

Title 21

PLATS AND SUBDIVISIONS

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Chapter 21.04

TITLE, PURPOSE, INTERPRETATION

Sections:

- 21.04.010 Title.
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21.04.010 Title. This title shall hereafter be known, cited and referred to as “the city of Wausau subdivision regulations.” (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.04.020 Purpose. This title is adopted for the following purposes:

- (a) To promote the public health, safety, and general welfare of the community;
- (b) To further the orderly layout and use of land;
- (c) To avoid undue concentration of population;
- (d) To prevent the overcrowding of land;
- (e) To lessen congestion in the streets and highways;
- (f) To facilitate adequate provision for transportation, drainage, water, sewerage, schools, parks, playgrounds, and other public requirements;
- (g) To provide for proper ingress and egress;
- (h) To insure proper legal description and proper monumenting of subdivided land;
- (i) To secure safety from fire, panic and other dangers;
- (j) To provide adequate light and air; and
- (k) To facilitate the further resubdivision of larger tracts into smaller parcels of land.

These regulations are established with reasonable consideration of the character of the city and with a view toward conserving the value of buildings and land and providing the best possible environment for human habitation. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and development standards contained in the building

codes, official map regulations, zoning regulations (Title 23), and the master plan and comprehensive plan. General statutory provisions pertaining to subdivisions are found in Chapter 236 of the Wisconsin Statutes. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.04.030 Jurisdiction. This title shall apply to all land divisions and subdivisions of land, as defined herein, located within the city and within the unincorporated area within three miles of the corporate limits of the city, in accordance with Chapter 236 of the Wisconsin Statutes. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.04.040 Minimum requirements. In their interpretation and application the provisions of this title shall be held to be the minimum requirements necessary to promote the public health, safety, and general welfare. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.04.050 Most restrictive provisions to govern. Where the conditions imposed by any provisions of this title upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this title, Chapter 236 of the Wisconsin Statutes, or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.04.060 Private agreements not abrogated. This title is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this title are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of this title shall govern. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.04.070 Separability. It is declared to be the intention of the mayor and common council that the several provisions of this title be separable in accordance with the following:

(a) If any court of competent jurisdiction shall adjudge any provision of this title to be invalid, such judgment shall not affect any other provision of this title not specifically included in said judgment.

(b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this title to a particular subdivision of land, such judgment shall not affect the application of said provision to any other subdivision of land not specifically included in said judgment. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

Chapter 21.08

DEFINITIONS

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21.08.010 Generally. In the construction of this title, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise:

(a) Words used in the present tense include the future, and the words used in the singular number include the plural number, and the plural the singular;

(b) “Shall” is mandatory and not discretionary;

(c) “May” is permissive;

(d) The masculine gender includes the feminine and neuter. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.020 Alley. “Alley” is a special public way affording only secondary access to abutting properties. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.030 Arterial, major. A “major arterial” is a high capacity street designed to carry a large volume of traffic between various areas of the city. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.040 Block. “Block” is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shore lines of waterways, or boundary lines of the city. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.050 Building. “Building” is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.060 Building setback line. “Building setback line” is a line within a lot or other parcel of land so designated on the preliminary plat, between which line and the adjacent boundary of the street upon which the lot abuts, the erection of a building is prohibited, as prescribed by the zoning regulations, Title 23. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.080 Cul-de-sac. “Cul-de-sac” is a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.085 Divider. A “divider” is any person or corporation or duly authorized agent who undertakes a land division as defined in this chapter. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.090 Easement. “Easement” is a grant by a property owner for the use of land for a specific purpose. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.100 Final plat. “Final plat” is the map or plan of record of a subdivision, and any accompanying material, as described in Chapter 21.28. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.110 Frontage. “Frontage” is the length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.120 Grade. “Grade” is the slope of a road, street, or other public way, specified in percent. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.130 Improvement, public. A “public improvement” is any sanitary sewer, storm sewer, drainage ditch, detention basin, water main, off-street parking area, or other facility for which the city may ultimately assume the responsibility for maintenance and operation. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.135 Land division. “Land division” is the division of a lot or parcel of land for the purpose of transfer of ownership or building development where the act of division creates four or less parcels or building sites, but does not include:

- (a) Transfers of interest in land by will or pursuant to court order;
- (b) Leases for a term not to exceed ten 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 size required by the Wausau Municipal Code. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.160 Lot. “Lot” is a portion of a subdivision or other parcel of land intended for building development. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.170 Lot, corner. A “corner lot” is a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding one hundred thirty-five degrees. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.180 Lot, through. A “through lot” (double frontage), is a lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a “through lot” or “double frontage lot” both street lines shall be deemed front lot lines. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.185 Outlot. An “Outlot” is a parcel of land, other than a lot or block, so designated on a plat. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.190 Owner. “Owner” is any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to the land sought to be subdivided under this title. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.195 Pedestrian way. “Pedestrian way” is a right-of-way within a block, dedicated to public use and intended primarily for pedestrians, but which may include utilities where necessary and from which motor propelled vehicles are excluded. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.200 Preliminary plat. “Preliminary plat” is a map showing the salient features of a proposed subdivision, submitted to the capital improvements and street maintenance committee and

plan commission for purposes of preliminary consideration. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.210 Right-of-way. “Right-of-way” is a strip of land occupied or intended to be occupied by a street, pedestrian way, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term “right-of-way” for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, pedestrian ways, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.230 Service drive. “Service drive” is a public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way, and providing safe and orderly points of access at fairly uniformly spaced intervals. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.250 Sidewalk. “Sidewalk” is that portion of a street or pedestrian way, paved or otherwise surfaced, intended for pedestrian use only. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.260 Street. “Street” is a public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, alley, or however otherwise designated, but excepting driveways to buildings. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.270 Street, collector. A “collector street” is a street which carries traffic from minor streets to the system of major arterial streets and highways, including the principal entrance streets of a residential development and the principal circulating streets within such a development. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.280 Street, half. A “half street” is a street bordering one or more property lines of a tract of land in which the subdivider has allocated but part of the ultimate right-of-way width. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.290 Street, marginal access. A “marginal access street” is a minor street which parallels and is adjacent to a major street or highway, and which provides access to abutting properties and protection from through traffic. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.300 Street, minor. A “minor street” is a street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.310 Subdivider. A “subdivider” is any person or corporation or duly authorized agent who undertakes the subdivision of land as defined herein. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.320 Subdivision. “Subdivision” is a division of a lot, parcel, or tract of land for the purpose of sale or of building development, where:

(a) The act of division creates five or more parcels or building sites of one and one-half acres each or less in area; or

(b) Five or more parcels or building sites of one and one-half acres each or less in area are created by successive divisions within a period of five years. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.340 Thoroughfare. “Thoroughfare” is a street with a high degree of continuity, including collector streets and major arterial streets. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.08.360 Zoning regulations. “Zoning regulations” are Title 23 of this code. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

Chapter 21.12

PROCEDURE FOR APPROVAL OF CITY PLATS

Sections:

- 21.12.010 Subdivisions inside the city limits.
- 21.12.020 Letter of intent and sketch plan.
- 21.12.030 Filing of preliminary plat.
- 21.12.040 Preliminary plat review and recommendations.
- 21.12.050 Action on preliminary plat by the common council.
- 21.12.060 Development agreements.
- 21.12.070 Filing of final plat.
- 21.12.080 Final plat review and recommendations.
- 21.12.090 Action on final plat by the common council.

21.12.010 Subdivisions inside the city limits. In planning and developing a subdivision within the corporate limits of the city, the subdivider shall follow the procedure outlined in this chapter. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.12.020 Letter of intent and sketch plan. At least thirty days prior to the submission of the preliminary plat, the subdivider shall make known his intentions to the city engineer. During this “preapplication” stage, the subdivider shall consult the city engineer to identify any special problems or conditions affecting his property and shall supply the city engineer with a written “letter of intent” and a sketch plan of the proposed subdivision. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.12.030 Filing of preliminary plat. The subdivider shall prepare a preliminary plat of the proposed subdivision in accordance with the requirements of Chapter 21.24 and shall file with the city engineer a completed, formal application for approval of the plat, accompanied by six blueprints or other acceptable reproductions, at least fourteen days prior to the meeting of the capital improvements and street maintenance committee and plan commission at which action is desired. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.12.040 Preliminary plat review and recommendations. The preliminary plat shall be reviewed by the capital improvements and street maintenance committee and plan commission to determine its conformity to this title and all other city ordinances and regulations, the official map, and the master plan or comprehensive plan. Copies of the preliminary plat shall be reviewed by the city engineer, city planner, director of inspection, park director, fire chief, and the director of the sewer and water utility for their recommendations concerning matters within their jurisdiction. Their recommendations in respect thereto shall be transmitted to the capital improvements and street maintenance committee and plan commission. The city engineer shall coordinate the review of the preliminary plat among staff and city officials. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.12.050 Action on preliminary plat by the common council. Within ninety days of the submission of a preliminary plat and completed formal application, the common council shall take action to approve, approve conditionally, or reject the preliminary plat and shall state in writing any

conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the common council to act within the ninety days, or extension thereof, constitutes an approval of the submitted preliminary plat. The city engineer shall notify the subdivider in writing of the common council's action. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.12.060 Development agreements. A development agreement is a written agreement entered into by and between the city and a subdivider for the construction, installation, dedication, and provision of improvements in connection with a subdivision and payment for the various costs in connection with the needed infrastructure. Development agreements are intended to clearly identify the subdivider's costs and the city's costs related to the infrastructure needed to develop a proposed subdivision and to establish a schedule for the installation and payment of this infrastructure. The subdivider shall be responsible for infrastructure improvement costs including but not limited to the following:

(a) Eight-inch standard sanitary sewer mains, laterals to the street right-of-way line, lift station fees which are as provided in section 3.40.010(a), and any other sanitary sewer related fees. Oversize sanitary sewer mains will generally be cost-shared by Wausau Water Works.

(b) Eight-inch standard water mains, hydrants, booster station fees which are as provided section 3.40.010(a), water main tap fees, and any other water supply related fees. Oversize water mains will generally be cost-shared by Wausau Water Works.

(c) All storm sewer mains, inlets, and detention basins in accordance with an approved storm water management plan. The city may cost-share in certain oversize trunk storm sewer mains.

(d) Standard curb and gutter shall be a 6-inch concrete curb with a twenty-four inch gutter, drive approaches, and sidewalk in accordance with city standard specifications and recommendations. Mountable curb and gutter, where approved by the city engineer, shall be designed in accordance with the standards provided by the city engineer. Streets without curb and gutter (a rural-section) may be constructed where approved by the capital improvements and street maintenance committee and shall be designed in accordance with the standards provided by the city engineer. Pavement shall be a minimum of three inches of bituminous asphalt over a minimum of eight inches of crushed aggregate base course. In some streets the pavement or base course may have to be of greater thickness or employ a layer of free-draining aggregate and edge drains. Temporary streets, cul-de-sacs, and hammer-head turnarounds may be allowed to meet lower design standards where approved by the city engineer.

(e) Street lighting designed and located in accordance with the recommendations and standards provided by the director of inspections and electrical systems.

Development agreements are intended to provide some degree of flexibility for the city and subdivider in meeting the infrastructure needs of the proposed subdivision. All infrastructure costs directly related to the proposed subdivision, including city staff and contracted engineering costs and inspection fees, will be the responsibility of the subdivider. Agreements can be structured that require the subdivider to install the improvements, provide for the city to install the

improvements, or a combination thereof. All infrastructure design work shall be approved by the city and all inspection work shall be performed by the city or under a contract with the city. City costs for the development of a subdivision will usually be limited to only the marginal cost for over-sizing certain infrastructure and installing infrastructure to serve a larger service area than the proposed subdivision. A development agreement shall be executed by the subdivider and signed by the mayor on behalf of the city before the final plat, as approved by the common council, is signed by the mayor. (Ord. 61-5605 §33(part), File No. 13-1109; Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.12.070 Filing of final plat. Within thirty-six months of the date of approval or conditional approval of the preliminary plat, a completed formal application for approval of the final plat, accompanied by the final plat and six reproductions thereof which shall conform to the requirements of section 21.28.030 of this title and SUBCHAPTER IV of Chapter 236 of the Wisconsin Statutes, shall be submitted to the city engineering department. If the final plat is not submitted within thirty-six months of approval of the preliminary plat, the common council may refuse to approve the final plat. The final plat may, if approved by the common council, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time. (Ord. 61-5457 §1, 2010, File No. 02-0413, Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.12.080 Final plat review and recommendations. The final plat shall be reviewed by the capital improvements and street maintenance committee and plan commission to determine its conformity to this title and to all other ordinances and regulations in force when the subdivider submits a preliminary plat, or final plat if no preliminary plat is submitted, which affect the subdivision or platting of land, the approved preliminary plat, and any conditions of approval and adopted local plans. Copies of the final plat shall be reviewed by the city project manager, city planner, zoning administrator, park director, fire chief, and the director of the sewer and water utility for their recommendations concerning matters within their jurisdiction. Their recommendations in respect thereto shall be transmitted to the capital improvements and street maintenance committee and plan commission. The city planner shall coordinate the review of the final plat among staff and city officials and shall notify the clerk of any municipality within one thousand feet of the final plat of the proposed subdivision that the city is considering. (Ord. 61-5457 §1, 2010, File No. 02-0413, Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.12.090 Action on final plat by the common council. Within sixty days of the formal submission of a final plat, unless the time is extended by agreement with the subdivider, the common council shall take action to approve, approve conditionally, or reject the final plat and shall state in writing any conditions of approval or reasons for rejection. The city engineer shall notify the subdivider of the common council's action. Failure of the common council to act within the sixty days, or extension thereof, constitutes an approval of the formally submitted final plat. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

Chapter 21.13

PROCEDURE FOR APPROVAL OF EXTRATERRITORIAL PLATS

Sections:

- 21.13.010 Subdivisions within the extraterritorial jurisdiction.
- 21.13.020 Application for preliminary plat—Filing.
- 21.13.030 Review and recommendations.
- 21.13.040 Action on preliminary plat by the common council.
- 21.13.045 Development agreements.
- 21.13.050 Filing of final plat.
- 21.13.060 Final plat review and recommendations.
- 21.13.070 Action on final plat by the common council.

21.13.010 Subdivisions within the extraterritorial jurisdiction. In planning and developing a subdivision in the unincorporated area of Marathon County within three miles of the city, the subdivider shall respect the procedure as described in this chapter. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.13.020 Application for preliminary plat—Filing. The subdivider shall prepare a preliminary plat of the proposed subdivision in accordance with the requirements of Chapter 21.24 and shall file with the city planner a completed, formal application for approval of the plat, accompanied by six copies of the preliminary plat, at least three weeks prior to the meeting of the plan commission at which action is desired. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.13.030 Review and recommendations. The preliminary plat shall be reviewed by the plan commission to determine its compliance with this title and all other city ordinances and regulations, the official map, and the master plan or comprehensive plan. Copies of the preliminary plat shall be reviewed by the city engineer, city planner, director of inspection, park director, fire chief, and the director of the sewer and water utility for their recommendations concerning matters within their jurisdiction. Their recommendations in respect thereto shall be transmitted to the plan commission. The city planner shall coordinate the review of the preliminary plat among staff and city officials. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.13.040 Action on preliminary plat by the common council. Within ninety days of the formal submission of a preliminary plat, the common council shall take action to approve, approve conditionally, or reject the preliminary plat and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the common council to act within the ninety days, or extension thereof, constitutes an approval of the formally submitted preliminary plat. The city planner shall notify the subdivider in writing of the common council's action. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.13.045 Development agreements. When deemed appropriate by the common council, a development agreement between the subdivider and the city, as described in section 21.12.060, may be required to ensure that, in anticipation of the subdivision becoming part of the city or to otherwise

promote the public health, safety, and general welfare, appropriate infrastructure is installed to serve the subdivision. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.13.050 Filing of final plat. Within thirty-six our months of the date of approval or conditional approval of the preliminary plat, a completed formal application for approval of the plat, accompanied by the final plat and six reproductions thereof which shall conform to the requirements of SUBCHAPTER IV of Chapter 236 of the Wisconsin Statutes, shall be submitted to the city engineering department. (Ord. 61-5457 §1, 2010, File No. 02-0413, Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.13.060 Final plat review and recommendations. The final plat shall be reviewed by the plan commission to determine its conformity to this title and all other ordinances and regulations in force when the subdivider submits a preliminary plat, or final plat if no preliminary plat is submitted, which affect the subdivision or platting of land, the approved preliminary plat, and any conditions of approval and adopted local plans. Copies of the final plat shall be reviewed by the city project manager, city planner, zoning administrator, park director, fire chief, and the director of the sewer and water utility for their recommendations concerning matters within their jurisdiction. Their recommendations in respect thereto shall be transmitted to the plan commission. The city planner shall coordinate the review of the final plat among staff and city officials. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.13.070 Action on final plat by the common council. Within sixty days of the formal submission of a final plat, unless the time is extended by agreement with the subdivider, the common council shall take action to approve, approve conditionally, or reject the final plat and shall state in writing any conditions of approval or reasons for rejection. The city planner shall notify the subdivider of the common council's action. Failure of the common council to act within the sixty days, or extension thereof, constitutes an approval of the formally submitted final plat. (Ord. 61-5457 §1, 2010, File No. 02-0413, Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

Chapter 21.14

LAND DIVISIONS

Sections:

- 21.14.010 Land divisions.
- 21.14.020 Procedure for approval.

21.14.010 Land divisions. Within the corporate limits of the city and in unincorporated areas within three miles of the corporate limits of the city, no person, firm, or corporation shall create a land division, as defined in section 21.08.135, or record a certified survey map in the Marathon County register of deeds office without meeting all of the requirements of Section 236.34 of the Wisconsin Statutes, pertaining to certified surveys, and this chapter. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.14.020 Procedure for approval. (a) Submission of Certified Survey. The divider shall have prepared a certified survey map of the proposed division and shall submit said certified survey to the zoning administrator for his review.

(b) Preparation of Certified Survey Map. All certified survey maps shall be prepared in accordance with the requirements of Sections 236.34 and 236.20(5)(a) of the Wisconsin Statutes and shall have a certificate of zoning administrator approval lettered or reproduced legibly on the face of the survey. Said certificate shall state, *"I _____ (zoning administrator) being duly appointed by the common council do hereby certify the attached certified survey map has been reviewed and there are no objections to recording this certified survey in the Register of Deeds office."*

(c) Zoning Administrator's Review. If the zoning administrator finds the certified survey map is not in conflict with any city ordinance, plan, official map, or other policy or regulation, he shall sign the certificate of zoning administrator approval. If the zoning administrator finds the certified survey map is in conflict with any city ordinance, plan, official map, other policy or regulation, he shall submit the certified survey to the plan commission and/or the appropriate committee of the common council for their review and recommendation.

(d) Plan Commission/Committee Review. If the zoning administrator submits a certified survey to the plan commission and/or the appropriate committee of the common council, the plan commission and/or the appropriate committee of the common council shall review the same with the property owner or surveyor and shall recommend to the common council measures that will make the certified survey conform with applicable city ordinances, plans, official map, or other policies and regulations.

(e) Common Council Action. All certified survey recommendations from the plan commission and/or the appropriate committee of the common council shall be forwarded to the common council for final action.

Certified surveys approved by the common council shall be certified by the zoning administrator.

Certified surveys disapproved by the common council may be amended by the surveyor and property owner and resubmitted to the zoning administrator. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

Chapter 21.16

GENERAL REQUIREMENTS

Sections:

- 21.16.010 Preservation of natural and cultural features.
- 21.16.020 Unsuitable land.
- 21.16.040 Unsuitable land for dedication—Procedure.
- 21.16.050 Reservation of public spaces and sites—Preliminary plat.
- 21.16.080 Acquisition of land within a proposed plat for public use.
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21.16.010 Preservation of natural and cultural features. In all subdivisions, due regard shall be given to the preservation of natural features such as large trees, watercourses, wetlands, historical and similar features. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.16.020 Unsuitable land. No land shall be subdivided for residential use which, after investigation and recommendation by the city engineer, is found to be unsuitable for such use by reason of flooding or bad drainage, adverse earth or rock formation or topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the community. The city's determination as to suitability shall be final. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.16.040 Unsuitable land for dedication—Procedure. Whenever a preliminary plat includes a proposed dedication of land to public use and the common council, after investigation and recommendation by the city engineer, finds that such land is not required or not suitable for public use, the common council may either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision to include such land. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.16.050 Reservation of public spaces and sites—Preliminary plat. Whenever a tract to be subdivided includes a proposed street, highway, or parkway or proposed site for a park, playground, school, or storm water management area or other public use as indicated on the official map of the city, the comprehensive plan or other adopted plan, the subdivider shall dedicate such space or reserve such space on the preliminary plat unless it is determined by the city that such space is no longer needed. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.16.080 Acquisition of land within a proposed plat for public use. The capital improvements and street maintenance committee and plan commission shall consider all preliminary

plats and adopted plans, maps, and studies authorized by the common council to determine the need for acquisition for public use of any of the land included in the preliminary plat. Land may be acquired for public school sites, storm water management, parks, playgrounds or other public recreation areas, or any other public purposes as provided by law.

(a) Referral to Public Body. The capital improvements and street maintenance committee shall refer the plat to the public body concerned with the potential public use and acquisition for its consideration and report. The capital improvements and street maintenance committee and plan commission may propose alternate areas for such acquisition and shall allow the public body thirty days for reply. If the public body recommends acquisition of land for public use it shall provide the capital improvements and street maintenance committee with a map showing the boundaries and area of the plat proposed to be acquired and an estimate of the time required to complete the acquisition.

(b) Notice to Subdivider. Upon receipt of a recommendation to acquire a portion of the plat, the capital improvements and street maintenance committee shall notify the subdivider who shall designate on the preliminary plat that area proposed to be acquired by the public body. If the preliminary plat is approved by the common council with the recommended reservation, the area to be acquired shall be shown as "reserved for public acquisition" on the final plat.

(c) Duration of Land Reservation. Acquisition of land designated on the preliminary or final plat as "reserved for public acquisition" shall be initiated by the public agency involved within eight months of notification, in writing, by the subdivider that he intends to develop the property designated as "reserved for public acquisition." The letter from the subdivider shall be accompanied by a sketch plan of the development proposed for the reserved property and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition of the reserved property within the eight month period shall result in the removal of the "reserved" designation from the property involved and freeing of the property for development. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.16.085 Required dedications for park purposes. (a) Relation of Land Required For Population. It is found and determined that the public interest, convenience, health, welfare and safety require that nine-tenths of an acre of land be devoted to park and recreational purposes for each one hundred persons residing within the city.

(b) Subdividers Must Provide for Parks. In order that open space and sites for public use may be properly located and preserved as the community develops, and in order that the costs of providing the public park sites necessary to serve the additional families brought into the community by subdivision development may be most equitably proportioned on the basis of the additional need created by the individual subdivision, every subdivider who subdivides land shall dedicate a portion of such land, pay a fee, or do both as set forth as follows, for the purpose of providing park lands to serve future residents of such subdivision:

(1) Outside the corporate limits but within the city's extraterritorial plat limits, after consideration by the plan and park commissions and park and recreation committee and determination by the common council that a portion of the plat or

planned development is required for such park and recreation sites, the developers may be required to dedicate such area to the municipality having jurisdiction.

(2) Within the corporate limits of the city, where feasible and compatible with the comprehensive plan for the city park system, the developer shall dedicate land to the public to provide for the park and recreation needs of the plat, land division, planned development, or unified development in accordance with the formula in subdivision (3) of this subsection.

(3) The amount of land to be so provided and dedicated shall be determined on the basis of nine-tenths of an acre per one hundred population per formula. The total population of the subdivision planned, development or unified development shall be determined by summing the population per lot or dwelling unit based on the following formula:

| <u>Lots Within An:</u> | <u>Population Formula</u> |
|---|--|
| I-R District | 3.4 |
| R-1 District | 3.4 |
| R-2 District | 3.4 |
| R-3 and R-3-1 Districts | 4.0 |
| R-4-1 District | Area of lot (in square feet), divided by 1500 square feet, multiplied by 1.6 or a total of 12.8, whichever is less |
| R-4-2 | Area of lot (square feet), divided by 2500 square feet, multiplied by 1.6 |
| R-4 District | Area of lot (in square feet), divided by 1500 square feet, multiplied by 1.6 |
| Planned Development or Unified Development | Sum of population per proposed dwelling unit: Single-family unit—3.4 persons, duplex unit—2.0 persons and apartment unit—1.6 persons |

(4) In the event that dedication would result in sites too small to be usable, or if the comprehensive plan for the city park system calls for such public sites to be located elsewhere, or if such sites would not otherwise be suitable as determined by the common council, after consideration by the plan commission and park recreation committee, a payment of a fee in lieu of land dedication shall be required. The amount of such fee shall be as provided in section 3.40.010(a).

(5) The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both, shall be as follows:

(A) At the time of filing a preliminary plat for approval, the subdivider shall, as part of such filing, indicate a preference to dedicate property for park and recreational purposes or to pay a fee in lieu thereof. A land dedication for this purpose shall appear on the preliminary plat map as submitted.

(B) At the time of the preliminary plat map approval, acting after consideration of the recommendations of the capital improvements and street maintenance committee, plan commission and park committee, the common council shall determine, as a part of such approval, whether to require a dedication of land within a subdivision, payment of a fee in lieu thereof, or a combination of both.

(6) The common council shall accept a land dedication or require payment of a fee in lieu thereof, or a combination of both, upon consideration of the following:

(A) Topography, geology, soils, access, and location of land in the subdivision available for dedication; and

(B) Size and shape of the subdivision and land available for dedication; and

(C) The comprehensive plan for the city park system.

(7) Where payment of a fee is required, such payment shall be made in a lump sum prior to the recording of a final plat or certified survey map, or prior to issuance of any building permit for an R-4, R-4-1, or R-4-2 development, planned development or unified development. As an alternative, the developer may pay fifty percent of the total amount and file an agreement and performance bond, with a two-year limit for the unpaid balance, with the city clerk.

All existing and future fees received under the ordinance codified in this section shall be segregated in an interest bearing account and the interest generated therefrom shall accrue to that account.

Land dedication shall appear on preliminary and final plats. Prior to issuance of building permits for a planned development or unified development where there is no plat, dedication of public lands shall be by deed.

(8) The determination of the common council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

(9) When a replat or a certified survey creates additional residential building lots, the owners of said additional lots shall pay a fee as provided in section 3.40.010(a), per additional lot, to the city prior to the recording of the final plat or certified survey.

(10) If the comprehensive park plan shows that no additional parkland is needed in that neighborhood or that additional parkland in that neighborhood is not feasible to purchase, then the money generated in lieu of land may be used to purchase park property elsewhere within the city limits or within the city's extraterritorial plat limits, so as to benefit the neighborhood.

(Ord. 61-5605 §34(part), File No. 13-1109; Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.16.090 Vacation of a plat of subdivision—Application. The owner of a subdivision or of any lot in a subdivision may apply to the circuit court of the county for the vacation or alteration of all or part of the recorded plat of that subdivision. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.16.100 Notice of application. Notice of the application for the vacation or alteration of the plat shall be given at least three weeks before the application:

- (a) By posting a written notice thereof in at least two of the most public places in the county;
- (b) By publishing a copy of the notice once each week for three weeks in a newspaper of general circulation in the county;
- (c) By service of the notice, in the manner required for service of a summons in the circuit court, on the city or the town in which the subdivision is located; and
- (d) By mailing a copy of the notice to the owners of record of all the lots in the subdivision or the part of the subdivision proposed to be vacated or altered at their last known address. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.16.110 Hearing and determination. (a) After requiring proof that the required notices have been given and after hearing all interested parties, the court may, in its discretion, grant an order vacating or altering the plat or any part thereof, except:

- (1) The court shall not vacate any alleys immediately in the rear of lots fronting on county trunk highways without the prior approval of the county board, or on state trunk highways without the prior approval of the Wisconsin Department of Transportation.
- (2) The court shall not vacate any parts of the plat which have been dedicated to and accepted by the public for public use, except as provided in section 21.16.120.

(b) The vacation or alteration of a plat shall not affect any restrictive covenant applying to any of the platted land, unless otherwise stipulated by judgment of the court. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.16.120 Vacation or alteration of parkland. Following a recommendation by the park and recreation committee, capital improvements and street maintenance committee, and plan commission, the common council may vacate parkland dedicated on a plat, certified survey map, or other instrument of description, as follows:

(a) Plat. If the parkland or playground was dedicated by a recorded plat and the parkland or playground so dedicated was never developed or used by the city as a public park or playground, the common council may apply for the vacation of the parkland or playground in a manner consistent with Section 236.43(3) of the Wisconsin Statutes.

(b) Certified Survey Maps and Other Instruments. If the parkland or playground was dedicated by a certified survey map or other instrument, the city may vacate or alter its parkland or playground areas and may sell, trade, or swap parkland or playground parcels, regardless of whether the parkland or playground has been developed, used, or recognized by the city, to any third party or parties the city deems appropriate, for more desirable and suitable parkland or playground area(s) or other consideration. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.16.180 Subdivisions created by successive divisions. Where it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this title, the common council may, in lieu thereof, order an assessor's plat to be made under the provisions of Section 70.27 of the Wisconsin Statutes and may assess the cost thereof as provided in such section. Regardless of the type of plat filed, any such subdivision shall comply with all the provisions of this title to the extent that they may reasonably be applied. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.16.200 Replats. A replat of all or any part of a recorded subdivision may not be made or recorded except after proper court action has been taken to vacate the original plat or the specific part thereof. However, a replat may be made and recorded without taking court action to vacate the original plat or part thereof when all the parties interested in such replat agree thereto in writing, and the replat is in accordance with all applicable provisions of this title and has been approved by the common council. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

Chapter 21.20

DESIGN STANDARDS

Sections:

| | |
|-----------|---|
| 21.20.010 | Conformance to applicable rules and regulations. |
| 21.20.020 | Streets—General considerations. |
| 21.20.030 | Arrangement. |
| 21.20.040 | Access to major arterial streets. |
| 21.20.050 | Width of streets. |
| 21.20.060 | Street grades. |
| 21.20.070 | Vertical curves. |
| 21.20.080 | Horizontal curves. |
| 21.20.090 | Tangents. |
| 21.20.100 | Cul-de-sacs or dead end streets and other types of turnarounds. |
| 21.20.110 | Additional street right-of-way needed. |
| 21.20.120 | Street intersections. |
| 21.20.130 | Alleys. |
| 21.20.140 | Easements. |
| 21.20.150 | Storm water easement and drainage right-of-way. |
| 21.20.155 | Floodplain of navigable waters and building setbacks. |
| 21.20.160 | Residential blocks. |
| 21.20.170 | Nonresidential blocks. |
| 21.20.180 | Lots. |
| 21.20.190 | Building setback lines. |
| 21.20.230 | Lot frontage. |
| 21.20.240 | Drainage requirements. |
| 21.20.260 | Resubdivision of parcels. |
| 21.20.270 | Lot lines. |
| 21.20.280 | Double frontage and reversed frontage lots. |
| 21.20.290 | Outlots. |

21.20.010 Conformance to applicable rules and regulations. In addition to the design standards established herein all subdivision plats shall comply with the following laws, ordinances, rules and regulations:

- (a) The provisions of Chapter 236 of the Wisconsin Statutes;
- (b) The zoning regulations (Title 23) and all other applicable ordinances of the appropriate jurisdictions;
- (c) The master plan, comprehensive plan, sewer service area plan, comprehensive outdoor recreation plan, land use plan, transportation plan, public utilities plan, community facilities plan, and official map of the city or any portion thereof;

(d) The rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts a state trunk highway or connecting street. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.020 Streets—General considerations. Streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as wetlands, streams and existing tree growth, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.030 Arrangement. (a) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the official map.

(b) All thoroughfares shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping centers, to population densities, and to the pattern of existing and planned land uses.

(c) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, and to require the minimum amount of streets necessary to provide convenient and safe access to property.

(d) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.

(e) 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 the common council, following a recommendation by the city engineer, determines that such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

(f) In business and industrial developments the streets shall be planned in connection with the grouping of buildings, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.040 Access to major arterial streets. Where a subdivision borders on or contains an existing or proposed major arterial street, the number of minor streets entering a major arterial street shall be kept to a minimum. The common council may require that access to the major arterial street be limited by one or more of the following means:

(a) A parallel street supplying frontage for lots backing onto the major street, such lots to be provided with screen planting contained in a nonaccess reservation along the rear property line;

(b) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major street;

(c) A marginal access street or service drive, separated from the major street by a planting or grass strip and having access thereto at suitable points;

(d) Two adjacent lots may be required to share a driveway;

(e) Corner lots may be required to gain access from an intersecting street rather than the major arterial street. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.050 Width of streets. Right-of-way and paving widths of all streets shall be established by the common council, following a recommendation by the city engineer. The following widths shall serve as a guide for proposing new and upgraded permanent and temporary streets and cul-de-sacs and other types of turnarounds associated with subdivision activity:

| | <u>Paving - Face-to-Face</u> | <u>R.O.W.</u> |
|--------------------------------|----------------------------------|---------------|
| Diameter of end of cul-de-sac | 70-90 ft. | 100-120 ft. |
| | <u>Paving - Face-to-Face</u> | <u>R.O.W.</u> |
| L-Type, T-Type, Y-Type, Branch | ** | ** |
| Minor Street | 32-36 ft. | 60 ft. |
| Collector street | 42-53 ft. | 80 ft. |
| Major arterial street | 48-61 ft. | 100 ft. |

** *The right-of-way and paved area for these types of turnarounds shall allow for a fire truck with a wheelbase of 25 feet to turn around with no more than one backing maneuver.*

(Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.060 Street grades. The grade of major arterial and collector streets shall not exceed six percent unless necessitated by exceptional topography and approved by the common council following a recommendation by the city engineer. The grade of all other streets shall not exceed ten percent unless necessitated by exceptional topography and approved by the common council following a recommendation by the city engineer. The minimum grade of all streets shall be four-

tenths of one percent. Pedestrian ways shall not exceed twelve percent grade unless steps of an approved design are to be constructed. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.070 Vertical curves. All changes in street grade shall be connected by vertical curves of a minimum length in feet equivalent to fifteen times the algebraic difference in the percent of grade for major arterial streets and one-half of this minimum length for all other streets. No vertical curve less than fifty feet in length is required. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.080 Horizontal curves. The minimum sight distance, with clear visibility measured along the centerline, shall be provided as follows:

| | |
|------------------------|----------|
| Major arterial streets | 500 feet |
| Collector streets | 300 feet |
| Minor streets | 150 feet |

(Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.090 Tangents. A tangent at least one hundred feet in length shall be introduced between reverse curves on major arterial streets and collector streets. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.100 Cul-de-sacs and other types of turnarounds. (a) The use of cul-de-sacs and other types of turnarounds in street layouts shall be limited to portions of developments which, due to unusual shape, size, location, or topography, may better be served by cul-de-sacs or other types of turnarounds than by continuous streets as recommended by the city engineer.

(b) A street with a cul-de-sac or other type of turnaround shall not be longer than five hundred feet, measured on its centerline unless, by reason of topography or other circumstances beyond the control of the developer, the common council, upon the recommendation of the city engineer, finds a greater length to be justifiable.

(c) Where use of a cul-de-sac is allowed, the following statement shall be placed on the final plat to alert future lot owners of the city's snow plowing policy, *"All owners of Lots . . . (Lots fronting on a cul-de-sac) should take notice that it is the city of Wausau's policy to plow snow to the outside curb area of cul-de-sac streets. The snow will not be removed by the city. This may result in a large quantity of snow being plowed to the curb and driveway area of said lots. It is the lot owner's responsibility to clear snow plowed into driveway areas."* (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.110 Additional street right-of-way needed. Where a new subdivision abuts an existing street of inadequate right-of-way width, additional right-of-way width may be required to be dedicated by the subdivider to meet the purposes and requirements of this title. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.120 Street intersections. (a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than seventy

degrees shall not be acceptable. Not more than two streets shall intersect at any one point unless specifically approved by the common council.

(b) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred twenty-five feet should be discouraged.

(c) Where the grade of any street at the approach of an intersection exceeds seven percent, a leveling area should be provided having not greater than four percent grade at a distance of fifty feet measured from the nearest right-of-way line of the intersecting street.

(d) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary by the city engineer to provide adequate sight distance. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.130 Alleys. Alleys shall not be allowed unless specifically approved by the common council. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.140 Easements. Easements across lots or centered on rear or side lot lines shall be provided for utilities where required by the common council; such easements should be at least ten feet wide. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.150 Storm water easement and drainage right-of-way. Where a subdivision is traversed by a nonnavigable water course such as a drainage way, channel, or stream, the common council, upon the recommendation of the city engineer, may require the dedication of a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, and of such width or construction or both as will be adequate for the purpose of conveying storm water. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. However, where necessary, as determined by the common council, these easements may be used for the installation of subsurface, storm sewers. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.155 Floodplain of navigable waters and building setbacks. Where any portion of a proposed subdivision abuts or contains navigable water, as determined by the Wisconsin Department of Natural Resources, the zoning administrator may order the subdivider to establish the location of the floodway and floodplain as defined in Chapter 23.56. If applicable by state law to the area being subdivided, the subdivider shall also show the location of a seventy-five foot building setback line from all points along the ordinary high water mark as determined by the Wisconsin Department of Natural Resources. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.160 Residential blocks. (a) Blocks should have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width may be allowed in blocks adjacent to major streets, railroads, or waterways.

(b) The proposed lengths, widths, and shapes of blocks should be such as are appropriate for the existing environmental conditions of the locality where the plat is proposed, for the provision of safe and efficient public services and facilities and for the type of residential development contemplated in the subdivision. Block lengths in residential areas should generally not exceed one thousand eight hundred feet nor be less than four hundred feet in length. Wherever practicable, blocks along major arterial streets and collector streets should be not less than one thousand feet in length.

(c) Pedestrian ways, not less than ten feet wide, may be required by the common council to provide circulation or access to parks, schools, playgrounds, shopping centers, transportation, or other community facilities. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.170 Nonresidential blocks. Blocks designed for commercial or industrial uses shall be of such length and width as may be determined suitable by the common council for the prospective use. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.180 Lots. In general, the size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of the zoning regulations (Title 23). (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.190 Building setback lines. All plats shall indicate building setback lines or yards equivalent to those required in the zoning regulations (Title 23). (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.230 Lot frontage. Every lot shall front on or abut a public street. Lots with access only to private drives or streets shall be permitted only with the approval of the common council. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.240 Drainage requirements. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots and to minimize soil erosion and surface water pollution. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.260 Resubdivision of parcels. In case a tract is subdivided into parcels containing one or more acres, such parcels shall be arranged to allow the resubdivision of any parcels into smaller lots in accordance with the provisions of this title. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.270 Lot lines. Lot lines shall follow municipal boundary lines rather than cross them. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.280 Double frontage and reversed frontage lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from major arterial streets, commercial and industrial areas or to overcome specific disadvantages of topography and orientation. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.20.290 Outlots. The establishment of outlots shall be discouraged except to transfer ownership of storm water detention basins. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

Chapter 21.24

PRELIMINARY PLATS

Sections:

- 21.24.010 Submission—Purpose.
- 21.24.020 Formal application for approval of preliminary plat.
- 21.24.030 Preliminary plat drawing.

21.24.010 Submission—Purpose. Every proposed subdivision shall be submitted to the capital improvements and street maintenance committee and plan commission for tentative or conditional approval in the form of a preliminary plat prior to the submission of a final plat. The preliminary plat is not intended to be a final plat and must be prepared in such form as not to be confused with a final plat. Its purpose is to show graphically all facts needed to enable the capital improvements and street maintenance committee and plan commission and other public bodies to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The preliminary plat shall be prepared by a qualified surveyor, trained and experienced in the layout of subdivisions.

The graphic and descriptive items in this chapter are normally required to be shown on the preliminary plat and the accompanying application for approval. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plat. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.24.020 Formal application for approval of preliminary plat. A formal application, completed by the proposed subdivision owner or his agent, on forms furnished by the city engineer, shall accompany each preliminary plat submitted for review and approval. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.24.030 Preliminary plat drawing. The preliminary plat shall be drawn with waterproof nonfading black ink or legibly drawn with pencil on tracing cloth or tracing paper of good quality at a scale of not more than one hundred feet to the inch, and shall show correctly on its face the following information:

- (a) Date, scale, and north point;
- (b) The proposed subdivision name (must be same as that specified in the application);
- (c) The name and address of the owner, the subdivider, and the surveyor preparing the plat;
- (d) Location of the subdivision by government lot, quarter section, section, township, range, and county;

(e) A vicinity sketch or small scale drawing of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon;

(f) The exact length and bearing of the exterior boundaries of the subdivision. Dimensions shall be expressed in feet and decimals of a foot;

(g) Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land;

(h) Zoning on and adjacent to the subdivision;

(i) Location, width, and names of all existing and platted streets, alleys, and other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, water courses, drainage ditches, wetlands, permanent buildings, bridges, and other pertinent data as determined by the city engineer;

(j) The water elevations of adjoining lakes, rivers, streams and waterways at the date of the survey, the location of the ordinary high water mark (OHWM) of such lakes, rivers, streams, and waterways and, if applicable by state law to the area being subdivided, the location of the seventy-five foot setback line from the OHWM. All elevations shall be referred to the National Geodetic Vertical Datum of 1919 1929 (NGVD29).

(k) If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty feet back from the ordinary high water mark of such water way;

(l) Layout, width, and grades of all new streets and rights-of-way, including alleys, highways, easements for sewers and water mains and other public utilities, and easements for any proposed temporary streets and temporary cul-de-sacs;

(m) The location and size of existing sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sanitary and storm sewers are to be indicated in a general way upon the preliminary plat;

(n) Approximate dimensions and areas of lots;

(o) Proposed building setback lines;

(p) Approximate radii of all curves and length of tangents and central angles on all streets;

(q) Approximate location and area of all property proposed to be dedicated or reserved for public use or to be reserved by deed covenant for use of all property owners in the subdivision, with the conditions, if any, of such dedication or reservation;

(r) Approximate contours at vertical intervals of not more than two feet or at more frequent intervals if required by the city engineer;

(s) Street profile plans for all existing and proposed streets, containing information specified by the city engineer;

(t) The regional floodplain boundary and a line which is two feet above the regional floodplain boundary;

(u) The approximate location and extent of rock outcroppings. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

Chapter 21.28

FINAL PLATS

Sections:

- 21.28.010 Final plat may constitute a portion of the approved preliminary plat.
- 21.28.020 Formal application for approval of final plat.
- 21.28.030 Final plat drawing and certificates.

21.28.010 Final plat may constitute a portion of the approved preliminary plat. A final plat may constitute only a portion of the approved preliminary plat provided that the public improvements to be constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the health, safety, and general welfare of the future residents therein and for adequate access to contiguous areas. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.28.020 Formal application for approval of final plat. A formal application, completed by the proposed subdivision owner or his agent, on forms furnished by the city engineer, shall accompany each final plat submitted for review and approval. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.28.030 Final plat drawing and certificates. The final plat drawing and certificates shall be prepared in accordance with the requirements of SUBCHAPTER IV of Chapter 236 of the Wisconsin Statutes and the final plat drawing shall also show the following site conditions and topography:

(a) The water elevations of adjoining lakes, rivers, streams and waterways at the date of the survey, the location of the ordinary high watermark (OHWM) of such lakes, rivers, streams, and waterways, and the location of the seventy-five foot setback line from the OHWM. All elevations shall be referred to the National Geodetic Vertical Datum of 1929 (NGVD29).

(b) The regional floodplain boundary and a line which is two feet above the regional floodplain boundary. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

Chapter 21.30

ASSESSORS' PLATS

Sections:

- 21.30.010 Purpose.
- 21.30.020 Benefits.
- 21.30.030 Who may order.
- 21.30.040 Assessor's plat survey procedures.
- 21.30.050 Costs of assessor's plat.
- 21.30.060 Certified land surveyor responsibilities.
- 21.30.070 Property owner responsibilities.

21.30.010 Purpose. The United States Government originally intended to divide the continental United States into sections of land, each measuring approximately one mile square. The United States Government also provided the sections would exist as they were monumented by the original surveyors. Due to the surveying methods employed and available equipment, difficult terrain, and the configuration of the planet Earth, all sections were not surveyed to the desired degree of accuracy. Many sections of land are short or long in measurement. By example, it is impossible for all forty parcels within a section of land (six hundred forty acres) to contain forty acres each, have ninety degree angles and measure one thousand three hundred twenty feet square. Numerous metes and bounds descriptions appear in deeds assuming such measurements were correct. These boundary discrepancies have caused many disputes.

Many land owners believe their respective land parcel has been surveyed because it is shown in the city assessor or county treasurer's plat book; however, only those land parcels which have been surveyed and recorded as a subdivision plat or certified survey map and filed in the register of deeds office constitute a record survey.

Although a substantial percentage of the city is presently supported by record surveys and monumentation, there are areas where accurate location of property boundaries is difficult if not impossible. Some land parcels in the city exist only by metes and bounds land description. In the past, some land parcels were surveyed within the city but not recorded as a plat or certified survey map. Many land owners later cannot remember who the surveyor was and cannot recall if they were given a map of the survey. Also many land owners have staked their own property without the benefit of a recorded survey and have caused confusion as a result. Every land parcel within the city should be described and located by a recorded survey map or plat.

It is essential the parcel be located as described by deed and that buildings and structures, if any, are constructed within the parcel boundaries. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.30.020 Benefits. An assessor's plat survey benefits the property owner. By clarifying boundaries, title determinations are made definite, financing is more easily obtained, transfer of title is readily accomplished, taxation and special assessments are equitably ascertained. The primary advantage to the owner is the confidence his property is accurately located and described, free of any

discrepancies which may have existed by reason of a deed description not supported by a survey map or plat of record.

The distinct advantages of an assessor's plat over other types of surveyed plats or maps are: All property boundary discrepancies are reconciled in entirety within the area covered by the plat; no future problems concerning property boundaries are likely. An assessor's plat survey provides mutual benefits to the individual property owner and the city.

The city initiates an assessor's plat survey based upon the recommendations of the director of public works (or city engineer) and the city assessor. Where an assessor's plat survey is made, the cost attributable to each parcel therein for such survey is substantially less than the cost of surveying each parcel separately. It is reasonable the city share in the cost of the assessor's plat survey, for public works projects and street improvements must be located and constructed within definite property lines. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.30.030 Who may order. Section 70.27 of the Wisconsin Statutes grants the city authority to order a survey of areas within the city whenever any area of platted or unplatted land is owned by two or more persons in severalty, and when, in the judgment of the council, the description of one or more of the different parcels thereof cannot be made sufficiently certain and accurate for the purposes of assessment, taxation or tax title procedures without noting the correct metes and bounds of the same, or when such gross errors exist in lot measurements or location that difficulty is encountered in locating new structures, public utilities, or streets. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.30.040 Assessor's plat survey procedures. (a) The director of public works (or city engineer) in cooperation with the assessor and zoning administrator shall select areas which, in their judgment, require resurveying due to evidence of deed discrepancies, lack of lot staking, or boundary disputes between owners.

(b) Their recommendations shall be referred to the capital improvements and street maintenance committee of the common council for discussion.

(c) The capital improvements and street maintenance committee shall recommend to the common council those areas, if any, to be surveyed.

(d) Upon approval by the common council, a date shall be scheduled for a public hearing. A notice of the hearing shall be mailed by certified mail to all owners of record. Where the owners of record cannot be found, the notice shall be mailed to the tenants of the property to be surveyed.

(e) The proposed assessor's plat survey project shall be explained by the city officials to those who appear at the hearing. Maps of the areas to be surveyed along with a listing of the property owners and a schedule of estimated special assessment charges shall be available for inspection by any interested person.

(f) After report of the capital improvements and street maintenance committee and adoption of a final resolution by the common council, the assessor's plat survey shall be let under contract to a registered land surveyor, for those council approved areas.

(g) The surveyor making the plat shall survey and lay out the boundaries of each parcel, street, alley, lane, roadway or dedication to public or private use, according to the records of the register of deeds and whatever evidence may be available to show the intent of the buyer and seller. In the chronological order of their conveyance or dedication, he shall set temporary monuments to show the results of such survey and make a map thereof to a scale of not more than one hundred feet per inch. The owners of record of lands in the proposed plat shall be notified by registered letter mailed to their last known address, in order that they have opportunity to examine the map, view the temporary monuments, and make known any disagreement with the boundaries as shown by the temporary monuments. It is the duty of the surveyor making the plat to reconcile any discrepancies revealed so the plat, as certified to the governing body, is in conformity with the records of the register of deeds as nearly as is practicable. When boundary lines between adjacent parcels, as evidenced on the ground, are mutually agreed to in writing by the owners of record, such lines shall be the true boundaries for all purposes thereafter, even though they may vary from the descriptions previously of record. Such written agreements shall be recorded in the office of the register of deeds for Marathon County. On every assessor's plat, as certified to the governing body, shall appear the volume, page and document number of the metes and bounds description of each parcel as recorded in the office of the register of deeds, which shall be identified with the number or letter by which such parcel is designated on the plat, except that lots which have been conveyed or otherwise acquired but upon which no deed is recorded in the office of the register of deeds may be shown on an assessor's plat and, when so shown, shall contain a full metes and bounds description. (§70.27(5), Wis. Stats.)

(h) The surveyor shall stake all lot corners, for each parcel in the assessor's plat, with iron pipe monuments, after all discrepancies have been reconciled with the property owners involved.

(i) After completion of the field survey, the surveyor shall prepare a final map of the assessor's plat and forward it to the state of Wisconsin for approval.

(j) When the state of Wisconsin returns the approved assessor's plat map, the city clerk shall publish a notice in the local newspaper advising the public the plat will be displayed at city hall for thirty days for public inspection. During this thirty-day inspection period, the owner of any parcel within the assessor's plat may file an objection or request for correction with the city clerk. The common council cannot approve the assessor's plat for record until any such objections are satisfied by stipulation of the owners, or judgment of a court of record, should a suit for correction be filed by any owner.

(k) Upon completion of the foregoing procedures and final approval of the assessor's plat by the common council, the plat shall be delivered to the surveyor in order that he may record it with the register of deeds. A copy of the approved final plat shall be provided by the city through the city engineer's office to all affected property owners without charge. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.30.050 Costs of assessor's plat. The actual and necessary costs and expenses of making assessors' plats shall be paid by the city, and all or any part of such cost may be charged to the land, without inclusion of improvements, so platted in the proportion that the last assessed valuation of each parcel bears to the last assessed total valuation of all lands included in the assessors' plat, and collected as a special assessment on such land, as provided by Section 66.0703 of the Wisconsin Statutes. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.30.060 Certified land surveyor responsibilities. It is the primary responsibility of the surveyor performing the assessor's plat survey to locate property corners in conformity with record deeds wherever possible. If any property corners or lines located by deed description do not fit existing property improvements, the surveyor must cooperate with the adjoining owners to locate a property line which is acceptable by mutual agreement between them. After completion of the staking of each land parcel, the surveyor prepares an assessor's plat or map of his survey. This plat or map is then recorded in the Marathon County register of deeds office as an official record document after it has been approved by the state of Wisconsin and the city. After recording, each land parcel contained within the plat or map is referred thereafter by a lot number of such plat, notwithstanding some other description on the deed for the parcel. The record deeds are cross referenced on the recorded plat for each parcel surveyed.

Chapter 59 of the Wisconsin Statutes provides any land surveyor, retained by an individual or corporation to perform a survey, must file a true and correct map or plat of such survey in the office of the county surveyor within sixty days of its completion. Such law also provides that while engaged in surveying, the land surveyor and his assistants shall not be liable for trespass upon any private property, but shall be liable for any actual damage done to the land or property, such as cutting of trees, without the permission of the owner. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.30.070 Property owner responsibilities. It is the responsibility of the property owner to protect his lot stakes from disturbance or destruction. Each property owner should, at least annually, check the location and condition of his lot stakes. They are a valuable asset to him when property improvements are made, when the property is sold, or when neighbors make improvements, install fences or request zoning variances. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

Chapter 21.32

ADMINISTRATION AND ENFORCEMENT

Sections:

- 21.32.020 Common council.
- 21.32.030 Capital improvements and street maintenance committee and plan commission.
- 21.32.060 Enforcement.
- 21.32.070 Building permits.
- 21.32.090 Variations and exceptions.
- 21.32.130 Appeals.
- 21.32.140 Amendments.
- 21.32.150 Violations and penalties.
- 21.32.160 Fees.

21.32.020 Common council. The common council is vested with the following responsibilities in regard to subdivision control:

- (a) Approval or disapproval of all preliminary and final plats referred to it by the capital improvements and street maintenance committee and plan commission;
- (b) Approval or disapproval of all variations and exceptions as described in section 21.32.090 and as recommended by the capital improvements and street maintenance committee and plan commission;
- (c) Amending the regulations of this title when found necessary and desirable, as hereinafter provided;
- (d) Instituting appropriate policies and proceedings to enforce the provisions of this title. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.32.030 Capital improvements and street maintenance committee and plan commission. The capital improvements and street maintenance committee and plan commission shall:

- (a) Review all preliminary and final plats and forward to the common council with a recommendation for approval, denial or approval with conditions
- (b) Recommend approval of a plat with specific variations and exceptions to these regulations;
- (c) Make all other determinations and recommendations required by the regulations herein. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.32.060 Enforcement. The subdivision of any lot or any parcel of land by the use of metes and bounds description and/or certified surveys with the intent of evading this title, for the purpose of sale, transfer, or lease, shall be subject to all of the requirements of this title. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.32.070 Building permits. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the regulations of this title. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.32.090 Variations and exceptions. Except as provided in this section, no plat or subdivision shall be approved which does not comply with all provisions of this title.

(a) Where the capital improvements and street maintenance committee or plan commission find that hardships or practical difficulties may result from strict compliance with these regulations, it may recommend variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variations or exceptions shall not have the effect of nullifying any purpose of this title; and further provided neither the capital improvements and street maintenance committee nor plan commission shall recommend variations or exceptions to the regulations of this title unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variation or exception will not be detrimental to the public health, safety or general welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- (2) The conditions upon which the variation or exception is based are unique to the property for which the variation or exception is proposed, 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 more efficient and orderly development would result from a variation or exception to these regulations;
- (4) The purpose of the variation or exception is not based exclusively upon a desire to make more money out of the property.

(b) In recommending variations and exceptions, the capital improvements and street maintenance committee or plan commission may also recommend such conditions as will, in its judgment, secure substantially the purposes of this title.

(c) Such variations and exceptions as may be recommended by the capital improvements and street maintenance committee or plan commission shall be forwarded to the common council in writing, substantiating the recommended variations or exceptions. The common council may approve such variations or exceptions from the requirements of this title in specific cases which, in its opinion, do not substantially conflict with the purposes of this title. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.32.130 Appeals. Any subdivider aggrieved by rejection of a plat, an objection to a plat, or specific conditions of approval placed on the plat may appeal the rejection, objection, or conditions of approval in accordance with applicable state laws and procedures. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.32.140 Amendments. For the purpose of promoting the public health, safety, and general welfare, the common council may from time-to-time amend the regulations imposed by this title. Before adopting any amendment to the regulations in this title, the common council shall receive the recommendation of the plan commission and the capital improvements and street maintenance committee. The council shall hold public hearings on all proposed amendments. Notice of such public hearings shall be given by publication in a newspaper of general circulation within the city, once a week for two weeks preceding the hearing. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.32.150 Violations and penalties. Any person, firm, or corporation who fails to comply with, or violates, any of the provisions of this title shall, upon conviction thereof, forfeit not less than one dollar nor more than one hundred dollars, together with the costs of prosecution. Each day such violation continues shall constitute a separate offense. In default of payment of such forfeiture and costs of prosecution defendant shall be imprisoned until such forfeiture and costs are paid. In addition, the remedies provided by Sections 236.30, 236.31, 236.32, and 236.335 of the Wisconsin Statutes shall be available to the city. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)

21.32.160 Fees. The common council may, by resolution, establish fees for the review and processing of all preliminary and final plats. (Ord. 61-5217 §1(part), 2003, File No. 02-0413.)