan, the applicant shall submit an Environmental Resources Map and Preservation Map. The purpose of the Environmental Resources/Preservation Map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space shall meet the requirements of this subsection. The Environmental Resources/Preservation Map shall identify the following:
    - a. Total site and property boundaries.
    - b. Protected wetlands and all streams, rivers, lakes, and other hydrologic features.
    - c. Wetland buffer/setbacks.
    - d. Topographic contours of no less than 2-foot contour intervals.
    - e. All primary and secondary conservation areas labeled by type, as described in subpar. 3. below.

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- f. 12%-20% sloped area with the horizontal interval of measurement not exceeding 50 feet.
  - g. 20% and over sloped area with the horizontal interval of measurement not exceeding 50 feet.
  - h. Woodlands of one acre or more.
  - i. Ecologically sensitive sites: rock outcroppings, geological formations such as eskers, or historic or archeological sites.
  - j. Total area for preservation or park dedication in accordance with the City's Park and Open Space Ordinance. At least 10% of the proposed developed area must be set aside and deeded as park or open space. At least 75% of the open space shall be in a contiguous tract.
  - k. Trails bikeways and sidewalks, including proposed linkages to existing trail networks on or off-site.
    - 1. A detailed landscaping plan and a tree preservation plan.
  - m. A vegetation management plan.
  - n. Identification of all river facing bluff and slopes and scenic views.
  - o. Watersheds and sub-watersheds and indicate where water drains off-site.
2. Conservation Areas Open Space Definitions and Set-Aside Requirements. Open space is the portion of the subdivision that has been set aside for permanent protection from development and legally dedicated in a manner and for such uses as shall be approved by the City. Activities within the open space are restricted for conservation or public recreational uses in perpetuity though the use of an approved legal instrument, paid for by the developer and secured at time of deed transfer. In addition to the primary conservation areas required to be preserved, at least 10% of the land area to be subdivided shall be set-aside as open space.
3. Primary Conservation Areas. The following are considered primary conservation areas and are required to be set-aside from development and legally dedicated in a manner and for such uses as shall be approved by the City. As a standard, such uses shall be used in perpetuity as public conservation areas and be set aside in such a manner that the site is available for use by the general public.
- a. The 100-year floodplain.

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- b. Riparian zones of at least 75 foot width from the shoreline of all perennial and intermittent streams.
  - c. Slopes greater than 20% with the horizontal interval of measurement not exceeding 50 feet.
  - d. Wetlands that meet the definition used by the Army Corps of Engineers or as designated by the Wisconsin Department of Natural Resources, including a setback from said wetland of at least 75'.
  - e. Populations of endangered or threatened species, or habitat for such species.
  - f. Archaeological sites, cemeteries and burial grounds.
4. Secondary Conservation Areas. The following are considered secondary conservation areas and should be included within the open space set aside to the maximum extent feasible. Where such areas cannot be set aside in perpetuity, they must be preserved through deed restrictions limiting their use and development. A deliberate effort must be undertaken to preserve secondary conservation features and to incorporate them into the subdivision design.
    - a. Heavily wooded areas of at least one-acre contiguous area.
    - b. Individual existing healthy trees greater than 8 inches caliper.
    - c. Other significant natural features and scenic view-sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads.
    - d. Existing trails that connect the tract to neighboring areas.
  5. Open Space Dedication. At least 75% of the open space shall be in a contiguous tract. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
  6. Utility Easement. The City may require developers of residential subdivisions to deed a one-half acre site for the construction of water wells, water towers, pump stations or similar utility purposes. The City may require the developer to allow for boring samples or test wells, to determine the adequacy of the site for a possible future well. The City may require a per lot surcharge to cover an equitable portion of such costs where such costs are deemed necessary in order, in part, to accommodate the proposed residential units and in the wider interest of ensuring continued services to city residents as a whole.
  7. Environmental Resources Standards. The following design standards are environmental resources standards for submittal of all residential

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subdivisions. These standards are designed to incorporate the provisions and spirit of the City Community Character Ordinance. Specifically, the City encourages unique residential subdivisions which incorporates and protects the natural landscape. The City seeks development which enhances the community by incorporating the following standards into its design:

- a. Preservation & Design. Developments shall seek to incorporate into the design the setting of homes on the least sensitive parts of the site and shall preserve slopes, wetlands, and tree cover to the greatest extent possible, i.e., a minimum of 10% of the land to be developed must be set aside as public park or open space in accord with the City's Park And Open Space Ordinance, with at least 75% of it being a contiguous parcel. On areas to be developed that contain substantial stands of trees, the City shall require that the location and elevation of prospective home building foundations (building footprint) be established and identified on the preliminary plat and all efforts made during construction to minimize degradation of the natural environment and to preserve the greatest amount of trees possible. The developer shall be required to impose covenants on prospective lots to enforce these tree preservation standards. No tree greater than 8 inches in caliper may be removed from the site unless it is located in a grading area, building footprint, or drive, or provided such removal is permitted consistent with the City's Community Character Ordinance. The City may evaluate the development site, with assistance of county forester or other similar professional, prior to approval of the preliminary plat and identify trees or stands of trees that shall be preserved. Roads are encouraged to be built around stands of trees and slopes wherever possible.
- b. (Repealed)
- c. Pedestrian Amenities. All subdivision developments shall incorporate pedestrian amenities such as sidewalks or walking trails and such shall be designed, where possible, to link to existing trail networks, neighborhoods or commercial clusters and in a manner approved by the City.
- d. Park and Open Space. Efforts shall be made to ensure that the park and open space set aside includes a continuous parcel of land or linkages to preservation areas and shall avoid "piece-meal" set asides of smaller plots within the development. At least 75% of the open space shall be a contiguous parcel. Such land set aside shall, to the extent possible, be kept as natural open space where activities are restricted to those that do not disturb the natural landscape or environment. Such set asides shall be deeded to the City or otherwise preserved in trust in a manner approved by the City. The City may require set-aside and/or trail development for parcels that contain obvious

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linkages or continuation of existing trail networks within the City or its surrounding environment.

- e. Ponds, Springs, Creeks & Trails. Areas that contain natural springs and creeks, or defined trail systems, shall have a protective set-back of 75 feet from the shoreline of such waterway or the centerline of the trail. This 150 foot preserve shall be set aside as a 'green belt corridor' and shall be deeded to the City or other protective measures satisfactory to the City undertaken designed to ensure public ownership. Care shall be taken to ensure development does not significantly alter the natural drainage ways into ponds, springs and creeks. Trail improvements and 'green belt corridor' dedications must be complete prior to first unit occupancy. Trail easements shall be marked with coordinated signage prior to first unit occupancy. The primary purpose of 'green belt corridors' is to preserve the natural floodplain of waterways, to provide for excess storm water management, to preserve natural wildlife corridors, and maintain natural areas for pedestrian use.
- f. Road Design and Street Trees. All new roads and utilities in subdivisions shall be constructed in a way that protects the scenic integrity of the area and must use minimally invasive techniques in its construction in order to preserve, to the extent possible, native trees and vegetation, natural features, and scenic views, and provide for erosion control. All new roads constructed in approved subdivisions shall pay a \$250 fee per lot/residential unit, for the purchase and planting of native street trees. All or a portion of this fee may be waived if the applicant has made substantive efforts to preserve or maintain native trees and vegetation, natural features, or scenic views. Cul-de-sacs shall be permitted only where topography or other physical conditions justify their use. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas. Street intersections shall provide for pedestrian crossings and street pavement texture or color shall be differentiated at such crossings to improve pedestrian safety. To the greatest extent feasible, upon review of the Public Works Supervisor, a reduction in the width of a local street shall be incorporated in the subdivision design where doing so will reduce traffic speeds on internal residential streets, enhance pedestrian amenities, preserve natural features or accomplish other design standards and features.
- g. Subdivision Design. To the extent possible, new subdivisions shall avoid 'cookie-cutter' designs and incorporate unique site features into the design. Specifically, new subdivisions shall, to the extent feasible, incorporate the following:

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- i. To incorporate 'quality of life' standards, i.e., a balance of space, community, recreation and nature, achieved in a manner that minimizes ecological impact.
  - ii. Avoid linear planning that positions units in a straight line parallel to a street. Incorporate natural design features into the site. For instance, if a site has significant variations in topography a linear layout would generally require additional grading and cause an increase in environmental impact. Subdivisions are encouraged to 'work around' slopes, hills, woodlands, and other unique features by preserving them, where possible, and designing roads in conformity with such features.
  - iii. Lots shall be designed to avoid a monotonous streetscape and encourage varying setbacks and staggered alignment with cross-lots. The location, size and use of yards should maintain unobstructed view corridors of scenic vistas, woodlands, lakes, ponds, rivers and streams for adjacent property owners and from nearby public rights-of-way and public parks and open spaces. The placement of accessory structures in yard areas which block such view corridors from adjacent properties or public rights-of-way shall be avoided.
  - iv. The City shall consider accepting as part of its open space set-aside provisions, substantial green space incorporated into street boulevards where such boulevards are designed in a park-like manner, allowing for passive recreational uses.
  - v. Utilities shall run along alleys where possible. Sub-dividers are encouraged to incorporate alleys into the design and to incorporate covenants preventing front facing garages, and to encourage alley facing or alley detached garages. The developer shall pay a \$350 installation fee for all new street lights to be installed in the subdivision, and such lighting shall provide minimum diffusion.
  - vi. Storm water detention ponds shall include a landscape plan where the edges of such ponds shall be designed to incorporate natural features such as prairie grasses and shall be designed to appear as part of the natural environment. Efforts shall be made to limit impervious surfaces and to incorporate rain gardens' or other methods of storm water management.
- h. (repealed)
- i. Street Lighting. The developer is required to have installed street lighting for all residential subdivisions. In addition, a \$350 per street light fee shall be charged upon plat approval to

cover initial projected electrical expenses charged to the City. Street lights shall be decorative in nature and shall be designed to project light downward and to minimize light pollution beyond the immediate zone to be lighted. Subdivisions shall have the minimum lighting necessary, with lights at critical intersections or turns. The City encourages installation of solar street lights wherever possible; installation of such shall void the \$350.00 per street light fee.

(c) Development Process. The submittal and review process is as follows:

1. Sketch Plan, Pre-Application Meeting. An informal meeting with City staff to identify specific challenges and opportunities of the site. The pre-application meeting allows everyone to evaluate a developments impact while ensuring it stays consistent with the community's goals and objectives. At this meeting, the City shall explain subdivision design standards and identify areas to be preserved or of special concern.
2. Concept Plan: Environmental Resources, Preservation Plan. If the developer wishes to pursue his plan he/she shall submit a concept plan that incorporates the environmental resources section and other design standard provisions. This concept plan shall be shared with the Plan Commission who shall provide informal comment & review. Initial review and comment from other regulatory agencies such as the Department of Natural Resources and Department of Transportation shall be coordinated by the developer. The City shall retain the right to share, at Developer's expense, the plan to a city certified architectural firm for design review and compatibility with these standards.
3. Preliminary Plat. The preliminary plat shall meet all City and other regulatory standards for plat submittal. The preliminary plat, upon certification of appropriate regulatory oversight, shall be submitted to the Plan Commission for approval. Approval shall be contingent upon a developer's agreement and signed certification that primary and secondary conservation areas shall be set-aside in public ownership.
4. Final Plat. The developer shall be responsible for paying the costs of all engineering and other contractual services associated with the City review process. Failure to pay such costs shall result in a delay of the approval process. The developer shall be required to pay the costs of on-site construction inspections by the City Engineer or other assigned agent.

(d) Architectural Design Standards. All single-family and duplex housing units shall meet the following architectural design standards. The Building Inspector shall review all single- and 2-family new dwelling construction to ensure conformity with these standards. Such standards are in addition to all building codes and other state building requirements. Furthermore, these standards shall be incorporated into restrictive covenants for all approved subdivisions.

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1. Porches. A single-family or 2-family dwelling shall include a covered entrance, alcove or porch. The alcove or porch must be functional, with a minimum depth of six feet and shall be orientated to the street. The Plan Commission may grant exceptions to this standard where it finds that the proposed residential design is compatible with the neighborhood character and predominant architecture.
  2. Form and Scale. The form and proportion of buildings shall be consistent or compatible with the scale, form and proportion of existing development in the immediate area.
  3. Monotony. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, color and location on the lots shall be used to create visual interest.
  4. Materials. Use of substantial amounts of masonry materials (face brick stucco, stone) is encouraged. Evaluation of building materials shall be based on the quality of its design and relationship and compatibility to building materials in the immediate neighborhood.
  5. Garages. All new single family and 2-family dwellings shall have a garage and such shall be positioned to reduce their visual impact from the street - allowing the active, visually interesting features of each house to dominate the streetscape. Garages may be sited in several ways: In the rear, accessed from an alley, from a segmented alley or from the street. Garages accessed from the street must be set back at least 5' from the face of the house or porch. By recessing garages, more active living areas can overlook the street. For two-family dwellings such as town-homes, 25% of such construction may have front-facing, non-recessed garages, provided dormers, bays, or other architectural features are used to break up the mass of the garage wall and roof line. In addition, the City may, as part of the development process, allow for variable front-yard setbacks, and flush and/or front facing garages where such incorporate architectural features as described above to make such garages as inconspicuous as possible, and incorporating other features such as using windows, panels or colors, recessing the door's inset behind the front wall, or staggering the front wall to create interesting roof lines.
- (e) Developer's Agreement 1. Prior to the installation of any required improvements and prior to approval of the plat, the subdivider shall enter into a contract in writing with the City requiring the sub-divider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions. This shall include provision for supervision of details of construction by the City Engineer and shall grant to the City Engineer authority to correlate work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done contracted by the community in the vicinity. The agreement shall require the developer to provide financial security acceptable to the City in the form of a surety bond, certificate of deposit, irrevocable letter of credit, securities or cash deposit to be equal to

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125% of the engineer's estimate of the total cost of the improvements to be furnished under contract, including the cost of inspection.

2. No developer shall be permitted to start work on any other development without special approval of the Council if the developer or an affiliate has previously defaulted on work or commitments or has failed to incorporate design standards as specified.
- f. Exceptions. 1. The Plan Commission may grant exceptions to these standards where it finds that the proposed residential design is compatible with the neighborhood and community character and the basic intent of these standards have been incorporated into the totality of the subdivision.
2. These design standards shall apply to all applicable development projects within the City unless:
    - a. More restrictive standards have been imposed upon an individual development by the Plan Commission.
    - b. More restrictive standards have been adopted or are in place for a particular designated area, e.g., other regulatory agencies have oversight such as areas covered under The Wild & Scenic Rivers Act of 1972.
    - c. Physical conditions of a particular site make the application of a particular guideline or standard impractical.

**20.051 PRESERVATION OF THE SCENIC VIEWSHED. CITY BLUFF PRESERVATION :**(1) PURPOSE. The purpose of the site plan and plat submittal requirements set forth below are as follows:

- (a) To preserve and protect the scenic, geologic and recreational values of the Saint Croix National Scenic Riverway in a manner consistent with the National Wild and Scenic Rivers Act and the Federal Lower Saint Croix River Act, and to reduce adverse effects of poorly planned development. (See sec. 17.171 of this Code)
  - (b) To protect steep slopes and other sites from soil erosion, pavement encroachment, water quality degradation, negative visual impacts, and protect and preserve the scenic character and quality of the community.
  - (c) To encourage 'sustainable development' in accordance with the City 'Smart Growth' planning process and to encourage and promote development that preserves the character of the community and its treasured and valued assets in an effort to preserve the small town historic nature of the community.
- (2) **WHEN REQUIRED.** Any construction which requires site plan or plat submittal, and is within the Saint Croix River View-shed, i.e. those river-facing bluffs and slopes within the City limits, defined as extending eastward from the centerline of North Adams Street to the top of the bluff-line and encompassing those lands on the northern edge of the city not platted by city streets and zoned conservancy,

shall be required to adhere to the provisions of this section. Each site plan or plat submittal within the above area shall incorporate these provisions and such incorporation shall be required for approval of such plat. Nothing within these provisions shall exempt developments from complying with all other City codes, zones and requirements, and applicable requirements of other agencies. Lands within the boundaries of the Lower Saint Croix Scenic Riverway as defined in Wis. Adm. Code NR 118.02(1), shall be managed according to the provisions of Wis. Adm. Code NR 118. The Lower Saint Croix Riverway are those lands lying south of the dam, (the north boundary line of section 30), and west of the centerline of Washington Street, (S.T.H. 87). Nothing in these provisions shall render an existing or proposed structure as nonconforming provided that the City's underlying zoning allows such use as permitted or such use was or is granted as a conditional use.

- (3) **SETBACK FROM BLUFF LINE.** From the bluff line that is visible from the direction of the scenic Saint Croix River, or would be visible if vegetation were absent, all new structures, excepting existing undeveloped single family plotted lots and preliminary plats approved prior to enactment of this ordinance, and excepting those areas regulated by provisions of NR118, must be set back at least 40 feet from the bluffline or that line along the top of the bluffline slope(s), connecting the points at which the slope, proceeding away from the direction of the river and which is not visibly inconspicuous, becomes less than a 15% grade. The location of the bluff-line shall be determined by a registered surveyor or engineer, paid by the developer, or utilizing existing topographical maps where the bluff line can mutually be determined and agreed upon by the City and the project developer. Generally, the bluffline is that area atop the Louisiana Street hill at Day Road and north/south of Day Road extended).
- (4) **PROTECTION OF RIVER FACING SLOPES.** Except where otherwise provided and accept where allowed by Planned Unit Development approval, new structures shall not be placed on the bluffslope within the Saint Croix River View-Shed, as defined in Section (2) above, where such river-facing slope equals a grade of 15% or more when measured for a distance of 50' or more. Slopes within the View-Shed greater than 15% shall not be altered to become less than 15%. The city, through its Board of Zoning Appeals, may allow for a variance to the 15% slope provisions provided the applicant for such a variance can demonstrate by photo simulations, site plan, and/or elevation drawings based on topographic survey, or other acceptable means, that the proposed development, with existing vegetation, would remain visually inconspicuous from the direction of the river and that existing slopes would not be adversely impacted by the proposed development. A variance must be granted if the structure cannot be placed elsewhere on the property, and/or without the variance no reasonable use can be made of the property. Where a primary residence already exists it may be maintained, enlarged, rebuilt, or replaced. Accessory structures otherwise lawful may be added. Such improvements/additions or replacements to pre-existing structures or residences may be granted by a city building permit without necessitating the variance process. If the project increases the visibility of the structure(s) from the river, the permit may require earthtone colors and/or vegetative plantings to mitigate the scenic impact.

- (5) **VEGETATION MANAGEMENT** The bluffline and slopes facing the St. Croix River easterly of the centerline of North Adams Street shall be left undisturbed in native vegetation, except as provided elsewhere in this section. Vegetation shall not be disturbed in such a way that there could be disruption of the visually inconspicuous character of structures, (allowing such structures to be viewed from the river) reduced quality or diversity of the plant community, or increased potential for erosion. Other standards in this section shall not prevent the mowing of existing lawns or routine maintenance, trimming of ornamental shrubs, the growing or harvesting of non wood-fiber crops; the removal of vegetation in accordance with implementing a permitted or conditionally permitted use, the removal of vegetation in public parks to provide viewing of the river, permitted pruning or removal of hazard trees; pruning of normal tree growth to prevent property damage; the ordered or permitted removal of State-designated noxious weeds; the ordered or permitted pruning or removal of vegetation if there is a high likelihood of insect infestation or disease that would threaten large areas of vegetation cover; or the ordered or thinning of trees to restore under-story growth and preserve the slope of the bluff. The vegetation shall be managed to maintain the essential character, quality and density of existing growth, or native species on nearby or adjacent lands. Compatible native species of vegetation shall be used for replacement or new plantings. The following standards apply to the bluffslope area easterly of the centerline of North Adams Street and extending to the bluffslope at or near Day Road and Day Road extended.
- (a) Removal of trees exceeding 4 inches in diameter at a height of 4 feet is not permitted without a permit and conditional review of the City. The permit shall be issued by the Zoning Administrator if they fall within the provisions noted in par. (b) below, or when such cuttings in conflict with such provisions have been reviewed and approved by the Board of Zoning Appeals.
  - (b) The cutting provisions provided for in par. (a) above shall not prevent:
    1. The removal of diseased or insect-infected trees, or of rotten or damaged trees that present safety hazards, or the trimming of normal overhanging tree growth.
    2. The pruning of trees, the cutting of shrubs, under-story vegetation, bushes or grasses, or the harvesting of non-wood fiber crops.
    3. Cuttings deemed by the City to be best management practices designed to ensure long term health of the forest and/or its under-story vegetation, or measures to prevent erosion or other degradation of the slope.
    4. Cuttings accessory to a permitted or conditionally permitted activity.
    5. Property owners who wish to create or maintain a limited view of the river from the property's principal structure provided the structure remains primarily visually inconspicuous from the river. Owners shall submit a plan subject to mandatory review of the Board of Zoning Appeals. The Board shall review the extent of cutting and color and

design of the structure to ensure it remains primarily visually inconspicuous from the river.

6. Cutting associated with a permitted use or as part of a city approved site plan.
- (6) PENALTIES. The penalty for removing vegetation without a required permit or order that results in a violation of these standards shall be in-kind replacement at the owners expense plus penalties in place for violating provisions of this Code.
  - (7) PRESERVATION OF TREES. All new development requiring site plan or plat submittal shall incorporate a tree preservation plan designed to preserve native stands of trees. For all new construction requiring site plan or plat submittal, the City shall credit the developer a reduction in the recreation, park or open space fee or land dedication requirements, as defined in sec. 20.08 of this Code, for those identified efforts to preserve native species of trees on the development site. The tree preservation plan shall be reviewed with the site plan or plat submittal and a negotiated fee reduction shall be determined and, incorporated into a developer's agreement to be reviewed and approved by the Plan Commission and the Council. Fee reduction will be based on acreage and quality of tree stands preserved as a percentage of the overall site to be developed. In order to qualify for fee reduction under this provision, the developer shall be required to formally create preservation corridors or make deed or covenant provisions or easements preserving native stands of trees. Commercial developments not covered by the recreation park or open space provisions shall make every effort to preserve significant stands of trees and to landscape parking areas and plant trees on street frontages or where deemed by the City to be appropriate. The Wisconsin Department of Natural Resources forestry and/or wildlife staff, or agents of like or similar agencies, may be consulted for current information about vegetative species native to this part of Wisconsin.
  - (8) GRADING AND FILLING PROVISIONS. Any grading or filling of the natural topography in excess of that required for the construction of a structure or for normal yard maintenance shall be subject to all applicable State laws. The provisions for conditionally permitted activities which shall include the site plan or plat submittal shall include a detailed plan and schedule of earth moving activities, including a plan which shows how vegetative cover will be re-established at what density and within what time frame. Approval of the plan shall be conditioned upon the following:
    - (a) No filling or grading shall be allowed on slopes as defined in sub. (2) above, except for rock rip-rapping for shoreline protection or best management practices conditionally approved by the City, and/or upon obtaining a grading permit from the Department of Natural Resources.
    - (b) Diversions, silting basins, terraces and other methods to trap sediments shall be used where necessary.
    - (c) Fill shall be stabilized according to accepted engineering standards.
    - (d) The draining or filling of wetlands is prohibited. Setbacks from navigable waterways shall be 75 feet.

- (e) Any local approval of a plan or permit may not negate the requirements for obtaining state or Federal permits or approvals, or for complying with county and other agency requirements. The developer shall be required and is solely responsible for obtaining approval from all other applicable agencies.
  - (f) Development that generates significant storm water of such a nature that it cannot be retained on site and is designed to enter the city storm water system shall be required to pay a one-time storm water collection fee based on engineering calculations of the storm water discharge and equal to the cost to accept and retain the discharge. Calculations shall be based on sec. 8.15 of this Code.
- (9) **TRANSMISSION FACILITIES.** All new and updated transmission and distribution facilities located below the primary bluff-line or visible from the river, including electric, cable and telephone lines, shall be buried or placed within existing public utility rights-of-way. Increasing in pole height or frequency of poles shall be subject to the ‘visually inconspicuous’ standards of this section, including review and approval of the Board of Zoning Appeals.
- (10) **SUBDIVISIONS.** Land may be subdivided only where it is demonstrated by the applicant that all proposed lots, in their existing condition, are suitable for residential development without special variances or conditions, excepting rezoning where such is deemed appropriate. No land shall be subdivided which is held unsuitable by the City for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewerage disposal capabilities, or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community. All subdivisions shall be required to submit a preservation plan to preserve significant natural features, including stands of native trees, rock formations, and scenic views or view corridors, All new residential subdivisions shall have street lighting that does not glare upwards.
- (11) **PLANNED CLUSTER DEVELOPMENTS.** A pattern of subdivision which places dwelling units into compact groupings may be allowed when the proposed clustering provides a better means of preserving scenic views from the river, agricultural land, open space, woods, wetlands and other features of the natural environment than a traditional subdivision development. Exceptions to the minimum setback and height standards shall not be allowed. Exceptions to other dimensional standards, e.g. lot width, minimum lot size, may be allowed for planned cluster developments, provided the number of dwelling units allowed shall not exceed 50% more than the total number of dwelling units allowed if the development were based on minimum lot size requirements for a single family residence subdivision. Planned cluster developments shall incorporate the provisions of the City’s planned unit development and approval process. Planned cluster developments shall designate in their site plan natural areas being protected and preserved by deeding such features as out-lots or taking other measures to ensure their preservation and protection. The essential purpose of planned cluster development is the preservation of natural areas.

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- (12) **ROAD AND ROUTE DESIGN/STREET TREES.** All new roads and utilities in subdivisions shall be constructed in a way that protects the scenic integrity of the area and river valley and must use minimally invasive techniques for construction in order to preserve, to the extent possible, native trees and vegetation, natural features, and scenic views and provide for erosion control. All new roads constructed in subdivisions of 15 acres or more, or more than 20 lots or units, shall pay a \$250 fee per lot/residential unit, for the purchase and planting of native street trees. All or a portion of this fee may be waived if the applicant has made substantive efforts to preserve or maintain native trees and vegetation, natural features, or scenic views. The City shall purchase and install the street trees within one year of the completion of subdivision roads.
- (13) **NATIVE LAWNS.** Owners of residential dwelling units may submit plans for the establishment of native lawns and yards in order to encourage native grasses, herbs, shrubs and trees, provided that such plans include maintenance provisions that do not include periodic burning of the lawn or yard and discourages and removes invasive species or noxious weeds. Plans may also include storm water management practices such as porous pavers, rain ponds and infiltration swales. All plans shall be a conditional use and may be revoked or amended if such a plan is not properly managed or maintained. The Plan Commission shall review all proposals and shall set any conditions to such approval.

**20.06 IMPROVEMENTS.** (1) Adequate sewer and water facilities; street base preparation, paving and curb and gutter; surface water drainage facilities; and street lighting facilities shall be provided by the subdivider for each lot in accordance with specifications approved by the Plan Commission.

- (2) The installation of curb and gutter may be waived where rural road sections have been approved by the Plan Commission. Furthermore, the Commission may permit the construction of a single sidewalk to serve a double tier of lots where such lots have an average width of 100 feet or more fronting on a minor street or abutting the proposed sidewalk and may waive the construction of sidewalks where rural road sections have been approved by the Commission.
- (3) Gas, electrical power and telephone facilities shall be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles unless otherwise allowed due to exceptional topography or other physical barrier. Plans for all installations must be submitted to the Plan Commission for approval prior to construction of utilities. Development that generates significant storm water of such a nature that it cannot be retained on site and is designed to enter the City storm water system shall be required to pay a one-time storm water collection fee based on engineering calculations of the storm water discharge and equal to the cost to accept and retain the discharge. Calculations shall be based on sec. 8.15 of this Code.

**20.07 EASEMENTS.** (1) The Plan Commission may require easements for poles; wires; conduits; storm and sanitary sewers; gas, water and head mains; or other utility lines. Easements shall be at least 10 feet wide and may run across lots or along side or rear lot lines. Such easements should preferably be located along the rear lot lines.

- (2) The Plan Commission may require that easements or drainageways be provided where a subdivision includes a segment or segments of watercourses, drainageways, channels or streams.

20.08 DEDICATIONS AND RESERVATION OF LANDS. (1) STREETS AND DRAINAGEWAYS. Whenever a tract of land to be subdivided embraces all or any part of a street, drainageway or other public way which has been designated in the master plan, comprehensive plan component or on the official map of the City, said public way shall be made part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or maps and in accordance with this section.

- (2) OTHER LANDS. Whenever a proposed school site, park, playground, greenway, open space or other public land, other than streets or drainageways, designated in the master plan, comprehensive plan component or on the Official Map of the City is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be made a part of the plat and shall be reserved for a period not to exceed one year from the date of final plat approval unless extended by mutual agreement for purchase by the public agency having jurisdiction, or unless extended by a mutual agreement for acquisition by the City. The purchase price shall be the present fair market value of said lands in an undeveloped state as indicated by impartial appraisal. Costs for said appraisal are to be shared equally between the developer and the City.
- (3) RECREATION, PARK OR OPEN SPACE REQUIREMENTS. (a) Purpose. The requirements of this subsection are established to ensure that adequate parks, open spaces and sites for other public uses are properly located and preserved as the City grows. It has also been established to ensure that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land development may be equitably apportioned on the basis of the additional needs or stress created by the development.
- (b) General Design. In the design of a residential subdivision or commercial development, provision shall be made for suitable park spaces, drainage ways and other public purposes. Such sites are to be shown on the initial concept plan and incorporated into the preliminary plat and final plat. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines, woodlands, prairie, wetlands, scenic viewsheds, elements that define community character, identified trail segments, and plant and animal communities.
- (c) The City shall require the developer to dedicate for parks, playgrounds and other open space purposes, a parcel of land equal to 10% of the gross area of all property proposed for development or to be subdivided. Such parcel shall be shown and marked on the plat "Dedicated For Park And Open Space Purposes." Land to be set aside for park and recreational purposes shall be in addition to Primary Conservation Areas, such as wetlands and floodplains, which by federal or other law are already required to be preserved. At least 75% of the land to be set aside shall be a contiguous parcel, and such shall be readily accessible to the general public from a public street or public parking area. All such set-asides shall be deeded to the City, at the developer's expense, or other protective measures

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undertaken to ensure public ownership and such lands shall be set-aside in perpetuity for park and recreational purposes. The land shall be so dedicated at the time of approval of the preliminary plat. No site work or disturbance may be conducted until the set aside dedication. All such parcels shall be reviewed and recommended by the Plan Commission, prior to Council approval and formal acceptance.

- (d) Green Belt Corridors. Areas to be developed that contain natural springs and creeks, or defined trail systems or planned trail linkages, shall establish a setback of 75 feet from the shoreline of such waterway or the centerline of the trail. This 150 foot preserve shall be set aside as a “Green Belt Corridor” and shall be deeded to the City, at the developer s expense, or other protective measures undertaken to ensure public ownership. Areas to be developed with trail segments identified must complete trail improvements and dedication prior to first unit occupancy.
- (e) Minimum Size. Land to be set aside for park and open space purposes shall have an area of at least one acre. Dedicated land shall have a total frontage on one or more streets of at least 80%, and no other dimension of the site shall be less than 150 feet.
- (f) Nonresidential Divisions. All new commercial development constructed shall be required to dedicate for parks, pedestrian amenities, or other public purposes, as defined in par. (b) above, a parcel of land equal to 10% of the gross area of all property proposed for development. Industrial uses occurring in industrial zoned areas of the City shall be exempt from the requirements of this subsection and no land dedication shall be required at the time of approval. If such industrial zoned lands is later developed for any residential or commercial purposes or use, the owner of said parcel shall at that time be subject to the requirements of this subsection.

20.10 FEES AND ASSESSMENTS. (1) The subdivider shall pay the City all fees and assessments as provided on the City Fee Schedule on the file in the office of the City Clerk and at the time specified before being entitled to record a final plat or certified survey map. In planned developments, all fees and assessments must be paid prior to the issuance of any building permit.

- (2) **PRELIMINARY PLAT REVIEW FEE**. The subdivider or developer shall pay the preliminary plat review fee to the City Clerk at the time of first application for approval of any preliminary plats to assist in defraying the cost of review. A reapplication fee shall be paid to the City Clerk at the time of reapplication for approval of any preliminary plat which has been submitted and previously reviewed within 6 months from date of first application.
- (3) **FINAL PLAT REVIEW FEE**. The subdivider or developer shall pay the final plat review fee to the City Clerk at the time of first application for approval of said plat to assist in defraying the cost of review. The 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.

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- (4) **INSPECTION FEE.** The subdivider shall pay a fee equal to the actual cost to the City for such inspection as the 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.
- (5) **PUBLIC SITE FEE.** If the subdivision or planned development does not contain lands required to be dedicated as set forth in sec. 20.08 of this chapter, the Plan Commission shall require a fee for the acquisition and development of public sites to serve the future inhabitants of the City. For subdivisions and minor subdivisions, said fee shall be paid to the City Clerk at the time of final plat approval.
- (6) **ENGINEERING & ARCHITECTURAL REVIEW FEE.** The subdivider or developer shall pay a minimum fee of \$2,500 for all engineering & architectural review work incurred by the City in connection with the land division, minor land division or planned development. In addition:
  - (a) Engineering work shall include the preparation of construction plans and standard specifications. The City Engineer may permit the subdivider to furnish all, some or part of the required construction plans and specifications. The fee for engineering work shall be billed periodically and shall be payable within 10 days.
  - (b) Inspection fees provided for in sub. (4) above.
- (8) **LEGAL FEES.** The subdivider or developer shall pay a fee equal to the cost of any legal work which may be undertaken by the City in connection with the land division or minor land division. Legal work shall include all conferences regarding the subdivision or development and the drafting of contracts and agreements between the City and the subdivider. Legal fees shall be billed periodically.
- (9) **MINOR SUBDIVISION FEES.** (a) Certified Survey Map Review Fee. The subdivider shall pay the certified survey map fee to the City Clerk at the time the certified survey map is submitted to assist in defraying the cost of review.
  - (b) Other Fees. Prior to Council approval, the subdivider shall pay recording and any applicable fees as provided in subs. (4), (5), (6) and (7) above.

20.11 CONSTRUCTION. (1) **COMMENCEMENT.** No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat or certified survey map has been approved and the City Engineer has given written authorization.

- (2) **BUILDING PERMITS.** No building permit shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met unless otherwise provided for in the subdivider's agreement. In exceptional circumstances, the Council may authorize the issuance of a building permit prior to the completion of all improvements; however, no occupancy permit shall be issued prior to the completion of all improvements, except for the final course of asphalt streets.

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- (3) PLANS. The following plans and accompanying construction specifications may be required by the City Engineer before authorization of construction or installation of improvements:
- (a) Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements. A separate plan designating culvert sizes shall be provided for all streets with rural cross-sections.
  - (b) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
  - (c) Storm water drainage facility plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
  - (d) Planting plans showing the locations, age, circumference at a height 6 inches above the planting line, height and species of any required trees.
  - (e) Master grading plan and any additional special plans or information as required; where required by State agencies, such plans shall be approved by such agencies prior to the commencement of construction.
  - (f) Erosion control plans as required under sec. 17.19 of this Code.
  - (g) “As Built Plans.” After completion of all public improvements and prior to final acceptance of said improvements the subdivider shall make or cause to be made a map showing the actual location of all manholes, stubs, sewer mains and such other facilities as the City Engineer shall require. This map shall be in black ink on double matte mylar and shall bear the signature and seal of a professional Engineer registered in Wisconsin. In addition to the above described map, the subdivider shall provide the City with as-built working drawings of sewage lift stations, and such other facilities as the Engineer may require. Manufacturer’s guarantees on equipment shall be furnished where in force. The presentation of this map and other as-built drawings and manufacturer’s guarantees shall be a condition of final acceptance of the improvements and release of the security assuring their completion.
- (4) INSPECTION. The subdivider, prior to commencing and work within the subdivision, shall make arrangements with the City Engineer to provide for adequate inspection. The Engineer shall inspect and approve all completed work prior to release of the sureties.

20.15 ENFORCEMENT, PENALTIES AND REMEDIES. The Building Inspector shall have primary responsibility for enforcing this chapter. No building permit shall be issued for construction on any lot until the final plat for the subdivision has been duly recorded or a certified survey map is recorded. Any person who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit no less than \$250 nor more than \$2000 plus 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 30 days. Each day a violation exists or continues shall constitute a separate offense. In addition, the remedies provided in §§236.30 and 236.31, Wis. Stats., shall be available to the City.