

TITLE 14

Subdivision Regulations

Chapter 1 Subdivision Regulations

CHAPTER 1

Subdivision Regulations

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ARTICLE A

Adoption; Introduction

SEC. 14-1-1 INTRODUCTION AND PURPOSE.

(a) **Introduction.** In accordance with the authority granted by Sec. 236.45 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes, the Common Council of the City of Plymouth, Wisconsin, does hereby ordain as follows:

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

(b) **Purpose.** The purpose of this Chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to

provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with the reasonable consideration of, but not limited to, the present character of the City and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, protecting farming and open spaces, and providing for the most appropriate use of land in the City of Plymouth.

State Law Reference: Chapter 236, Wis. Stats.

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

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

SEC. 14-1-3 INTERPRETATION.

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

SEC. 14-1-4 SEVERABILITY.

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

SEC. 14-1-5 REPEAL.

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

SEC. 14-1-6 TITLE.

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

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

ARTICLE B

Definitions

SEC. 14-1-10 DEFINITIONS.

- (a) The following definitions shall be applicable in this Chapter:
- (1) Alley. A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
 - (2) Arterial Street. A street which provides for the movement of relatively heavy traffic to, from or within the City. It has a secondary function of providing access to abutting land.
 - (3) Block. An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
 - (4) Collector Street. A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
 - (5) Commission. The Plan Commission created by the Common Council pursuant to Sec. 62.23 of the Wisconsin Statutes.
 - (6) Comprehensive Development Plan. A comprehensive plan prepared by the City indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the City and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
 - (7) Condominium Development. A real estate development in which a condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.
 - (8) Cul-de-sac. A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
 - (9) Division of Land. Where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, or a certified survey.

- (10) Easement. The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (11) Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities.
- (12) Final Plat. The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.
- (13) Frontage Street. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (14) Improvement, Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the City may ultimately assume the responsibility for maintenance and operation.
- (15) Local Street. A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (16) Lot. A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
- (17) Lot, Area. The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (18) Lot, Corner. A lot abutting intersecting streets at their intersection.
- (19) Lot, Reversed Corner. A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (20) Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.
- (21) Lot Lines. The peripheral boundaries of a lot as defined herein.
- (22) Lot Width. The width of a parcel of land measured along the front building line.
- (23) Major Thoroughfare. A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.
- (24) Minor Street. A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."

- (25) Minor Subdivision (Certified Survey). The division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels or building sites, any one (1) of which is one and one-half (1-1/2) acres in size or less, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot.
- (26) Owner. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.
- (27) Pedestrian Pathway. A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (28) Plat. The map, drawing or chart on which the subdivider's plat of subdivision is presented to the City for approval.
- (29) Preliminary Plat. The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission for its consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
- (30) Protective Covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (31) Replat. The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (32) Shorelands. Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (33) Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
- (34) Subdivision. Subdivision is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development where:

- a. The act of division creates five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area; or
 - b. Five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area are created by successive divisions within a period of five (5) years.
- (35) Wetlands. An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydro physic vegetation and which has soils indicative of wet conditions. (Sec. 23.32 Wis. Stats.)
- (36) Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

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

ARTICLE C

General Provisions

SEC. 14-1-20 GENERAL PROVISIONS.

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

- (1) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.
- (2) The rules of the Division of Health, Wisconsin Department of Industry, Labor and Human Relations, contained in Wis. Adm. Code Chapter H85 for subdivisions not served by public sewer.
- (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter HY 33 for subdivisions which abut a state trunk highway or connecting street.
- (4) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for Floodplain Management Program.
- (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Common Council.

- (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
- (7) The City of Plymouth Master Plan, or components thereof.
- (8) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.
- (9) The Utilities Commission's electrical, sewer, and water rules on file with the Public Service Commission of the State of Wisconsin concerning sewer, water, and electrical installations and services. These rules are incorporated herein by reference and made a part hereof as though fully set forth herein.

(b) **Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the City of Plymouth. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:

- (1) Transfers of interests in land by will or pursuant to court order;
- (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
- (3) Sale or exchange of parcels of land between adjoining property owners or where not more than one (1) additional lot is created and said lot is not less than the minimum size required by applicable laws or ordinances. No more than one (1) lot may be created in this fashion within a one (1) year period.

(c) **Certified Survey.** Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats.

(d) **Building Permits.** The City of Plymouth shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, land division, replat or certified survey originally submitted to the City of Plymouth on or after the effective date of this Chapter until the applicant has complied with all of the provisions and requirements of this Chapter.

(e) **Plats Within the Extraterritorial Plat Approval Jurisdiction.** Plats within the extraterritorial plat approval jurisdiction of the City are subject to this Chapter pursuant to Sec. 236.45(3), Wis. Stats.

(f) **Applicability to Condominiums.** This Chapter is expressly applicable to condominium developments within the City's jurisdiction, pursuant to Sec. 703.27(1), Wis. Stats. For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.

SEC. 14-1-21 LAND SUITABILITY.

(a) **Suitability.** No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Common Council, upon the recommendation of the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Common Council, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Common Council, upon the recommendation of the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

(b) **Existing Flora.** The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainage ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.

SEC. 14-1-22 CONDOMINIUM DEVELOPMENTS.

(a) **Purpose.**

- (1) The Common Council hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
- (2) The factor that makes this Chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels," with each property entity having different ownership and management, the City determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management, and control.
- (3) Thus, the Common Council hereby finds that new condominium developments can place impacts on community resources in the

same manner as other new developments which are characterized by division of land into lots. These impacts include:

- a. Additional population density.
- b. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
- c. Additional demands upon City area parks, recreation areas, utility facilities and schools.
- d. Additional traffic and street use.

(b) **Portions of Chapter Applicable to Condominium Developments.** The following Sections of this Chapter shall apply to condominium developments:

- (1) Section 14-1-21 relating to land suitability and construction practices.
- (2) Sections 14-1-30 through 14-1-32 relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 14-1-40 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
- (3) Article I relating to fees for review.
- (4) Article F relating to required improvements.
- (5) Article G relating to design standards for improvements.
- (6) Article H relating to dedication requirements.

(c) **Exceptions** This Section shall not apply to the following condominiums:

- (1) Any condominium plat recorded prior to the effective date of this Chapter.
- (2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

SEC. 14-1-23 IMPACT FEES FOR LAND DEVELOPMENT.

(a) Purpose; Intent.

- (1) It is the intent of the Common Council to impose impact fees, in order to provide for the effect of land development in the City, and to finance certain public facilities, the demand for which is generated by land development in designated development areas; and,
- (2) This Section is authorized under Sec. 66.0617, Wis. Stats., which requires the City to prepare a needs assessment of the public

facilities for which it is anticipated that impact fees may be imposed prior to enacting an ordinance that imposes impact fees; and,

- (3) The Common Council has directed the Utilities Manager to review Sec. 66.0617, Wis. Stats., and its application to the public facilities needs of the City of Plymouth required by growth through land development, and to prepare a needs assessment as required by said statute; and,
- (4) The Utilities Manager has reviewed information from various sources, in preparing a needs assessment and has completed said charge and prepared a needs assessment dated April 14, 1997, and reported to the Common Council; and,
- (5) The needs assessment sets forth the public facilities which are expected to be required by land development and which may be financed by impact fees and includes recommendations that impact fees be imposed for sanitary sewer facilities; and,
- (6) The Common Council has directed the City Clerk-Treasurer to supplement the needs assessment in the form of a subsequent impact fee study in which said Clerk considered the effect of recovering the Public Facility costs through impact fees on the availability of affordable housing within the City and has determined that the imposition of impact fees will not produce any significant effect upon the availability of affordable housing in the City; and,
- (7) A public hearing was held before the Common Council of the City of Plymouth on June 10, 1997, to consider the adoption of an impact fees ordinance; and,
- (8) Notice of the aforesaid public hearing was published as a Class I Notice under Chapter 985, Wis. Stats., which notice specified that a copy of the proposed ordinance and the public facilities needs assessment was available in the office of the Clerk-Treasurer for a period of at least twenty (20) days prior to the public hearing; and,
- (9) The Common Council has determined that:
 - a. Impact fees to be imposed by this Section bear a rational relationship to the need for new, expanded or improved public facilities required to serve land development; and
 - b. Such fees do not exceed the proportionate share of the capital costs that are required to serve land development as compared to existing uses of land within the City; and

- c. The impact fees are based upon reasonable estimates of the capital costs for new, expanded or improved public facilities and do not include amounts necessary to address existing deficiencies; and
- (10) The Common Council has considered the appropriate planning and financing periods for the particular types of public facilities for which the impact fees may be imposed.
- (b) Definitions. In this section the following definitions shall apply:
- (1) "Capital Costs" means the capital costs to construct, expand or improve Public Facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve Public Facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the City can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the Impact Fees were imposed exceed 10% of capital costs. "Capital Costs" does not include other noncapital costs to construct, expand or improve Public Facilities or the costs of equipment to construct, expand or improve Public Facilities.
- (2) "Developer" means a person that constructs or creates a Land Development. The term "Developer" includes but is not limited to a person who has purchased a lot or parcel in a subdivision and who intends to construct a residential or non-residential building thereon which constitutes a Land Development as defined in paragraph (d), below.
- (3) "Impact Fees" means cash contributions, contributions of land or interests in land or any other items of value that are imposed on a Developer by the City under this section.
- (4) "Land Development" means the construction or modification of improvements to real property that creates additional residential dwelling units within the City or that results in nonresidential uses that create a need for new, expanded or improved Public Facilities within the City.
- (5) "Public Facilities" means highways, as defined in §340.01(22) and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing and distributing water, parks, playgrounds and other recreational facilities, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and

libraries. "Public Facilities" does not include facilities owned by a school district.

- (6) "Service Area" means a geographic area delineated by the City within which there are Public Facilities.
 - (7) "Service Standard" means a certain quantity or quality of Public Facilities relative to a certain number of persons, parcels of land or other appropriate measure, as specified by the City.
- (c) Establishment of Service Areas. There are hereby established Service Areas which are geographically defined areas within which it will be necessary to install new, expanded, or improved Public Facilities as a result of Land Development. The Service Areas which are to be served by sanitary sewer facilities are shown on the map entitled "Sanitary Sewer Service Area A", and dated April 10, 1997, as attached hereto and incorporated herein by reference. Additional Service Areas or combinations of Service Areas and additional types of Public Facilities may be designated by the Common Council as required to accommodate future Land Development in the City.
- (d) Impact Fees Imposed. Impact Fees are imposed in the below indicated Service Areas for the types of Public Facilities, and in the amounts set forth below, effective January 1, 2001.

Service Areas Public Facilities Fee Per Residential Equivalent Unit

Service Area A Sanitary sewer \$720.54

The amounts set forth above are Impact Fees to be imposed per single Residential Equivalent Unit (REU). The number of Residential Equivalent Units for which Impact Fees will be imposed in respect to a particular non-residential building shall be determined by the size of the water meter servicing the building in accordance with the following schedule:

<u>Water Meter Size</u>	<u>Residential Equivalent Units</u>	<u>Impact Fee</u>
5/8"	1.0	\$ 720.54
3/4"	1.0	\$ 720.54
1"	2.5	\$ 1,801.35
1 1/4"	3.7	\$ 2,666.00
1 1/2"	5.0	\$ 3,602.70
2"	8.0	\$ 5,764.32
3"	15.0	\$10,808.10
4"	25.0	\$18,013.5

- (e) Payment of Impact Fees. Impact Fees shall be due and payable in full within fourteen (14) days of issuance of a building or occupancy permit for the REU to which the Impact Fees apply may be issued.
- (f) Reduction of Impact Fees. Impact Fees shall be reduced to compensate for other Capital Costs imposed by the City with respect to Land Development to provide or pay for Public Facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under Ch. 236 Wis. Stats., or any other items of value. Impact Fees shall also be reduced to compensate for monies received from the federal or state government specifically to provide or pay for Public Facilities for which the Impact Fees are imposed. No exemption or reduction in the amount of Impact Fees shall be made for Land Development which includes low-cost housing.
- (g) Separate Accounts Established. The City Clerk-Treasurer shall establish segregated interest-bearing accounts for each of the categories of Public Facilities for which impact Fees are collected. Revenues from Impact Fees shall be placed in the respective, segregated accounts and shall be accounted for separately from other funds of the City. Impact Fee revenues and interest earned on such revenues shall be expended only for the Capital Costs for which the impact Fees were imposed.
- (h) Refund of Impact Fees. Impact Fees which are collected by the City but are not used within seven (7) years after collection to pay the Capital Costs for which the fees were imposed shall be refunded to the current owner of the property on which the impact fee was imposed. The City may, upon adoption of a resolution therefore, extend such period for an additional three (3) year period upon finding that extenuating circumstances and hardship exist in meeting said seven year time frame.
- (i) Appeal Procedure; Requests for Refunds. A Developer upon whom an Impact Fee is imposed has the right to contest the amount, collection or use of the Impact Fee by appeal to the Common Council of the City of Plymouth. The appeal procedure shall be as follows:
 - (1) Requested Review by Clerk-Treasurer. Any Developer wishing to contest the amount, collection, or use of any Impact Fee imposed upon the developer in respect to any Land Development shall, within thirty (30) days of the date on which the Impact Fee, or the first installment thereof, is paid, file with the City Clerk-Treasurer a written request for review of such Impact Fee. The request for review shall state the specific grounds upon which the request is based. The City Clerk-Treasurer shall review the Impact Fees which are the subject of the request for review within thirty (30) days of receipt of the request. The City Clerk-Treasurer shall

determine whether the Developer has shown that the amount, collection, or use of the impact Fee was otherwise than in accordance with this ordinance, and shall deliver, by first class mail or by personal delivery to the Developer, a written decision, including such determination, and shall file a copy of the decision with the Common Council. If the City Clerk-Treasurer determines that the amount, collection or use of any such Impact Fee was made otherwise than in accordance with this ordinance, he/she shall modify such Impact Fee as may be necessary to conform to this ordinance. The decision of the City Clerk-Treasurer shall advise the Developer of the right to appeal the decision and the time within which the appeal must be taken.

- (2) Appeal to Common Council. An appeal of the decision of the City Clerk-Treasurer in regard to the amount, collection or use of any Impact Fee may be taken by filing in the office of the City Clerk-Treasurer a notice of appeal within thirty (30) days of the date of the decision appealed from. The Developer filing the appeal shall include in the notice of appeal specific grounds for the appeal and may file along with the notice of appeal any written or documentary evidence and argument in support of the appeal. The City Clerk-Treasurer shall schedule a hearing upon the appeal before the Common Council to take place within sixty (60) days of the date on which the notice of appeal is filed and shall deliver to the appellant, by first class mail or personal delivery, notice of the date, time, and place of the hearing not less than ten (10) days prior to the date of the hearing.
- (3) Conduct of the Hearing. At the appeal hearing, the appellant and the City Clerk-Treasurer may be represented by counsel and each may present evidence and call and examine witnesses and may cross-examine witnesses of the other party. Witnesses shall be sworn by the City Attorney who may, upon authority of the Common Council, issue subpoenas for their attendance. Counsel for either party may issue subpoenas for the attendance of witnesses. At the conclusion of the hearing, the Common Council may retire to deliberate and at the conclusion of its deliberations shall cause to be prepared written findings of fact, conclusions of law and a decision upon the appeal. The appeal proceedings shall, at the option of the City, be recorded electronically or by a court reporter, and the City shall pay the expense thereof. At its earliest opportunity after completion of the decision in regard to the appeal, the Mayor or designee shall file the original decision in the office of the City Clerk-Treasurer who shall immediately deliver, by first class mail or by personal delivery a copy of the decision to the appellant or appellant's counsel. The City Attorney shall be present

at such hearing and shall advise the Common Council upon the matter under review.

- (4) Judicial Review. Any party to a proceeding involving an appeal of an Impact Fee to the Common Council may obtain judicial review of the decision of the Common Council by the circuit court by commencing an action for certiorari within thirty (30) days after the date of the decision. The circuit court may affirm or reverse the decision of the Common Council, or remand the matter to the Common Council for further proceedings consistent with the court's decision. The party seeking judicial review shall cause to be prepared a transcript of the appeal proceedings before the Common Council and shall pay the cost thereof. Upon stipulation the court may order that a synopsis of the proceedings be filed in lieu of a transcript.
- (5) Appeal Not to Stay Collection of Impact Fees. A request for review by the City Clerk-Treasurer, or appeal to the Common Council or circuit court of an Impact Fee shall not stay the collection of the Impact Fee nor entitle the Developer who has undertaken the review or appeal proceeding to obtain a building permit prior to the payment of the Impact Fee. The Common Council may authorize the Building Inspector to issue a building permit, and during the pendency of a review or appeal proceeding, to remit to the Developer the portion of the Impact Fee which is the subject of the proceeding, provided that prior to such remittance, the Developer has paid the amount of the Impact Fee conceded to be due, and has provided to the Common Council an irrevocable letter of credit or other security determined to be sufficient by the Common Council for payment of the balance of the Impact Fee which has been imposed in the event the amount of the Impact Fee is not reduced or otherwise modified as a result of the review or appeal proceeding, together with interest at the rate of 1% of the unpaid fee, per month, from the date the building permit was issued until the date the fee is finally paid, in full.
- (6) Requests for Impact Fee Reduction or Refund. Requests for reduction of impact Fees pursuant to (5), above, and for refund of Impact fees pursuant to (7), above, shall be made in accordance with the review and appeal procedure set forth above in this subsection and must be undertaken by a request for review by the City Clerk-Treasurer within one year after the event giving rise to the right to claim a reduction or refund. Failure to file a request for reduction or refund within such period shall constitute a waiver of the right to claim a reduction or refund of any Impact Fee imposed pursuant to this ordinance.

- (j) Periodic Adjustment of Impact Fees. The amounts of the Impact Fees imposed under this ordinance shall be adjusted on January 1st of each year based upon the lesser of the actual costs of Public Facilities for which the Impact Fees are imposed, or the most recent estimates available of the costs of the Public Facilities. If estimates of the costs are used, the City may Increase the amounts of the Impact Fees to be adjusted by its average investment rate during the year prior to the year in which the adjustment is made, less two percent (2%), in lieu of obtaining new estimates from the Utilities Manager.

SEC. 14-1-24 THROUGH SEC. 14-1-29 RESERVED FOR FUTURE USE.

ARTICLE D

Plat Review and Approval

SEC. 14-1-30 PRELIMINARY CONSULTATION.

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

(b) **Supplementary Data.** The following items shall be filed with the Director of Public Works a minimum of ten (10) days prior to the consultation with the Plan Commission:

- (1) Copies. The owner shall submit twelve (12) copies of the draft preliminary plat.
- (2) Use Statement. A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.
- (3) Zoning Changes. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
- (4) Area Plan. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission

may require that the subdivider submit a Preliminary Plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.

- (5) Street Plans and Profiles. The subdivider shall provide street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.
- (6) Easements. Proposed and existing easements shall be intended on the plan.
- (7) Adjoining Lands. Information shall be provided on the existing zoning, land uses and plats on adjacent lands. Data shall also be provided on adjacent sewer, water, storm sewer, roads and other public facilities.
- (8) Property Owners Association, Restrictive Covenants. A draft of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the City pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing for the preliminary consultation.

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

(a) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The subdivider shall submit fifteen (15) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file copies of the Plat and the application as required by this Section with the Director of Public Works at least thirty (30) days prior to the meeting of the Plan Commission at which action is desired. The Director of Public Works shall submit a copy of the Preliminary Plat to the Plan Commission and to the City Engineer for review and written report of his recommendations and reactions to the proposed plat.

(b) **Public Improvements, Plans and Specifications.** After the preliminary consultation and the approval of the Preliminary Plat, the owner shall file with the Director of Public Works six (6) complete sets and one (1) reproducible mylar of final engineering reports, plans and specifications for the construction of any public improvements required by this Chapter, specifically addressing:

- (1) Erosion control plans.
- (2) Final street, plans.
- (3) Final storm sewer plans.

- (4) Final sanitary sewer plans.
- (5) Final water plans.
- (6) Final grading plans.
- (7) Final park plans.
- (8) Drainage flows.
- (9) Groundwater presence.
- (10) Public land dedications.
- (11) All easements.
- (12) Any changes from the conceptual plat.

(c) **Affidavit.** The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter.

(d) **Soil Testing.** The subdivider shall provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in Section 14-1-21, the Director of Public Works may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.

(e) **Referral to Other Agencies.**

- (1) The Director of Public Works shall, within two (2) days after filing, transmit copies to the County Planning Agency, copies to the Director of the Planning Function in the Wisconsin Department of Development, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Industry, Labor and Human Relations if the subdivision is not served by the public sewer and provision for such service has not been made, and an adequate number of copies to the Plan Commission. The County Planning Agency, the Wisconsin Department of Development, the Wisconsin Department of Transportation and the Wisconsin Department of Industry, Labor and Human Relations shall be hereinafter referred to as objecting agencies. The Director of Public Works shall also transmit a copy of the Preliminary Plat to all affected City boards, commissions or departments and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction.
- (2) Within fifteen (15) days of the date of receiving the copies of the plat, any state or county agency having authority to object under Subsection (h)(1) above shall notify the subdivider and all

approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The Plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the fifteen (15) day limit it shall be deemed to have no objection to the plat. The recommendations of City agencies shall also be transmitted to the Plan Commission within fifteen (15) days from the date the plat is filed.

(f) **Drafting Standards.** The subdivider shall submit to the Director of Public Works and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes copies of a Preliminary Plat (or certified survey) based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

(g) **Extraterritorial Land Divisions.** Prior to consideration by the Plan Commission of any land division within the jurisdictional area of the Joint Review Commission, the Plan Commission shall receive and consider the recommendation of Joint Review Commission with respect thereto.

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

(a) **Commission Action.**

(1) The Plan Commission shall, within ninety (90) days of the date the plat was filed with the Director of Public Works, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the Plan Commission to act within ninety (90) days or extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat. The Director of Public Works shall communicate to the subdivider the action of the Plan Commission. If the preliminary plat is approved, the Director of Public Works shall endorse it for the Plan Commission.

- (2) Simultaneously with the filing of the Preliminary Plat or map, the owner shall file with the Director of Public Works twelve (12) copies of the final plans and specifications of public improvements required by this Chapter. Upon approval of the Preliminary Plat, the developer may start work on all improvements. The Director of Public Works shall refer copies of the Preliminary Plat to the Director of Public Works and a copy each to the telephone, power and other utility companies/agencies. The Abstract of Title or Registered Property Report may be referred to the City Attorney for his examination and report.

(b) **Effect of Preliminary Plat Approval.** Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be Subject to further consideration by the Plan Commission and Common Council at the time of its submission.

(c) **Preliminary Plat Amendment.** Should the subdivider desire to amend the Preliminary Plat as approved, he may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Plan Commission, of such scope as to constitute a new plat, in which such case it shall be re-filed.

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

(a) **Filing Requirements.**

- (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file fifteen (15) copies of the Plat and the application with the Director of Public Works at least fourteen (14) days prior to the meeting of the Plan Commission at which action is desired. The owner or subdivider shall file twenty (20) copies of the Final Plat not later than twenty-four (24) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the City. A written transmittal letter shall identify all substantial changes that have been made to the plat since the Preliminary Plat. When the subdivider expects the City to act as the transmitting authority in accordance with Sec. 236.12, Wis. Stats., the application shall state that transmittal responsibilities lie with the City and shall contain a

list of the other authorities to which the plat must be subjected and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.

- (2) The Director of Public Works shall, within two (2) days after filing, transmit copies to the County Planning Agency, copies to the Director of the Planning Function in the Wisconsin Department of Development, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Industry, Labor and Human Relations if the subdivision is not served by a public sewer and provision for service has not been made, to all affected City boards, commissions and committees and the original Final Plat and adequate copies to the Plan Commission. The County Planning Agency, the Wisconsin Department of Development, the Wisconsin Department of Transportation, and the Wisconsin Department of Industry, Labor and Human Relations shall be hereinafter referred to as objecting agencies.
 - (3) The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Sec. 236.12(2).
 - (4) The Director of Public Works shall refer two (2) copies of the Final Plat to the Plan Commission. The recommendations of the Plan Commission and Director of Public Works shall be made within thirty (30) days of the filing of the Final Plat. The Director of Public Works shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify in writing to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the Director of Public Works shall return them to the owner and so advise the Plan Commission.
- (b) **Plan Commission Review.**
- (1) The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Common Council.

- (2) The objecting state and county agencies shall, within fifteen (15) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Development has thirty (30) days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the City. If an objecting agency fails to act within fifteen (15) days, it shall be deemed to have no objection to the Plat.
- (3) If the Final Plat is not submitted within six (6) months of the last required approval of the Preliminary Plat, the Plan Commission may refuse to approve the Final Plat.
- (4) The Plan Commission shall, within thirty (30) days of the date of filing of the Final Plat with the Director of Public Works, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Plan Commission. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.

(c) **Council Review and Approval.**

- (1) The Common Council shall, within sixty (60) days of the date of filing the original Final Plat with the Director of Public Works, approve or reject such Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The Common Council may not inscribe its approval on the Final Plat unless the City Clerk-Treasurer certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met.
- (2) The Common Council shall, when it determines to approve a Final Plat, give at least ten (10) days prior written notice of its intention to the Municipal Clerk-Treasurer of any municipality within one thousand (1,000) feet of the Final Plat.
- (3) Failure of the Common Council to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

(d) **Recordation.** After the Final Plat has been approved by the Common Council and required improvements either installed or a contract and sureties insuring their installation is filed, the Director of Public Works shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the county register of deeds. The register of deeds cannot record the Plat unless it is offered within six (6) months from the date of last approval.

(e) **Final Copies.** The subdivider shall file ten (10) copies of the Final Plat with the Director of Public Works for distribution to the approving agencies, affected utilities and other affected agencies for their files. One (1) Mylar copy shall also be filed with the Director of Public Works.

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

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

(a) **Use of Certified Survey Map.** When it is proposed to divide land into at least two (2) but no more than four (4) parcels or building sites, or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or outlot, or when it is proposed to divide any number of parcels greater than one and one-half (1-1/2) acres in size (thus not constituting a "subdivision" as defined in this Chapter), the subdivider shall prepare a certified survey map in accordance with this Chapter and shall file fifteen (15) copies of the map and the letter of application with the Director of Public Works at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired.

(b) **Referral to Plan Commission.** The Director of Public Works shall, within two (2) normal work days after filing, transmit the copies of the map and letter of application to the Plan Commission.

(c) **Review by Other City Agencies.** The Plan Commission shall transmit a copy of the map to all affected City boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within ten (10) days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components and neighborhood plans.

(d) **Review and Approval.** The Plan Commission shall, within thirty (30) days from the date of filing of the certified survey map, recommend approval, conditional approval or rejection of the map and shall transmit the map along with its recommendations to the Common Council. The Common Council shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map or reject such certified survey map within ninety (90) days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Common Council shall cause the Director of Public Works to so certify on the face of the original map and return the map to the subdivider.

(e) **Recordation.** The subdivider shall record the map with the County Register of Deeds within six (6) months of the approval.

(f) **Copies.** The subdivider shall file five (5) copies of the certified survey map with the Director of Public Works for distribution to the Director of Public Works, Building Inspector, Assessor and other affected departments for their files.

(g) **Extraterritorial Certified Survey Maps.** All Certified Survey Maps located within the extraterritorial plat review jurisdiction area of the City shall, where applicable, be first referred to the Joint Review Commission of the City and Town of Plymouth and the recommendation thereof received by the Plan Commission prior to consideration by the Plan Commission or Common Council.

SEC. 14-1-35 REPLAT.

(a) Except as provided in Section 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider or person wishing to replat shall then proceed, using the procedures for Preliminary and Final Plats.

(b) Where lots are more than double the minimum size required for the applicable zoning district, the Plan Commission may require that such lots be arranged so as to allow resubdivision of such parcels into normal lots in accordance with the provisions of the Chapter.

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

(a) A Preliminary Plat, Final Plat or certified survey shall not be approved unless the Plan Commission and the Common Council determine that adequate

public facilities and public services will be available to meet the needs of the proposed land division and that no public funds will be required.

(b) The applicant shall furnish any data requested by the Director of Public Works who shall transmit this information to the appropriate commission(s), committee(s) and staff for review; the Director of Public Works shall act as coordinator of the reports from staff to the Plan Commission and Common Council on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, transportation facilities and schools.

(c) Public facilities and public services for a proposed land division may be found to be adequate when the following conditions exist:

- (1) The proposed land division is located in an urban service area where adequate sewer service is presently available for extension, under construction or designated by the Common Council for extension of sewer service within the current capital budget year and funds are specifically provided for such extension either from public or private financing. The Plan Commission and the Common Council shall consider the recommendations of the City Engineer and/or the Utilities Manager and the appropriate committee(s) on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.
- (2) The proposed land division is located within an urban service area contiguous to an arterial transmission water main of adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction within the current budget year, and funds, either public or private, are available for the program. The Plan Commission and the Common Council shall consider the recommendations of the Utilities Manager, or his designee and the City Engineer and the appropriate committee(s) on line capacities, water sources and storage facilities, as well as any other information present.
- (3) The City Clerk-Treasurer verifies to the Plan Commission and the Common Council that adequate funds, either public or private, are available to insure the installation of all necessary storm water management facilities.
- (4) The Director of Public Works can demonstrate to the Plan Commission and the Common Council that street maintenance and refuse collection services, either public or private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety or general welfare to the future residents of the proposed land division or existing City residents.

- (5) The Director of Public Works verifies to the Plan Commission that the future residents of the proposed land division can be assured park, recreation and open space facilities and services which meet the standards of the City's Comprehensive Plan for Parks and Open Spaces.
- (6) The Police Department, E.M.S. and Fire Department verify that timely and adequate service can be provided to the residents.
- (7) The proposed land division is accessible by existing or officially mapped, publicly maintained, all-weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division in accordance with the Official Map and City Standards.

(d) Where the Plan Commission and the Common Council determine that one (1) or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.

(e) No land shall be divided which has been officially mapped as public lands storm water management facility or is determined by the Common Council to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations for development, severe erosion potential or unfavorable topography, or any other feature likely to be harmful to health, safety or welfare of future residents or landowners in the proposed land division or of the community.

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

SEC. 14-1-37 DISCLAIMERS ON APPROVALS.

(a) The purpose of requiring approvals under this Chapter is to insure the health, safety, morale, comfort, prosperity and general welfare of the City. This Chapter shall not be interpreted as placing any responsibility or liability on any City official, City employee or the City as a municipality corporation for the granting of approval or the denial of any approval. All approvals rendered as part of this Chapter shall be considered as being approved conditionally based on the information and circumstances apparent at that time.

(b) Approvals issued by the City shall not be construed as an assumption or expression of any responsibility, warranty or guarantee for the design or construction of any improvements within the land division.

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

ARTICLE E

Technical Requirements for Plats and Certified Surveys

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

(a) **General.** A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on Mylar or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:

- (1) Title under which the proposed subdivision is to be recorded.
- (2) Location of the proposed subdivision by government lot, quarter section, township, range, county and state.
- (3) Date, Scale and North Point
- (4) Names and Addresses of the owner, subdivider and land surveyor preparing the plat.
- (5) Entire Area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.

(b) **Plat Data.** All Preliminary Plats shall show the following:

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

- (2) Locations of all Existing, Property Boundary Lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
- (3) Location, Right-of-Way Width and Names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (4) Location and Names of any Adjacent Subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.
- (5) Type, Width and Elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto. together with any legally established centerline elevations.
- (6) Location and Size of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) Corporate Limit Lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) Existing Zoning on and adjacent to the proposed subdivision.
- (9) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the City Engineer, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) High-Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (11) Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
- (12) Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one

hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.

- (13) Location and Results of Percolation Tests within the exterior boundaries of the plat conducted in accordance with Sec. H 85.06 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
- (14) Location, Width and Names of all proposed streets and public rights-of-way such as alleys and easements.
- (15) Approximate Dimensions of All Lots together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
- (16) Location and Approximate Dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.
- (17) Approximate Radii of all Curves.
- (18) Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
- (19) All Proposed Lake and Stream improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
- (20) Where the Plan Commission or City Engineer finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the subdivider.

(c) **Additional Information.** The Plan Commission and/or City officials may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

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

(a) **General.** A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20, Wis. Stats., and this Chapter.

(b) **Additional Information.** The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20, Wis. Stats., the following:

- (1) Exact Length and Bearing of the center line of all streets.
- (2) Exact Street Width along the line of any obliquely intersecting street.

- (3) Exact Location and Description of street lighting and lighting utility easements.
- (4) Railroad Rights-of-Way within and abutting the plat.
- (5) All Lands Reserved for future public acquisition or reserved for the common use of property owners within the Plat.
- (6) Special Restrictions required by the Common Council, upon the recommendation of the Plan Commission, relating to access control along public ways or to the provision of planting strips.
- (7) Taxes. Certifications by attached information showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full.
- (8) Drainage Flows. The subdivider shall cause to be set upon the final plat arrows indicating the directions of drainage flows for each property line not fronting on a street on all parcels and along each street as will result from the grading of the site, the construction of the required public improvements, or which are existing drainage flows and will remain. The arrows indicating the directions of flows shall be appropriately weighted so as to differentiate between the minor and major [one hundred (100) year event] drainage components. The arrows shall be accompanied on the plat with the following note:

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

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

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

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

(c) **Deed Restrictions.** Restrictive covenants and deed registrations for the proposed subdivision shall be filed with the Final Plat.

(d) **Property Owners Association.** The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.

(e) **Survey Accuracy.**

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

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

(f) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.

(g) **State Plane Coordinate System.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the City, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the City's control survey.

(h) **Certificates.** All Final Plats shall provide all the certificates required by Section 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

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

(a) **Certified Survey Requirements.** When it is proposed to divide land into not more than four (4) parcels or building sites, any one of which is less than four (4) acres in size, or when it is proposed to divide a block, lot or outlot into not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of the block, lot or outlot, the subdivider shall subdivide by use of a certified survey map, prepared in accordance with Section 236.34, Wis. Stats., and this Chapter.

(b) **Submission and Review.** The subdivider is encouraged to first consult with the Plan Commission regarding the requirements for certified surveys before submission of the final map. Following consultation, two (2) copies, of the final map in the form of a certified survey map shall be submitted to the City. The certified survey shall be reviewed, approved or disapproved by the Plan Commission and Common Council pursuant to the procedures used for Preliminary Plats in Sections 14-1-30 through 14-1-32, including notice and hearing requirements.

(c) **Additional Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:

- (1) All Existing Buildings, watercourses, drainage ditches and other features pertinent to proper division.
- (2) Setbacks or Building Lines required by the Common Council and the City Zoning Code.
- (3) All Lands Reserved for future acquisition.
- (4) Date of the Map.
- (5) Graphic Scale.
- (6) Name and Address of the owner, subdivider and surveyor.
- (7) Square Footage of each parcel.
- (8) Present Zoning for the parcels.

(d) **State Plane Coordinate System.** Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the City, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the City's control survey.

(e) **Certificates.** The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this Chapter. The Common Council, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

(f) **Street Dedication.** Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

(g) **Recordation.** The subdivider shall record the map with the County Register of Deeds within six (6) months of its approval by the Common Council and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the map by the Common Council.

(h) **Requirements.** To the extent reasonably practicable, the certified survey shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than one and one-half (1-1/2) acres or three hundred (300) feet in width.

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

ARTICLE F

Required Improvements

SEC. 14-1-50 IMPROVEMENTS REQUIRED.

(a) **General Requirement.**

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

(b) **General Standards.** The following required improvements in this Chapter shall be installed in accordance with the engineering standards and specifications which have been adopted by the Common Council. Where

standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the City Engineer. When new or revised standards and/or specifications have been adopted by the City, work on public improvements not begun within five (5) years of the date of Final Plat adoption shall be made to the new or revised standards and/or specifications. The Director of Public Works shall review and approve the construction plans, specifications and calculations for the construction of the required public improvements.

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

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

(a) **Subdivider Shall Install Improvements.** Before final approval of any Final Plat located within the corporate limits of the City, the subdivider shall:

- (1) Install all required street and utility improvements as provided by this Chapter, including but not limited to concrete curb and gutter, concrete sidewalks, all topsoil and seeding between curb and sidewalks, street gravel base course and bituminous asphalt layers, sanitary, water, and storm sewer mains, including all necessary or required appurtenances therefore, all underground cable, conduit, and wiring for street lighting within the subdivision in such manner and at such locations as shall be required and approved by the Manager of the Plymouth Utilities, and such other improvements as may reasonably be required by the Common Council upon recommendation of the Plan Commission prior to Final Plat approval.
- (2) As an alternative, if such improvements are not installed as required prior to Final Plat approval, the subdivider shall, before such approval is granted, enter into a Developer's Agreement with the City of Plymouth, subject to approval by the Common Council, agreeing to install all required improvements, and shall file with the City Clerk-Treasurer an irrevocable letter of credit drawn upon a financial institution and in such form as may be approved by the City Attorney, or a certified check, either being in an amount equal to the estimated cost of said improvements as estimated by the

Director of Public Works, as a guarantee that such improvements will be completed by the subdivider or its subcontractors not later than one (1) year from the date of approval of such Final Plat by the Common Council, and as a guarantee that all obligations to subcontractors for work on such development are satisfied, and proper standards of quality are met in accordance with approval by the Director of Public Works, or his designee.

- (3) The Common Council may, but shall not be obligated to, extend for a one (1) year period at a time the requirement that subdividers install all required street and utility improvements for any plat and/or subdivision. If a one (1) year extension is approved, the Developer's Agreement and all financial guarantees required by this Section shall also be extended to a like term, and upon failure to do so, such extension as may have been granted may be unilaterally withdrawn by the Common Council.
- (4) The subdivider may, with the approval of the Common Council, install required improvements in construction phases, provided that:
 - a. The phases are specified in the Developer's Agreement or an addendum thereto.
 - b. The developer submits an irrevocable letter of credit drawn upon a financial institution and in such form as may be approved by the City Attorney, or a certified check, either being in an amount equal to the estimated cost of the said improvements as estimated by the Director of Public Works sufficient for such phases of such construction, with an additional irrevocable letter of credit drawn upon a financial institution and in such form as may be approved by the City Attorney, or a certified check, for the costs of required improvements for each delayed construction phase prior to its commencement, and prior to the removal of deed restrictions pursuant to this Subsection.
 - c. The developer records deed restrictions as approved by the City Attorney which specify that the lots which are included in future construction phases will not be transferred or sold unless the City's approval is obtained, other than for loan security purposes by mortgage.
 - d. The subdivider minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and
 - e. Erosion control plans and measures submitted and approved for such plat shall address the individual phases of construction.

- (5) The time limit for completion of a phased improvement program shall take into account the needs and desires of the City and adjacent property owners for street and other improvements to serve lands adjacent to and within the land division.
- (6) As work progresses on installation of improvements constructed as a part of the contract, the Director of Public Works, upon written request from the subdivider from time to time, is authorized to recommend a reduction of the surety as hereinbefore required. When portions of the construction of required street and utility improvements are completed by the subdivider and deemed acceptable by the Director of Public Works, the City Clerk-Treasurer is authorized upon submission of lien waivers by the subdivider's contractors, to reduce the amount of surety, provided however, that the remaining surety shall always be an amount equal to the required improvements remaining to be completed and accepted, together with a suitable amount to insure performance of a one (1) year guarantee period against defects in workmanship and materials. As a further guarantee that all obligations under contracts for work on the development are satisfied, the contractor and subcontractors who are to be engaged in the construction of utilities and street improvements on the street right-of-way to be dedicated shall be approved for such work by the Director of Public Works prior to commencement of construction. Any denial of approval may be appealed to the Common Council by the developer. The Common Council may, at its sole option, extend any surety for additional periods not to exceed one (1) year as to each such extension.
- (7) The subdivider shall agree in the Developer's Agreement to pay any and all required street and sidewalk assessments, and specifically all area charges for sanitary sewer and water mains, including where the land division abuts existing streets which are not improved to City standard street improvement standards.
- (8) The Developer shall guarantee all improvements required to be installed by it against defects in material and workmanship which appear within a period of one (1) year from the date of acceptance by the City, and shall pay for all damages resulting therefrom to City property, and will promptly repair or replace any defective improvements upon notice thereof by the Director of Public Works or Common Council.

(b) **City May Install Improvements as an Alternative to Developer's Installation.** Before approval of any Final Plat within the corporate limits of the City of Plymouth, and as an alternative to the construction of certain improvements by the subdivider as hereinbelow enumerated, the Developer may enter into a Developer's Agreement with the City of Plymouth, subject to consent and approval by the Common Council, providing as follows:

- (1) The Developer shall consent to the levy of, and a special assessment under Sec. 66.0703, Wis. Stats., shall be levied against all lots of the subdivision in an amount equal to the estimated cost, as determined by the Director of Public Works, for the later installation by the City of bituminous asphalt surface upon all streets of the subdivision, and for the construction of concrete curb and gutter, concrete sidewalk, topsoil and seeding, at all locations where such improvements are required, together with estimated engineering costs in an amount of ten percent (10%) of the total of such costs. Such special assessments shall be fully due and payable upon the sale of each lot or prior to issuance of a building permit as to such lot, whichever shall occur first, but not later than that date upon which seventy-five percent (75%) of all lots in the subdivision are sold and/or developed. Assessments shall bear interest at a rate not less than the current rate of inflation and not greater than one percent (1%) in excess of the current municipal borrowing rate. When collected, such funds shall be held by the City in a non-lapsing account solely for the purpose of the installation of such improvements within the subdivision from which received. A Final Resolution for such special assessment shall be adopted by the Common Council contemporaneous with the approval of the Final Plat by the Common Council. Any letter of credit otherwise required of the Developer shall exclude the costs of such improvements to be constructed by the City in accordance with the provisions of this Section.
- (2) The Director of Public Works shall make an estimate of the total cost of the installation of such improvements within the subdivision or phase thereof for which the Final Plat is applicable in accordance with standards as approved by the Common Council. The estimated cost of concrete curb and gutter, sidewalk, topsoil and seeding, together with estimated engineering costs, shall be apportioned to each lot on a footage basis. The cost of bituminous asphalt surface shall be divided equally among the total number of lots shown on the Final Plat.
- (3) The Developer shall file with the City a waiver of all special assessment notices and hearings such that the Developer, his heirs and assigns, including purchasers of subdivision lots, waive all notice of hearing and hearings with respect to such special assessments, and consent to the immediate levy by Resolution of the Common Council thereof in accordance with this provision and Sec. 66.0703 (7)(b), Wis. Stats.

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

(a) **Engineering Reports, Construction Plans and Specifications.** As required by Section 14-1-31, engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Preliminary Plat. At the Final Plat stage, construction plans for the required improvements conforming in all respects with the standards of the City Engineer and the ordinances of the City shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the Director of Public Works and Utilities Manager for their approval and for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the Final Plat with the City Clerk-Treasurer or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements:

- (1) Street Plans and Profiles showing existing and proposed grades, elevations and cross sections of required improvements.
- (2) Sanitary Sewer Plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
- (3) Storm Sewer and Open Channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
- (4) Water Main Plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- (5) Erosion and Sedimentation Control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the City's Erosion Control Chapter (Building Code), if applicable.
- (6) Planting Plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
- (7) Additional special plans or information as required by City officials.

(b) **Action by the Director of Public Works.** The Director of Public Works shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent City ordinances and design standards recommended by the Director of Public Works and approved by the Common Council. If the City Engineer rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Director of Public Works shall approve the plans and specifications for transmittal to the Common Council. The Common Council shall approve the plans and specifications before the improvements are installed and construction commenced.

(c) **Construction and Inspection.**

- (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the City Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. Building permits shall not be issued until all improvements required by this Chapter are satisfactorily completed.
- (2) During the course of construction, the Director of Public Works shall make such inspections as he or the Common Council deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the City for such inspections. This fee shall be the actual cost to the City of inspectors, engineers and other parties necessary to insure satisfactory work.

(d) **Subdivider to Reimburse the City for Costs Sustained.** The subdivider of land divisions within the City shall reimburse the City for its actual cost of design, inspection, testing, construction and associated legal and real estate fees for the required public improvements for the land division. The City's costs shall be determined as follows:

- (1) The cost of City employees' time engaged in any way with the required public improvements based on the hourly rate paid to the employee multiplied by a factor determined by the City Clerk-Treasurer to represent the City's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
- (2) The cost of City equipment employed.
- (3) The cost of mileage reimbursed to City employees which is attributed to the land division.
- (4) The actual costs of City materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
- (5) All consultant fees associated with the public improvements at the invoiced amount of administrative costs. Unless the amount totals less than Fifty Dollars (\$50.00), the City shall bill the subdivider monthly for expenses incurred by the City. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the subdivider's surety agency for payment. Amounts less than Fifty Dollars (\$50.00) shall be held for billing by the City until amounts total more than Fifty Dollars (\$50.00) or until the conclusion of project activities.

(e) **Record Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made two (2) copies of record plans showing the actual "as-built" location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Director of Public Works shall require. These plans shall be prepared on the original Mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record Plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

SEC. 14-1-53 STREET IMPROVEMENTS.

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

(a) **General Considerations.** The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(b) **Construction Standards.** Construction of all streets shall conform to the current standards as established by the City in this Chapter and elsewhere and shall be subject to approval of the Director of Public Works before acceptance.

(c) **Conform to Official Map.** The arrangement, width, grade and location of all streets shall conform to the Official Map.

(d) **Survey Monumentation.** Before final approval of any plat or certified survey within the corporate limits of the City, the subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats., or as may be required by the Director of Public Works. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The Director of Public Works may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider executes a survey to insure the placing of such monuments within the time required. On behalf of the City, the City Clerk-Treasurer is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the Director of Public Works. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes and established one-half ($\frac{1}{2}$), one-quarter ($\frac{1}{4}$), one-quarter one-quarter ($\frac{1}{4}$ - $\frac{1}{4}$), or such other section monument, the established monument shall be preserved and/or fully restored by the subdivider at his cost.

(e) **Street Construction; Costs.**

- (1) After the installation of all utility and storm water drainage improvements, the subdivider shall prepare for surfacing all roadways in streets proposed to be dedicated, to the widths prescribed by these regulations, by placing crushed rock on said roadways and, in addition, shall surface said street, in a manner and quality consistent with this Chapter and plans and specifications approved by the Director of Public Works. Construction shall be to City standard specifications for street improvements.
- (2) The subdivider shall bear the total cost of gravel base course and bituminous asphalt binder and surface layer on all streets where the width between faces of curbs is to be forty-two (42) feet or less. On all streets having a width greater than forty-two (42) feet, the City will assume the cost of any additional width beyond forty-two (42) feet.

(f) **Street Cross Sections.** When permanent street cross sections have been approved by the City, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Director of Public Works.

SEC- 14-1-54 CURB AND GUTTER; DRAINAGE FACILITIES.

(a) After the installation of all utility and storm water drainage improvements, all construction of concrete curb and gutter shall be at the cost of the subdivider, and shall be completed in accordance with Section 14-1-51(a)(8). Wherever possible, provision shall be made at the time of construction for driveway access curb cuts. The size of culverts to be provided shall be determined by the Director of Public Works, but no culvert shall be less than twelve (12) inches in diameter.

(b) All major thoroughfares shall be provided with curb and gutter in accordance with the standard specifications of the City.

(c) All other streets shall have curb and gutter installed as to that real estate for which a building permit is issued within one (1) year of the issuance of said permit.

SEC. 14-1-55 SIDEWALKS.

(a) The construction of all sidewalks, together with topsoil and seeding, shall be in accordance with plans and standard specifications approved by the Director of Public Works and in compliance with this Code of Ordinances. The construction of required sidewalks on both sides of all subdivision streets shall be

at the cost of the subdivider. Sidewalks shall be constructed according to the following dimensions:

- (1) Commercial property shall be provided with concrete sidewalks at least eight (8) feet wide and four (4) inches thick.
- (2) Residential property shall be provided along each side of the street with a concrete sidewalk four and one-half (4-1/2) feet wide or larger and four (4) inches thick.

(b) Wider-than-standard sidewalks may be required by the Common Council in the vicinity of schools, commercial areas and other places of public assemblage; and the Common Council may require the construction of sidewalks in locations other than required under the preceding provisions of this Section if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

Cross Reference: Section 6-2-2.

SEC. 14-1-56 SANITARY SEWERAGE SYSTEM.

(a) Sanitary sewers, including all related items (manholes, wyes, tees, stubs for future extensions, etc.), shall be installed meeting the specifications and requirements of the Utilities Commission. The rules of the Utilities Commission on file with the Public Service Commission are hereby adopted by reference and made a part hereof as though fully set forth herein. The cost of providing and installing sewer pipe of sizes larger or at a deeper depth than required to serve the area shall be borne by the City, as agreed upon between the land owner and the City prior to approval of the final plat or certified survey map.

(b) The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. Sewerage service lines of the sizes and materials required by the Plumbing Inspector shall be installed from the sanitary sewers to the property line of every lot in the subdivision. This installation will be coordinated with the installation of sanitary sewers. If central sewer facilities are not available, the subdivider shall make provision for adequate private sewage disposal systems as specified by the community Board of Health and the Division of Health, Department of Health and Social Services; however, any lot containing less than one (1) acre of land and being less than one hundred fifty (150) feet wide must be served by public sanitary sewer facilities, unless in the considered opinion of the Common Council such service will be made available to the Subdivision within five (5) years of the date of the submission of the Preliminary Plat. The Common Council may require the installation of sewer laterals to the street lot line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five (5) years from the submission of the Preliminary Plat, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance

with this Section and shall cap all laterals as may be specified by the Director of Public Works. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Director of Public Works. All sanitary sewer facilities shall be flood proofed.

SEC. 14-1-57 WATER SUPPLY FACILITIES.

(a) Water mains and service lines, including all related items (valves, fittings, hydrants, etc.), shall be installed meeting the specifications and requirements of the Utilities Commission. The rules of the Utilities Commission on file with the Public Service Commission of Wisconsin are hereby adopted by reference and made a part hereof as though fully set forth herein. The cost of providing and installing water pipe of sizes larger than required to serve the area shall be borne by the City as agreed upon prior to the approval of the final plat.

(b) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified by the Director of Public Works and the Division of Environmental Protection; however, any lot containing less than one (1) acre of land and being less than one hundred-fifty (150) feet wide must be served by public water facilities, unless in the considered opinion of the Common Council such services will be made available to the subdivision within five (5) years of the date of the submission of the Preliminary Plat. The Common Council may require the installation of water laterals to the street lot line. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Director of Public Works.

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

Pursuant to Section 14-1-74, the subdivider shall provide storm water drainage facilities which include curb and gutter, manholes, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, the type of facility required, the design criteria and the sizes and grades to be determined by the Director of Public Works. Storm sewer laterals of the sizes and materials required by the Director of Public Works shall be installed from the mains to the lot line of every lot in the subdivision when storm sewer mains shall be required by this Section. Storm drainage facilities shall be so designed as to present no hazard to life or property, minimize shore land erosion and siltation of surface waters, shall prevent excess run-off on adjacent property and shall provide positive drainage away from on-site sewage disposal facilities. The size, type and installation of all storm water drain and sewers proposed to be constructed shall be in accordance with this Chapter and

plans and standard specifications approved by the Director of Public Works. Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Director of Public Works. Storm sewers oversized to handle runoff from offsite properties will be installed by the subdivider; however, the cost of over sizing above a twenty-four (24) inch diameter storm sewer shall be paid by other users connecting to the system

SEC. 14-1-59 OTHER UTILITIES.

(a) The subdivider shall cause gas, electric power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified survey or land division. All new electrical distribution television cables and telephone lines from which lots are individually served shall be underground unless the Common Council, upon the recommendation of the Utilities Commission or Plan Commission, specifically allows overhead poles for the following reasons:

- (1) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
- (2) The lots to be served by said facilities can be served directly from existing overhead facilities.

(b) Plans indicating the proposed location of all gas, electrical power, cable television and telephone distribution and transmission lines required to service the plat shall be approved by the Director of Public Works.

(c) The subdivider shall install at its cost all underground cable, conduit, and wiring for street lighting in such manner and at such locations as shall be approved by the Manager of the Plymouth Utilities.

SEC. 14-1-60 EROSION CONTROL.

The subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

SEC. 14-1-61 EASEMENTS.

(a) **Utility Easements.** The Common Council, on the recommendation of appropriate departments, utilities and agencies serving the City, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water

and head mains or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.

(b) **Drainage Easements.** Where a subdivision is traversed by a watercourse, drainage way, channel or stream:

- (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
- (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.
- (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet. If, in the opinion of the Director of Public Works, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a one hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.

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

SEC. 14-1-62 EXTRA-SIZED AND OFF-SITE FACILITIES.

When any public improvements of adequate capacity are not available at the boundary of a proposed land division, the City, or its duly authorized representative, shall require, as a prerequisite to approval of a Final Plat or

certified survey map, assurances that such improvement extensions shall be provided as follows in accordance with the following standards:

(a) **Design Capacity.** All improvements within or entering or leaving the proposed development shall be installed to satisfy these ice requirements for the entire service or drainage area in which the development is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service area involved.

(b) **Extra-sized and Off-size Improvements.** Where improvements of adequate size needed to serve the development are not available at the boundary of the development, the subdivider shall proceed under one (1) of the alternatives as identified in Section 14-1-50(a).

(c) **Lift Stations.** Where sanitary or storm sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider shall have plans, profiles, specifications and estimated operation and maintenance costs prepared for the installation of such facilities to the Director of Public Works' requirements. Equipment similar to existing City equipment shall be utilized whenever possible. The installation, inspection, supervision and engineering fees for lift stations and/or force mains shall be paid for by the subdivider unless otherwise determined and agreed upon by the Common Council. Gravity sanitary sewer service shall be employed whenever determined by the Director of Public Works to be feasibly accessible.

SEC. 14-1-63 ACCEPTANCE OF IMPROVEMENTS AND DEDICATIONS.

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

(b) **Inspection and Certification of Improvements.**

(1) After any of the following increments of the required improvements have been installed and completed, the subdivider shall notify the

Director of Public Works, in writing, that the work is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements and shall file lien waivers or affidavit, in a form acceptable to the Director of Public Works and approved by the City Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no moneys are owned to any surveyor, mechanic, contractor, subcontractor, materialman or laborer after all required improvements have been installed. Acceptance of the improvements may be requested in the following increments:

- a. Sewer mains and services (either storm or sanitary).
 - b. Water mains and services.
 - c. Streets comprised of all grading, gravel, curb and gutter, culverts and paving.
 - d. Other miscellaneous appurtenances to the above increments such as sidewalks, bikeways, street lighting, street signing, etc.
- (2) The City Clerk-Treasurer shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the area of acceptance and shall prepare a final billing for engineer, inspection and legal fees and submit it to the subdivider for payment. The Director of Public Works shall conduct any necessary final inspections of the improvements and forward a report to the City Clerk-Treasurer recommending either approval or disapproval. When the engineering, inspection, taxes, special assessments and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, the report of the Director of Public Works, together with the recommendation of the City Clerk-Treasurer, shall be forwarded to the Common Council for approval and acceptance of the improvements and dedications.

SEC. 14-1-64 THROUGH SEC. 14-1-69 RESERVED FOR FUTURE USE.

ARTICLE G

Design Standards

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

- (a) **Compliance with Statutes.** In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable City

regulations. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply.

(b) **Dedication.** The subdivider shall dedicate land and improve streets as provided in this Chapter and Section 14-1-53. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the Common Council. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.

(c) **Compliance with Comprehensive Plan.** The arrangement, character, extent, width, grade and location of all streets shall conform to any City Comprehensive Development Plan or Official Map and to this Chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.

(d) **Areas Not Covered by Plan.** In areas not covered by a City Comprehensive Plan the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.

(e) **Street Classifications.** Streets shall be classified as indicated below.

- (1) Major Thoroughfares (Arterial Streets). Streets which have the greatest importance to the development of the City and which are shown on the Official Map or have a right-of-way width of not less than one hundred (100) feet for a median-divided roadway, nor less than sixty-six (66) feet for a single roadway.
- (2) Collector Streets. Streets of somewhat less importance than major thoroughfares and which are shown on the Official Map or have a right-of-way width of not less than sixty-six (66) feet.
- (3) Local Streets. Streets designed primarily for access to abutting property and have a right-of-way width of not less than sixty (60) feet and a pavement width of not less than twenty-eight (28) feet unless a greater pavement width is required by the Plan Commission or Common Council, together with curb and gutter of not less than thirty (30) inches in width on each side.

- (4) Marginal Access Streets. Streets that are adjacent to Local Streets or Collector Streets, that end with a cul du sac shall have a right of way width of not less than sixty (60) feet. The minimum right of way width of a cul du sac shall have a radius of sixty (60) feet.
 - (5) Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Common Council, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
- (f) **Reserve Strips**. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the City under conditions approved by the Common Council.
- (g) **Alleys; Cul-de-Sac Streets**.
- (1) Commercial and Industrial. Alleys shall be provided in all commercial and industrial districts, except that the Common Council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed. Alleys provided to serve business, commercial, or industrial areas shall be provided with a pavement of not less than twenty (20) feet in width.
 - (2) Residential. Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.
 - (3) Dead End. Dead-end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.
 - (4) Cul-de-Sac Streets. Cul-de-sac streets designed to have one (1) end permanently closed shall not be greater than eight hundred (800) feet in length and shall terminate with a turnaround of not less than one hundred thirty-two (132) feet in diameter and a roadway turnaround of ninety-six (96) feet in diameter the length of which shall be measured from the center point of the bulb radius forming the turnaround, along the centerline of the cul-de-sac street to the first intersection encountered by the cul-de-sac street, and in addition thereto shall not exceed one thousand two hundred (1,200) feet in length as measured from the center point of the bulb radius forming the turnaround, along the centerline of the cul-de-sac street to the centerline of the first through street having two means of exit. No more than fifty (50%) percent of the lots within a final plat may abut a cul-de-sac (excluding the first two lots immediately at the

open end thereof) except where necessary to provide a development solution, and then only upon approval by an affirmative vote of six (6) members of the Plan Commission.

(h) **Continuation.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Common Council, upon the recommendation of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over five hundred (500) feet in length will be approved when necessitated by the topography.

Planning of subdivision roadway systems shall include layout of rights of way to provide access to adjoining undeveloped parcels so as to provide interconnection with future adjacent subdivisions as they develop thereon. A minimum of one access point for each 1320 feet, or fraction thereof, of adjacent property shall be provided.

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

(j) **Frontage Roads.** Where a subdivision abuts or contains an existing or proposed arterial highway, the Common Council may require a frontage road, non-access reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.

(k) **Private Streets.** Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.

(l) **Horizontal Curves.** A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least three hundred (300) feet on major thoroughfares, two hundred (200) feet on collector streets, and one hundred (100) feet on all other streets.

(m) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.

(n) **Street Grades.** The grade of major thoroughfares and collector streets shall not exceed six percent (6%) unless necessitated by exceptional topography and approved by the Plan Commission. Grades of local streets shall not exceed ten percent (10%). The minimum grade of all streets shall be four-tenths percent (.4%).

(o) **Vertical Curves.** All changes in street grades shall be connected by vertical curves of a minimum length, in feet, equivalent to fifteen (15) times the algebraic difference in the rate of grade for major thoroughfares, and one-half (1/2) this minimum length for all other streets.

(p) **Half-Streets.** Where an existing dedicated or platted half-street is adjacent to the subdivision, the other half-street shall be dedicated by the subdivider. The platting of half-streets should be avoided where possible.

(q) **Intersections.**

- (1) Property Lines. Property lines at street intersections of major thoroughfares shall be rounded with a radius of fifteen (15) feet or of a greater radius where the City Engineer considers it necessary.
- (2) Angle of Intersect. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- (3) Number of Streets Converging. The number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2). Cross-type intersections on local streets shall be avoided whenever possible in favor of T-type intersections. Intersections of local streets shall be at least one hundred twenty-five (125) feet from each other.
- (4) Number of Intersections. The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than one thousand (1,000) feet.
- (5) Property Lines at Street Intersections. Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the Plan Commission or shall be terminated by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.
- (6) Local Streets. Local streets shall not necessarily continue across arterial or collector streets, but if the center lines of such local streets approach the major streets from opposite sides within three hundred (300) feet of each other, measured along the centerline of the arterial or collector streets, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous.

- (7) Additional Sight Easements. At any intersection determined by the Director of Public Works, restricted development easements or additional street right-of-way shall be platted to provide for adequate sight distances in every direction of travel. At a minimum, the subdivider shall grade, clear or otherwise provide for an unobstructed sight triangle at all intersections incorporating the area within a triangle formed by the intersection of the street right-of-way lines and a point on each right-of-way line being not less than thirty (30) feet from the intersection point.

(r) **Street Names.**

- (1) New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Common Council.
- (2) All streets shall be named in conformity with the street naming plan of the City or with adjoining streets. In the case of diverging streets, the name shall be repeated. New street names shall not duplicate the names of existing streets, provided, however, that streets that are obviously in alignment with others already existing and names shall bear the names of the existing streets. Long or continuous thoroughfares running north and south shall be named avenues; those running east and west shall be named streets; diagonal thoroughfares shall be named roads; and curving thoroughfares shall be named drives. Short or discontinuous thoroughfares running north and south shall be named courts; those running east and west shall be named places; diagonal thoroughfares shall be named ways; and curving thoroughfares shall be named lanes.

(s) **Limited Access Highway and Railroad Right-of-way Treatment.**

Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:

- (1) Subdivision Lots. When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."

- (2) Commercial and Industrial Districts. Commercial and industrial districts shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.
- (3) Streets Parallel to a Limited Access Highway. Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) Minor Streets. Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

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

(a) General Requirements.

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

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

Any deficiencies found by the Director of Public Works shall be corrected before proceeding to the next phase of construction.

- (6) Tests of Materials. The City reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.
- (7) Pavement Samples. Samples of bituminous concrete may be taken by the City during pavement construction operations for purposes of determining that the material meets specifications.

(b) **Construction Standards.** All streets and highways constructed in the City or to be dedicated to the City shall fully comply with the following construction standards:

- (1) Street Right-of-Ways.
 - a. Major thoroughfares shall have a right-of-way width as established on the Official Map or as designated in Section 14-1-70(e) of this Chapter.

- b. Collector streets shall have a right-of-way width as established in Section 14-1-70(e) of this Chapter.
 - c. Local streets shall have a right-of-way width of not less than sixty-six (66) feet, except that extensions of existing subdivisions shall match the street right-of-ways of previously existing adjacent subdivisions. Frontage streets which may be fifty (50) feet in width.
- (2) Roadway Ditches. Where curb and gutter is not required by the City for rural cross-section streets, the minimum ditch slope shall be fifty one hundredths percent (0.50%).
- (3) Roadway Base Thickness.
- a. The subdivider must bring all streets and alleys to a grade established by the Common Council. All site work by City employees in determining grade shall be billed at the City rate and paid by the owner.
 - b. Residential streets shall have a minimum roadway base thickness of ten (10) inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 and No. 2 in the lower level.
 - c. On commercial, arterial or other heavy-use streets, as determined by the Director of Public Works, a base course of ten (10) inches compacted shall be constructed upon an inspected and approved subgrade, either well-graded crushed gravel from a state-approved pit with a maximum stone of one and one-half (1-1/2) inches and no greater than ten percent (10%) by weight passing a No. 200 sieve or No. 3 crushed rock approximately six (6) inches in depth and one (1) or more layers of fine aggregate, either three-fourths (3/4) inch crushed gravel, well graded with no greater than ten percent (10%) passing a No. 200 sieve, or three-fourths (3/4) inch traffic-bound crushed rock.
 - d. In the case of commercial, arterial or other heavy-use roads, the Common Council may, in the alternative to the above standards, have the Director of Public Works provide specifications for such roads after researching the site(s) and conducting a soil analysis.
 - e. In any case, the Common Council shall have the sole discretion in determining the use and construction classification to be adhered to.
 - f. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades

and shape shown on the approved plans, profiles and cross sections.

- (4) Roadway Base Quality. All subgrade material shall have a minimum California Bearing Ratio (CBR) of three (3). Subgrade material having a CBR less than three (3) shall be removed and replaced with a suitable fill material, or the pavement must be designed to compensate for the soil conditions. The soil support CBR values selected for use by the designer should represent a minimum value for the soil to be used.
- (5) Roadway Sub-Base. Stable and nonorganic sub-base material is required. Unstable and organic material must be subcut, removed and replaced with a suitable granular or breaker-run material approved by the Director of Public Works.
- (6) Pavement Thickness. The street(s) within said subdivision or block shall be paved with four (4) inch plant mix bituminous concrete at City expense. In the case of commercial, arterial or other heavy-use roads, the Common Council may, in the alternative to the above standards, have the Director of Public Works provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Common Council shall have the sole discretion in determining the use and construction classification to be adhered to.
- (7) Roadway Culverts and Bridges. Roadway culverts and bridges shall be constructed as directed by the Director of Public Works and sized utilizing the methods listed in Chapter 13, entitled "Drainage," of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided, with concrete or metal apron end walls.
- (8) Driveway Culverts. Driveway culverts shall be sized by the Director of Public Works (if appropriate). The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and they shall be provided with concrete, metal or landscape timber end walls.
- (9) Topsoil, Grass, Seed, Fertilizer and Mulch. All disturbed areas (ditches, back slopes within the road right-of-way not provided with pavement and material shall be restored utilizing four (4) inches of topsoil quality grass seed, fertilizer and mulch. Ditches along the roadway with greater than a two and one-half percent (2.5%) slope shall be protected erosion control materials such as hay bales, sod, erosion control mats, etc.
- (10) Drainage Improvements. In the case of all new roads and streets, the City Engineer may require that storm water retention areas and storm sewers be constructed in order to provide for proper drainage.

- (11) Continuity and Transitions.
- a. All street pavement widths on streets continued from previously developed or platted streets shall, wherever practical, provide for the greater of either the existing or required pavement type, width, grade and cross slope.
 - b. Where it is necessary to provide for a transition of pavement width and/or type between new and existing streets, the transition shall occur in a safe manner at an intersection. In the event a transition in pavement width cannot safely occur at an intersection, it shall not occur closer than two hundred fifty (250) feet to the intersection of right-of-way lines. In width transitions, the ratio of the transition length to width shall not be less than fifteen to one (15:1) unless the City Engineer determines that special circumstances prevent use of such ratio, in which case the minimum transition ratio shall be ten to one (10:1).

SEC. 14-1-72 BLOCK DESIGN STANDARDS.

(a) **Length; Arrangement.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed one thousand five hundred (1,500) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than five hundred (500) feet in length. Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots.

(b) **Pedestrian Pathways.** Pedestrian pathway easements not less than ten (10) feet wide, may be required by the Common Council and/or Plan Commission, through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

SEC. 14-1-73 LOT DESIGN STANDARDS.

- (a) **Size.**
- (1) The size, shape and orientation of lots shall be appropriate for the location of topography of the subdivision, the type of sewerage or septic system to be utilized, and for the type of development contemplated, provided that no lot shall be smaller in area than the

minimum lot size for the appropriate zone as established by the City Zoning Code.

- (2) Lot dimensions, shape and size shall provide for conformance to the requirements of the Zoning Code for the permitted land use(s) without the need for the granting of Zoning Code variances by the Zoning Board of Appeals, but in no case shall have a frontage of less than eighty (80) feet at the building line or a depth of less than one hundred (100) feet. Excessive depth in relation to width shall be avoided. A proportion of approximately two and one-half to one (2-1/2:1) shall be considered as a desirable maximum for lot widths of eighty (80) feet or more.

(b) **Commercial Lots.** Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the City Zoning Code.

(c) **Los Where Abutting Major Highway.** Residential lots adjacent to major and minor arterial streets and highways and/or railroads shall be platted with an extra fifteen (15) feet of lot and an extra fifteen (15) feet of minimum yard setback and shall otherwise be designed to alleviate the adverse effects on residential adjacent lots platted to the major street, highway, railroad or other such features.

(d) **Corner Lots.** Corner lots for residential use shall have extra width to permit full building setback of at least thirty (30) feet from both streets, or as required by applicable zoning regulations.

(e) **Access to Public Streets.** Every lot shall front or abut on a public street except as hereinafter provided. Upon approval by the Plan Commission, and following a public hearing before the Common Council, the Common Council may permit development of a lot or parcel which provides access to a public street by means of a privately owned road or driveway constructed in a corridor approved by the Plan Commission of not less than 60 feet in width, provided however that all structures constructed, or to be constructed upon said lot or parcel, shall conform to the requirements of Title 13 (Zoning), and all other provisions of this section, excepting only as to minimum lot frontage. Suitable easements as approved by the Plan Commission shall be recorded in the office of the Register of Deeds for Sheboygan County, Wisconsin so as to permit access to the public street for all structures and/or dwelling units within said development. Maintenance as to all privately owned roads and driveways shall be the sole responsibility of the owner, and the City shall at no time provide any such maintenance.

(f) **Side Lots.** Side lot lines shall be substantially at right angles to or radial to abutting street lines. Lot lines shall follow City boundary lines.

(g) **Double and Reversed Frontage Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

(h) **Natural Features.** In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

(i) **Land Remnants.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.

(j) **Large Lots.** In case a tract is divided and results in parcels of more than twice the minimum lot size provided for by the City Zoning Code for the zoning district in which the land is located, such parcels shall be so arranged to permit redividing into parcels in accordance with this Chapter and with the Zoning Code.

(k) **Trunk Highway Proximity.** All lots adjacent to state trunk and federal highways shall be platted with additional depth necessary to provide for a building setback line not less than fifty (50) feet from the nearer right-of-way line or one hundred ten (110) feet from the centerline, whichever is more restrictive (Ref. Wis. Adm. Code HY 33). The subdivider may appeal this requirement to the Director of Public Works. Upon written request of the Director of Public Works, the Wisconsin Department of Transportation is hereby authorized to then determine building setback requirements equal to or less than those required above in all land divisions (including certified surveys) adjacent to state and federal highways in accordance with the authority granted in the Administrative Code. The required building setback line and additional lot depth shall be platted so as to accommodate such required building setbacks.

(l) **Easement Allowance.** Lots containing pedestrian or drainage easements shall be platted to include additional width in allowance for the easement.

SEC. 14-1-74 DRAINAGE SYSTEM.

(a) **Drainage System Required.** As required by Section 14-1-56, a drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A Final Plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Common Council, upon the recommendations of the Plan Commission and Director of Public Works.

(b) **Drainage System Plans.**

- (1) The subdivider shall submit to the City at the time of filing a Preliminary Plat a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:
 - a. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
- (2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
- (3) The design criteria for storm drainage systems shall be based upon information provided by the Director of Public Works.
- (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Director of Public Works.

(c) **Drainage System Requirements.** The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section.

- (1) Street Drainage. All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage. No storm water shall be permitted to be run into the sanitary sewer system within the proposed subdivision.
- (2) Off-Street Drainage. The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an

easement of the City to provide for the future maintenance of said system.

(d) **Protection of Drainage System.** The subdivider shall adequately protect all ditches to the satisfaction of the Director of Public Works. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to one percent [1%] shall be seeded; those with grades up to four percent [4%] shall be sodded and those with grades over four percent [4%] shall be paved.)

(e) **Drainage Easements.** Where a land division is traversed by a watercourse, drainage way, channel or stream:

- (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
- (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section; or
- (3) Wherever possible, drainage shall be maintained in an easement by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such easements shall be of a minimum width established at the high water mark or, in the absence of such specification, not less than thirty (30) feet.

(f) **Dedication of Drainage ways.** Whenever a parcel is to be subdivided or consolidated and embraces any part of a drainage way identified on a City Comprehensive Storm Water Management Plan, master plan and/or official map or any portion thereof, such part of said existing or proposed public drainage way shall be platted and dedicated by the subdivider as an easement or right-of-way in the location and at the size indicated along with all other streets and public ways in the land division. Whenever any parcel is to be subdivided or consolidated and is part of a drainage district established under the authority of Chapter 88, Wis. Stats., the subdivider shall petition the Circuit Court to transfer the jurisdiction of that portion of the drainage district being subdivided or consolidated to the City in accordance with Chapter 88.83, Wis. Stats.

(g) **Dedication/Preservation of Storm Water Management Facilities.** The subdivider shall dedicate sufficient land area for the storage of storm water to meet the needs to be created by the proposed land development and in

accordance with the standards for on-site detention and as determined by the Director of Public Works. Whenever a proposed storm water management facility (e.g., detention or retention basin) shown on the Comprehensive Storm Water Management Plan, master plan and/or official map is located, in whole or in part, within the proposed land division, ground areas for providing the required storage capacity in such proposed public facility shall be dedicated to the public to the requirements of the master plan and/or official map. Storage areas necessary to serve areas outside the land division shall be held in reserve for a period of five (5) years from the date of final plat approval for future acquisition by the City or other appropriate agency having the authority to purchase said property. The subdivider and City shall enter into an agreement with the City to provide for the purchase of the lands held in reserve prior to the conclusion of the five (5) year reserve period.

- (1) If a required storm water retention pond is wholly contained within a designated outlot, such outlot shall be conveyed to the City following construction of the stormwater retention pond thereon by the subdivider to the specifications and approval of the Director of Public Works, together with a one time maintenance fee of \$2,500 per acre of land being transferred. If such outlot is not immediately accessible to public right of way, a suitable easement shall be provided to the City on the plat for ingress and egress thereto. Such outlot shall not be considered for purposes of required parkland dedication or fees.
- (2) If a required storm water retention pond is located upon part of a designated lot or lots within the subdivision, and is not designated as a separate outlot, it shall be constructed by the subdivider to the specifications and approval of the Director of Public Works. All obligations for maintenance will rest with the owners of the lots/parcels upon which such retention pond is located. Maintenance shall include mowing, debris removal, maintenance of inlets, and outfalls of all piping. Should such maintenance not be provided to the satisfaction of the City, the City shall send a notice to the owner(s) of said lots/parcels to complete such maintenance within a period of twenty (20) working days, and upon a failure so to do the City is authorized to enter upon that portion of the lot/parcel upon which said pond is located and cause such maintenance thereof as the City shall deem necessary and proper, with the cost of such maintenance to be assessed against adjacent lots/parcels, and placed upon the tax rolls thereof. An easement will be granted to the City of Plymouth to enter upon such lands for the purpose of performing such maintenance. This obligation shall be a covenant running with the land and shall be set forth on the plat in substantially the following language:

Maintenance of the detention ponds shall be the responsibility of the owner(s) of the land upon which the same is located in accordance with PMC § 14-1-74(g)(2). In the event such owner(s) shall fail to properly maintain such ponds within twenty (20) working days of receiving a violation notice from the City of Plymouth, the City of Plymouth is authorized to enter upon that portion of the property on which said ponds are located and cause such maintenance thereof as the City shall deem necessary and proper, with the cost of such maintenance to be assessed against that portion of the property benefitting from such pond. An easement is hereby granted to the City of Plymouth to enter upon such lands for the purpose of performing such maintenance. In the event any portion of the Property subject to this agreement is conveyed, this obligation shall be a covenant running with the land.

(h) **Storm Drainage Facilities.**

- (1) The subdivider, at his cost, shall install all drainage facilities identified in the Erosion Control Plan (Building Code) or determined by the Director of Public Works as being necessary for the management of all lands and roadways within the development. In addition, drainage capacity through the development from other areas shall be provided in accordance with a Comprehensive Surface Water Management Study, if applicable. All required storm drainage facilities shall be constructed and operational prior to acceptance of any dedications and/or public improvements served by the storm drainage facilities.
- (2) The subdivider shall submit to the Director of Public Works for his review and approval a report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the land division to handle the additional runoff which would be generated by the development of the land within the land division. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed land division. The report shall also include:
 - a. Estimates of the quantity of storm water entering the land division naturally from areas outside the land division.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

- (3) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the land division.
- (4) The design criteria for storm drainage systems shall be reviewed by the Director of Public Works and approved or modified.
- (5) Material and construction specifications for all drainage projects (i.e., pipe, culverts, size, code, etc.) shall be in compliance with standards and specifications provided by City ordinance and/or the Director of Public Works.

(i) **Minor Drainage System.** The subdivider shall install all minor drainage system components necessary to reduce inconvenience and damages from frequent storms. Minor drainage components shall include all inlets, piping, gutters, channels, ditching, pumping and other facilities designed to accommodate the post-development runoff resulting from a two (2) year, twenty-four (24) hour rainfall [ten (10) year, twenty-four (24) hour rainfall for commercial zoning district] event as determined in the most current edition of the Soils Conservation Service Technical Release 55 (TR 55). Temporary accumulations of storm runoff from ponding or flowing water, in or near minor system components, shall be permitted providing such accumulations do not encroach on any traffic lane of any collector or arterial street, nor on the center twenty-four (24) feet of any local street, except on cul-de-sac or permanently dead-end streets serving less than ten (10) dwelling units, where such accumulations may not overtop the curb. In drainageways and drainageway easements, accumulations of water shall not inundate beyond the limits of the drainageway or drainageway easement. Cross-street drainage channels (valley gutters) shall not be permitted except on cul-de-sac or permanent dead-end streets serving less than ten (10) dwelling units and where the minimum grade in the valley gutter and street gutter between the valley gutter and the next downstream drainage inlet is not less than one percent (1.00%).

(j) **Major Drainage System.** The subdivider shall install all major drainage system components necessary to reduce inconvenience and damages from infrequent storms. Major system components shall include large channels and drainageways, streets, easements and other paths and shall be capable of accommodating post-development runoff in excess of that accommodated by minor system components resulting from twenty-four (24) hour rainfall events for storms with return frequencies greater than two (2) years up to and including the one hundred (100) year return event (as identified in TR 55). On local and collector streets and drainageways and drainage easements, accumulations of water shall not inundate any buildings at the ground line, unless such buildings are flood-proofed. On arterial streets and in commercial zoning districts, accumulations of water shall not inundate any buildings at the ground line, unless such buildings are flood-proofed and the depth of water at the street crown shall not exceed six (6) inches to permit operation of emergency vehicles.

(k) **Drainage Piping Systems.**

- (1) Unless otherwise approved by the Director of Public Works, all drainage piping of twelve (12) inches diameter and greater in street rights-of-way shall be constructed of Class Three (3) reinforced concrete pipe. Piping materials outside of rights-of-way shall be subject to approval of the Director of Public Works. Open drainage inlet pipes or culverts with any opening dimension in excess of eighteen (18) inches shall be equipped with debris grates having an exposed area at least seven (7) times the pipe opening area to avoid backwater accumulations from trash buildup and unsafe stream velocities and a maximum opening size of six (6) inches. Drainage piping outfalls with any opening dimension in excess of thirty-six (36) inches shall be protected from unauthorized entry by fencing, partial or total submergence of the outlet, debris grates or other methods approved by the Director of Public Works unless in such a location as to render routine maintenance operations impossible. Outfalls and their channels shall be protected from damages due to scour and erosion to the satisfaction of the Director of Public Works.
- (2) When, on the basis of the soils information, the Director of Public Works determines that the ground water elevation is less than nine (9) feet below the proposed street centerline elevation and the adjacent lots have access to a storm drainage piping system, the subdivider shall be required to provide approved sump pump laterals from the storm sewer piping system to the property line of each lot for connection to by the property owner.
- (3) Agricultural drain tiles which are disturbed during construction shall be restored, reconnected or connected to public storm drainage facilities.

(l) **Open Channel Systems.**

- (1) Where open channels are utilized in either the minor or major drainage system, they shall be designed so as to minimize maintenance requirements and maximize safety. Drainage easements (in lieu of dedications) shall be utilized to accommodate open channels provided adequate access by the City for maintenance of drainage capacity. Side slopes shall not exceed a four-to-one (4:1) slope. Drainageways with grades of 0.75% or less, or where subject to high ground water, continuous flows, or other conditions as determined by the Director of Public Works that would hamper maintenance operations due to consistently wet conditions, shall have a paved concrete invert of not less than eight (8) feet wide and side slopes to a point one (1) foot above the channel invert.

- (2) In areas where invert paving is not required, the drainageway bottom shall be grass. If the drainageway has a bare soil bottom or the natural grasses in the drainageway are disturbed due to development operations, the drainageway bottom shall be sodded and securely staked to one (1) foot above the elevation of inundation resulting from a predevelopment five (5) year, twenty-four (24) hour storm event. Other disturbed areas shall be seeded and prepared in accordance with the City's Erosion Control requirements. Velocities for grass-lined channels shall not exceed those presented in the City's Surface Water Management Study, if one is adopted.

(m) **Standards for On-Site Detention Storage.** The subdivider may employ on-site detention to control erosion and sedimentation, reduce the post-development peak runoff rate or temporarily store storm water runoff due to inadequate downstream drainage facilities. The detention (storage) facilities shall be subject to regulation in accordance with the following standards:

- (1) Where on-site detention is temporarily employed for erosion and sedimentation control, the detention facilities shall safely contain the predevelopment runoff from a twenty-five (25) year storm event of twenty-four (24) hour duration within the limits of the facility.
- (2) Where on-site detention is permanently employed to reduce the post-development peak runoff, the detention facility shall safely contain the post-development runoff from a twenty-five (25) year storm event of twenty-four (24) hour duration within the limits of the facility.
- (3) Detention facility peak discharge rates for the maximum storm required to be contained shall not exceed the predevelopment peak discharge rate from a five (5) year storm event of twenty-four (24) hour duration or the capacity of the downstream drainage facilities, whichever is less.
- (4) All temporary detention facilities shall safely contain or pass the runoff from any storm of any duration which exceeds the maximum storm required to be contained up to the one hundred (100) year storm event of twenty-four (24) hour duration.
- (5) All permanent detention facilities shall safely contain the runoff from the one hundred (100) year storm event of twenty-four (24) hour duration on both public and, if necessary, private properties without inundating any building at the ground elevation, the travel lanes of any arterial street, the center ten (10) feet of any collector street or the top of the curb on any local street.
- (6) Determination of on-site detention volumes shall be computed by procedures established by the United States Soil Conservation Service in the most current edition of its technical publication

- entitled "Urban Hydrology for Small Watersheds, TR-55," and as accepted and approved by the Director of Public Works,
- (7) The storage of storm water runoff shall not encroach on any public park (except parks designed with detention facilities) or any private lands outside the land division unless an easement providing for such storage has been approved and recorded for said lands.
 - (8) All detention facilities shall be designed with the safety of the general public and any considerations for ease of maintenance as top priorities.
 - (9) Any wet detention facilities shall include riprap to not less than two (2) feet above the normal pool elevation for protection from wave action.
 - (10) The sides of all detention facilities shall have a maximum slope ratio of four to one (4:1) (horizontal to vertical), with flatter slopes being required where determined practical by the Director of Public Works.
 - (11) The Common Council, upon recommendation by the Director of Public Works, may require the installation of fencing or other such security measures in detention facilities with excessively long down times or permanent water features, or other features requiring additional security for safety reasons.

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

(a) **General.**

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the City may require.
- (2) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the City Building Code. A non-residential subdivision shall be subject to all the requirements of this Chapter, as well as such additional standards required by the City and shall conform to the proposed land use standards established by any City Comprehensive Plan or Official Map and the City Zoning Code.

(b) **Standards.** In addition to the principles and standards in this Chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Common Council that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

- (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- (3) Special requirements may be imposed by the Common Council, upon the recommendation of the Director of Public Works, with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the Common Council, upon the recommendation of the Director of Public Works, with respect to the installation of public utilities, including water, sewer and storm water drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
- (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

SEC. 14-1-76 GRADING.

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

(a) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans, including the grading of site triangles at each intersection.

(b) Block grading shall be completed by one (1) or more of the following methods:

- (1) Regrading along the side or rear lot lines which provides for drainage to the public drainage facilities.
- (2) Parts of all lots may be graded to provide for drainage to a ditch or to a swale, provided any ditches or swales are in public drainage easements.
- (3) Draining across rear or side lot lines may be permitted provided that the course of drainage is within a public drainage easement and is toward public drainage facilities.

(c) Lot grading shall be completed so that water drains away from each building site toward public drainage facilities at a minimum grade of two percent (2%) and provisions shall be made to prevent drainage onto properties adjacent to the land division unless to a public drainage facility.

(d) Grading activities shall not result in slopes greater than three to one (3:1) on public lands or lands subject to public access.

(e) The topsoil stripped for grading shall not be removed from the site unless identified in the Erosion Control Plan approved by the Director of Public Works as not being necessary for erosion control or site landscaping purposes. Topsoil shall be uniformly returned to the lots when rough grading is finished. Topsoil piles shall be leveled and seeded for erosion control prior to the City releasing the one (1) year guarantee provision on public improvements in the streets adjacent to the lots on which the topsoil is stockpiled.

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

(g) Maximum slope along outer 10 feet of a lot shall be 1:3 (one foot vertical rise for each three feet of horizontal distance), unless approved by the Director of Public Works.

(Revised 08/09)

SEC. 14-1-77 EXTRATERRITORIAL LAND DIVISIONS.

All land divisions located within the extraterritorial plat review jurisdiction area of the City shall, where applicable, be first referred to the Joint Review Commission of the City and Town of Plymouth and the recommendation thereof received by the Plan Commission prior to consideration by the Plan Commission or Common Council.

SEC. 14-1-78 THROUGH SEC. 14-1-79 RESERVED FOR FUTURE USE.

ARTICLE H

Park and Public Land Dedications

SEC. 14-1-80 GENERAL PARK AND PUBLIC LAND DEDICATION REQUIREMENTS.

(a) **Dedication Requirement.** In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall be required to dedicate land for park or other public uses should the Park Board and Plan Commission find a need for the establishment of a park within the subdivision to serve the needs of said subdivision or the immediate surrounding area.

(b) **General Design** In the design of a subdivision, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainage-ways, storm-water detention basins, and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, and shall comply with the City Master Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

SEC. 14-1-81 LAND DEDICATION.

(a) **Dedication of Sites.**

- (1) Where feasible and compatible with the comprehensive or master plan of the City, the developer shall provide and dedicate to the public adequate land to provide for park, recreation, and open space needs of the land development within the City of Plymouth which shall bear a rational relationship to a need for such land dedication resulting from the subdivision or other division of land. The location and area of such land to be dedicated shall be determined by the Plan Commission in consultation with the Park Board.
- (2) The Common Council, upon the recommendation of the Plan Commission and Park Board, shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands, storm-water detention basins, or areas reserved for streets shall not be considered as satisfying land dedication requirements.

(b) **Deeded to the City.** Land dedicated for public purposes shall be deeded to the City at the time the Final Plat is approved.

(c) **Access to Dedicated Land.** All dedicated land shall have frontage on a public street and shall have unrestricted public access.

(d) **Utility Extensions.** The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

(e) **Fees.** The subdivider, upon the recommendation of the Plan Commission and Park Board, may be required to pay a fee for the acquisition or initial improvement of land for a public park as required by subsection (a) hereinabove. "Improvement of land for a public park" shall include grading, landscaping, installation of utilities, construction of sidewalks, installation of playground

equipment, and construction or installation of restroom facilities on land intended for public park purposes. Such fees must bear a rational relationship to a need for the fee resulting from the subdivision and must be proportional to the need.

(Revised 5/08)

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

When public parks and sites for other public areas as shown on the Master Plan or Master Plan component lie within the proposed area for development and are greater in area than required by Section 14-1-81, the owner shall reserve for acquisition by the City, through agreement, purchase or condensation, the remaining greater public area for a period of one (1) year of Final Plat approval unless extended by mutual agreement.

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

- (a) When parklands are dedicated, the subdivider is required to:
- (1) Properly grade and contour for proper drainage;
 - (2) Provide surface contour suitable for anticipated use of area; and
 - (3) Cover areas to be seeded with a minimum of four (4) inches of quality topsoil, seed as specified by the City Engineer, fertilized with 16-6-6 at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such to soil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one (1) year following issuance of the st building permit within that land division unless otherwise authorized by the Director of Public Works. The improved area shall not be deemed officially accepted until a uniform grass cover to a two (2) inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the City accepts the dedication.
- (b) A neighborhood park area shall be provided by the subdivider with a standard residential water service unless located directly adjacent to a fire hydrant. A community park area shall be provided by the developer with a minimum six (6) inch water service or at least one (1) fire hydrant, and at least one (1) four (4) inch sanitary sewer lateral, all located at the street property line.
- (c) The Common Council may require certification of compliance by City officials. The cost of such report shall be paid by the subdivider.

(d) Development of parklands is to be completed as soon as twenty percent (20%) of the planned lots in the subdivision are sold or developed, as determined by the Common Council.

(e) If the subdivider fails to satisfy the requirements of this Section, the Common Council may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance, Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

SEC. 14-1-84 THROUGH SEC. 14-1-89 RESERVED FOR FUTURE USE.

ARTICLE I

Fees

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

(a) **General.** The subdivider shall pay the City of Plymouth all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map.

(b) **Engineering Fee.** The subdivider shall pay a fee equal to the actual cost to the City for all engineering work incurred by the City in connection with the plat or certified survey map, including inspections required by the City. The subdivider shall pay a fee equal to the actual cost to the City for such engineering work and inspection as the Common Council and/or Director of Public Works deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the City or any other governmental authority, Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work.

(c) **Administrative Fee.** The subdivider shall pay a fee to the City equal to the cost of any legal, administrative or fiscal work which may be undertaken by the City in connection with the plat or certified survey map.

(d) **Preliminary Plat/Final Plat Fees.**¹ Any Subdivider shall file a copy of the preliminary plat or final plat accompanied by the non-refundable review fee, as established by the City of Plymouth Zoning and Subdivision Fee Schedule, with the City Zoning Administrator at or before the time the plat is submitted to the Director of Public Works for distribution to the Plan Commission.

¹ Repealed in its entirety and recreated by Ordinance No. 3 of 2011. Enacted on March 8, 2011.

(e) **Certified Survey Map Fee.**² Any Subdivider shall file a copy of the certified survey map accompanied by the non-refundable review fee, as established by the City of Plymouth Zoning and Subdivision Fee Schedule, with the City Zoning Administrator at or before the time the plat is submitted to the Director of Public Works for distribution to the Plan Commission.

(f) **Objecting Agency Review Fees.** The subdivider shall transmit all fees required for state agency review to the City Clerk-Treasurer at the time of application. Said review fees shall be retransmitted to the proper state review agency by the City Clerk-Treasurer. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Development, Wisconsin Department of Transportation, Wisconsin Department of Industry, Labor and Human Relations and the Wisconsin Department of Natural Resources.

(g) **Public Site Fee.** If the subdivision does not contain lands to be dedicated as required in this Chapter, the City Clerk-Treasurer shall require a fee pursuant to Section 14-1-84 for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision.

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

ARTICLE J

Variances, Penalties and Violations

SEC. 14-1-100 VARIATIONS AND EXCEPTIONS.

(a) Where, in the judgment of the Common Council, it would be inappropriate to apply literally the provisions of this Chapter because exceptional or undue hardship would result, the Common Council may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the Preliminary Plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Common Council in the analysis of the proposed project.

(b) The Common Council shall not grant variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;

² Repealed in its entirety and recreated by Ordinance No. 3 of 2011. Enacted on March 8, 2011.

- (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.

(c) The Common Council, if it approves of the variance, shall do so by motion or resolution and instruct the City Clerk-Treasurer to notify the subdivider.

(d) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the City in accordance with any City Comprehensive Plan or component thereof, this Chapter, or the City Zoning Code. A majority vote of the entire membership of the Common Council shall be required to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Common Council.

(e) The Common Council may waive the placing of monuments, required under Sec. 236.15(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

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

(a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the City authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The City may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.

(b) **Penalties.**

- (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

- (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
 - (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (5) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes may be ordered by the City at the expense of the subdivider when a subdivision is created by successive divisions.
- (c) Revocation of Permits and/or Approvals.
- (1) The Director of Public Works or Building Inspector may revoke or suspend any permit or approval issued under the regulations of this Chapter and may stop construction or use of approved materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Director of Public Works shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the subdivider or his contractor has refused to conform after written warning or instruction has been issued to him.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.
 - d. Whenever, in the opinion of the Director of Public Works or Building Inspector, the subdivider has provided inadequate management of the project.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Director of Public Works or Building Inspector for the use of all materials, equipment, methods of construction, devices or appliances.
 - (2) The notice revoking a permit or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and/or the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the premises in question by Works or Building Inspector.

- (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Director of Public Works or Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.
- (5) Any appeals of such revocations or suspensions must be made in writing and within seven (7) calendar days to the City Clerk-Treasurer for consideration by the Common Council at its next regularly scheduled meeting, provided the appeal is filed not less than seven (7) days prior to the meeting date.
- (6) The Building Inspector is hereby directed to withhold the issuance of building permits within the land division until compliance with the provisions of this Chapter is obtained.
- (7) The Building Inspector is hereby directed to withhold the issuance of occupancy permits within the land division if violations of this Chapter may result in health or safety problems for the occupants.

(d) **Appeals.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10, 14 and 15 of the Wisconsin Statutes, within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

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