

**TITLE 14**

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**Subdivision Regulations**

**Chapter 1**      Subdivision Regulations





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## Article A: Adoption; Introduction

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### Sec. 14-1-1 Introduction and Purpose.

- (a) **Introduction.** In accordance with the authority granted by Sections 236.13(1)(b) and 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 Amery, 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 Amery.
  - (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 regulate and control the division of land within the corporate limits of the City of Amery, Wisconsin, and its extraterritorial plat approval jurisdiction in order to promote the public health, safety, morals, prosperity, aesthetics, and general welfare of the City and its environs.
- (c) **Intent.** It is the general intent of this Chapter to regulate the division of land so as to:
- (1) Obtain the wise use, conservation, protection, and proper development of the City's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;
  - (2) Lessen congestion in the streets and highways;
  - (3) Further the orderly layout and appropriate use of land;
  - (4) Secure safety from fire, panic and other dangers;
  - (5) Provide adequate light and air;
  - (6) Facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, and other facilities and services;
  - (7) Secure safety from flooding, water pollution, disease and other hazards;
  - (8) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects;
  - (9) Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters;
  - (10) Preserve natural vegetation and cover and promote the natural beauty of the City;
  - (11) Restrict building sites in areas covered by poor soils or in other areas poorly suited for development;
  - (12) Facilitate the further division of larger tracts into smaller parcels of land;
  - (13) Ensure adequate legal description and proper survey monumentation of subdivided land;
  - (14) Provide for the administration and enforcement of this Chapter;

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- (15) Provide penalties for its violations; and
- (16) Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the City, and in general to facilitate enforcement of City development standards as set forth in the adopted regional, county, and local comprehensive plans, adopted plan components, City Zoning Code, and City Building Code of the City of Amery, Wisconsin.

*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 Amery 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 Amery Subdivision Chapter" or "City of Amery Land Division and Subdivision Chapter."

**Sec. 14-1-7 Disclaimer of Liability.**

The City of Amery does not guarantee, warrant, or represent that only those areas delineated as floodlands on plats and certified survey maps will be subject of periodic inundation, nor does the City guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Chapter are the only unsuited soils within the jurisdiction of this Chapter; and thereby asserts that there is no liability on the part of the Common Council, its agencies, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Chapter.

**Sec. 14-1-8 through Sec. 14-1-9 Reserved for Future Use.**



## Article B: Definitions

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### Sec. 14-1-10 Definitions.

- (a) The following definitions shall be applicable in this Chapter:
- (1) **Alley.** A public right-of-way usually not less than forty (40) feet in width which normally affords a secondary means of vehicular access to abutting property.
  - (2) **Arterial Street.** A street used, or intended to be used primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways, as well as standard arterial streets, highways and parkways.
  - (3) **Bikeway.** A bike route completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic.
  - (4) **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.
  - (5) **Building Line or Building Setback Line.** A line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the City Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line. The building setback line shall be substantially parallel to the right-of-way.
  - (6) **City.** The City of Amery, Wisconsin, and, where appropriate, its Common Council, commissions, committees and authorized officials.
  - (7) **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.
  - (8) **Commission.** The Plan Commission created by the Common Council pursuant to Sec. 62.23 of the Wisconsin Statutes.
  - (9) **Community.** A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic or physical interests.
  - (10) **Comprehensive Plan.** The extensively developed plan, also called a master plan, adopted by the City Plan Commission and certified to the Common Council pursuant to Sec. 62.23, Wis. Stats., including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official mapping, land division, and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.
  - (11) **Concept Plan.** A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.
  - (12) **Condominium Development.** A real estate development in which a condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.

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- (13) **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.
- (14) **Days.** As used in this Chapter, "days" shall mean calendar, not working days.
- (15) **Dead End Street.** A street permanently or temporarily closed at one end, with or without turnarounds.
- (16) **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.
- (17) **Drainageway.** An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Drainageways may serve multiple purposes in addition to their principal use including, but not limited to, maintenance, bicycle and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water detention, park development, and other related uses. Drainageways may also be referred to as "greenways."
- (18) **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.
- (19) **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. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from each community so that not more than one (1) community exercises extraterritorial powers over any area.
- (20) **Final Plat.** A map prepared in accordance with the requirements of Chapter 236, Wis. Stats., and this Chapter for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.
- (21) **Floodlands.** Those lands, including the floodplains, floodways, and channels subject to inundation by the one hundred (100) year recurrence interval flood or, where such data is not available, the maximum flood of record.
- (22) **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.
- (23) **Half Street.** A street, either existing as or proposed to be, half of the required right-of-way width with the intention that the adjoining half will be platted at the time the adjoining lands are subdivided; or an existing street, of which, due to reasons of ownership, only half of the right-of-way is within the boundaries of a proposed land division or annexation.
- (24) **High Water Elevation (Surface Water).** The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plan or,

- where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.
- (25) **High Groundwater Elevation.** The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multi-colored effect.
- (26) **Impervious Lot Area.** Roof areas, gravel or bituminous surfaces, sidewalks, decks or other hard surface areas.
- (27) **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.
- (28) **Irrevocable Letter of Credit.** An agreement guaranteeing payment for subdivision improvements, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in this State and which has a financial standing acceptable to the City, and which is approved, as to form, by the City Attorney.
- (29) **Land Division.** A division of a parcel of land where the act of division, including by certified survey, creates less than five (5) lots, parcels or building sites of thirty-five (35) acres each or less in area.
- (30) **Local Street.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (31) **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.
- (32) **Lot, Area.** The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (33) **Lot, Corner.** A lot abutting intersecting streets at their intersection.
- (34) **Lot Depth.** The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.
- (35) **Lot Lines.** The peripheral boundaries of a lot as defined herein.
- (36) **Lot, Double Frontage.** A lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have two (2) front yards and two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.

- (37) **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.
- (38) **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.
- (39) **Lot Width.** The width of a parcel of land measured along the front building line.
- (40) **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.
- (41) **Master Plan.** An extensively developed plan, map, or other document pertaining to planning and adopted by the Common Council or other City agency which may pertain to the division of lands, including the Comprehensive Development Plan, the Official Map, comprehensive utility plans, and other planning documents including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, official map, land division, and building development and capital improvement plans shall be considered as planning documents within this definition.
- (42) **Minor Street.** A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."
- (43) **Minor Land Division (Certified Survey).** Any division of land not defined as a "subdivision". Minor land division include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4) parcels or building sites, any one of which is five (5) acres or less in size; or the division of a block, lot or outlot within a recorded subdivision plat existing for at least five (5) years into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot. Such minor land divisions shall be made by a certified survey map.
- (44) **National Map Accuracy Standards.** Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities.
- (45) **Navigable Water.** Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. The Wisconsin Supreme Court has declared as navigable, bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 2d 492 (1952) & Degaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)].

- (46) **Official Map.** A map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, and other facilities, as adopted by the Common Council pursuant to Chapter 62, Wis. Stats.
- (47) **Outlot.** A parcel of land, other than a lot, so designated on a plat or certified survey and which is not intended for building or structure development, in the proposed land division, or is an otherwise undefined territory in a plat.
- (48) **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, having any pecuniary interest in lands regulated by this Chapter.
- (49) **Parcel.** Contiguous lands under the control of a subdivider whether or not separated by a combination of streets, exterior subdivision boundary lines, streams, or other water bodies.
- (50) **Parking Space.** An off-street area suitable to be used for parking a passenger automobile.
- (51) **Person.** Includes the plural as well as the singular and may mean any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.
- (52) **Planned Commercial Site.** A specified area of land comprising one (1) or more contiguous ownership parcels or building sites for nonresidential uses and which area is legally limited by a reciprocal land use agreement and plan of building placement, reciprocal use of off-street parking facilities and reciprocal use of ingress and egress facilities for each building, loading and parking site. A planned commercial site must have a plan and reciprocal land use agreement approved by the City recorded in the office of the County Register of Deeds. An approved plan and reciprocal land use agreement may not be changed without approval by the City. No portion of a planned commercial site may include or front on a street, highway, walkway, parkway, or utility route designated in the Master Plan or Official Map at the time of initial recording unless the designated facility is in public ownership or easement.
- (53) **Planned Unit Development or PUD.** A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering of buildings, providing common open space, and mixing different types of housing (single family, duplexes, and multi-family). Ordinances permitting planned unit developments permit planning a project and calculating densities for the entire development rather than on an individual lot by lot basis. It is hereby declared that regulating planned unit developments require greater involvement of public officials in site plan review and development aspects of both zoning and land division regulation since such developments require exceptions from both types of regulation.
- (54) **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.

- (55) **Plat.** The map, drawing or chart on which the subdivider's plat of subdivision is presented to the City for approval.
- (56) **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. A preliminary plat precisely describes the locations and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements.
- (57) **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.
- (58) **Public Way.** Any public road, street, highway, walkway drainageway, or part thereof.
- (59) **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.
- (60) **Residential Dwelling Unit or Dwelling Unit.** A single family dwelling or part of a duplex, apartment, or other multiple family dwelling occupied by one (1) family or one (1) distinct set of inhabitants or occupants.
- (61) **Right-of-Way.** A public way dedicated to the public for its intended use.
- (62) **Setbacks.** The standards for setbacks shall be as defined in the City Zoning Code.
- (63) **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.
- (64) **Soil Mapping Unit.** Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service.
- (65) **Street.** A public way for pedestrians and vehicular traffic and utility access including but not limited to highways, thoroughfares, parkways, through highways, roads, avenues, boulevards, lanes, places, and courts, and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the right-of-way.
- (66) **Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility fixtures and appurtenances.
- (67) **Subdivider.** Any person, firm, corporation, agent, partnership, or entity of any sort, which divides or proposes to divide or replat land in any manner, including such heirs and assigns as may be responsible for the obligations of the subdivider under the provisions of this Chapter.

- (68) **Subdivider's Agreement.** An agreement, by which the City and the subdivider agree in reasonable detail as to all of those matters which the provisions of these regulations permit to be covered by the subdivider's agreement, and which shall not come into effect unless and until an irrevocable letter of credit or other appropriate surety has been issued to the City.
- (69) **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, lots or building sites of thirty-five (35) acres each or less in area; or
  - b. Five (5) or more parcels, lots or building sites of thirty-five (35) acres each or less in area are created by successive divisions within a period of five (5) years.
- (70) **Surety Bond.** A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.
- (71) **Urban Service Area.** That portion of the City and the area within its extraterritorial jurisdiction which has been designated by the Common Council and approved by other appropriate agencies as the area to which services required in urban areas shall be provided in a planned and orderly process, particularly those facilities which are placed on or in the land as part of the urban development process. Such services include, but are not limited to, public sanitary and storm sewers, water supply and distribution system, streets and highways.
- (72) **Wetlands.** An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (Sec. 23.32(1), Wis. Stats.)
- (73) **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.



## Article C: General Provisions

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### 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, land conveyance, consolidation, or a replat as defined herein; no such subdivision, land division, land conveyance, consolidation, or replat shall be entitled to recording; and no street shall be laid out, nor improvements made to land, nor building permits issued for any land division 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 Plumbing, Wisconsin Department of Commerce, 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 the Floodplain Management Program, and the Shoreland/Wetlands 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 Amery Master Plan and Official Map, or components thereof:
    - a. Whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in said Master Plan or Official Map, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at a width indicated along with all other streets in the subdivision.
    - b. Where a proposed school site or other public ground shown on the Master Plan or Official Map of the City of Amery is located in whole or in part within the proposed subdivision, such proposed public ground or park shall be dedicated to the public when dedication is required by this Chapter or reserved for a period of up to five (5) years from the date of approval of the final plat for acquisition by the City of Amery, Polk County, or any other appropriate agency having the authority to purchase said property. The City, or other agency having the authority to purchase said property, and the subdivider shall enter into an agreement which provides for the purchase of the lands held in reserve prior to the conclusion of the five (5) year period.
  - (8) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.

- (9) The City's water rules are on file with the Public Service Commission of the State of Wisconsin concerning water installations and services. These rules are incorporated herein by reference and made a part hereof as though fully set forth herein.
- (b) **Jurisdiction; Extra-Territorial Plat Approval Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the City as well as pertinent unincorporated areas within areas of statutory extraterritorial jurisdiction. The City of Amery, as a Fourth Class City, has elected to approve plats under its extraterritorial plat approval jurisdiction as provided in Chapter 236 and 66.0105, Wis. Stats. 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.
  - (4) Cemetery plats made under Sec. 157.07, Wis. Stats.
  - (5) Assessor's plat made under Sec. 70.27, Wis. Stats., but such assessors' plats shall comply with Secs. 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e), Wis. Stats.
- (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) **Compliance; Issuance of Permits.** The City of Amery shall not recognize, and no building or other permits shall be issued by the City authorizing the building on, occupancy, or improvement of any parcel of land not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully complied with and a resolution approving the land division has been adopted by the Common Council of the City.
- (e) **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.
- (f) **Recording of Plats or Certified Surveys.** Plats and certified surveys, approved by the Common Council of the City of Amery, must be recorded together with the adopting resolution, with the Polk County Register of Deeds within thirty (30) days of the date of the last resolution of approval and not later than six (6) months following the date of the first resolution of approval. Land divisions shall not be recognized by the City until recorded with the Register of Deeds. The volume, page, and document numbers of the recording, shall be filed with the City Administrator prior to issuance of any permits. The subdivider shall file six (6) certified copies of the approved land division with the City Administrator.

## 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 the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he/she 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, especially with a trunk diameter of six (6) inches or more, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.
- (c) **Other Factors.**
- (1) **Floodlands.** No lot served by public sanitary sewerage facilities shall have more than fifty percent (50%) of its required lot area below an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record. No lot one (1) acre or less in area served by an on site sanitary sewage disposal (septic tank) system shall include floodlands. All lots more than one (1) acre in area served by a septic tank system shall contain not less than forty thousand (40,000) square feet of land which is above flood protection elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record.
- (2) **Filled Lands.**
- a. Lands made, altered, or filled with non-earth materials within the preceding twenty (20) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems except where soil tests prepared by a professional soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one (1) test per acre shall be made initially. The City does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Common Council,

its agencies or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.

- b. Lands made, altered, or filled with earth within the preceding seven (7) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems except where soil tests prepared by a professional soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one (1) test per acre shall be made initially. The City does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Common Council, its agencies, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- (3) **Slopes.** Lands having a slope of twelve percent (12%) or more shall be maintained in permanent open space use. No lot shall have more than fifty percent (50%) of its minimum required area in slopes of ten percent (10%) or greater.
- (4) **Bedrock.** Lands having bedrock within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by on site soil absorption sewage disposal systems.
- (5) **Groundwater.** Lands having groundwater within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage disposal systems.

## **Sec. 14-1-22 Condominium Developments.**

(a) **Purpose.**

- (1) The City of Amery 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 14-1-33 relating to preliminary and final plat approval. 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 Site Plans and Plat Submittals — Preservation of Scenic Views and Community Character Preservation.**

- (a) **Purpose.** The purpose of the site plan and plat submittal requirements set forth below are as follows:
  - (1) To preserve and protect the scenic, historic, geologic and recreational values of the City of Amery.
  - (2) To value and protect special landscapes that give the community a "sense of place", and to preserve scenic views, cultural and historic sites and natural areas and features.
  - (3) To protect steep slopes and other sites from soil erosion, pavement encroachment, water quality degradation, negative visual impacts, and protect and preserve the scenic character and quality of the community.
  - (4) To encourage "sustainable development" in accord with the City of Amery "Smart Growth" planning process and to encourage and promote development that preserves

the character of the community and its treasured and valued assets in an effort to preserve the small town historic nature of the community.

- (b) **When Required — Applicability.** Any construction which requires site plan or plat submittal shall be required to adhere to the provisions of this Section. Each site plan or plat submittal shall incorporate these provisions, and such incorporation shall be required for approval of such plans. Nothing within these provisions shall exempt developments from complying with all other City codes, zones and requirements, and applicable requirements of other agencies.
- (c) **Vegetation Management.**
- (1) The vegetation shall be managed to maintain the essential character, quality and density of existing growth, or native species on nearby or adjacent lands. Compatible native species of vegetation shall be used for replacement or new plantings.
  - (2) Removal of trees exceeding four (4) inches in diameter at a height of four (4) feet is not permitted without a permit and conditional review of the City. The permit shall be issued by the Zoning Administrator if they fall within the provisions noted below, or when such cuttings in conflict with such provisions have been reviewed and approved by the Board of Zoning Appeals.
  - (3) The above cutting provisions shall not prevent:
    - a. The removal of diseased or insect-infected trees, or of rotten or damaged trees that present safety hazards, or the trimming of normal overhanging tree growth.
    - b. The pruning of trees, the cutting of shrubs, understory vegetation, bushes or grasses, or the harvesting of non-wood fiber crops.
- (d) **Preservation of Trees.** All new development requiring site plan or plat submittal shall incorporate a tree preservation plan designed to preserve native stands of trees. For all new construction requiring site plan or plat submittal, the City shall credit the developer a reduction in the Recreation, Park or Open Space fee or land dedication requirements as defined in Section 14-1-81, for those identified efforts to preserve native species of trees on the development site. The Tree Preservation Plan shall be reviewed with the site plan or plat submittal and a negotiated fee reduction will be determined and incorporated into a Developer's Agreement to be reviewed and approved by the Plan Commission and Common Council. Fee reduction will be based on acreage and quality of tree stands preserved as a percentage of the overall site to be developed. In order to qualify for fee reduction under this provision, the developer shall be required to formally create preservation corridors or make deed or covenant provisions or easements preserving native stands of trees. Commercial developments not covered by the Recreation, Park or Open Space provisions shall make every effort to preserve significant stands of trees and to landscape parking areas and plant trees on street frontages or where deemed by the City to be appropriate. The Wisconsin Department of Natural Resources forestry and/or wildlife staff, or agents of like or similar agencies, may be consulted for current information about vegetative species native to this part of Wisconsin.

- (e) **Grading and Filling Provisions.** Any grading or filling of the natural topography in excess of that required for the construction of a structure or for normal yard maintenance shall be subject to all applicable state laws. The provisions for conditionally permitted activities shall include:
- (1) The site plan or plat submittal shall include a detailed plan and schedule of earth moving activities, including a plan which shows how vegetative cover will be re-established at what density and within what timeframe.
  - (2) Approval of the site plan shall be conditioned upon the following:
    - a. No filling or grading shall be allowed on slopes, except for rock rip-rapping for shoreline protection or best management practices conditionally approved by the City.
    - b. Diversions, silting basins, terraces and other methods to trap sediments shall be used where necessary.
    - c. Fill shall be stabilized according to accepted engineering standards.
    - d. The draining or filling of wetlands is prohibited. Setbacks from navigable waterways shall be seventy-five (75) feet.
    - e. Any local approval of a plan or permit may not negate the requirements for obtaining state or federal permits or approvals, or for complying with county and other agency requirements. The developer shall be required to obtain approval from all other applicable agencies.
    - f. Development that generates significant storm water of such a nature that it cannot be retained on-site and is designed to enter the City storm water system shall be required to pay a one-time storm water collection fee based on engineering calculations of the storm water discharge and equal to the cost to accept and retain the discharge. Calculations shall be based on Title 15, Chapter 2 of this Code of Ordinances.
- (f) **Subdivisions.**
- (1) Land may be subdivided only where it is demonstrated by the applicant that all proposed lots, in their existing condition, are suitable for residential development without special variances or conditions, excepting rezoning where such is deemed appropriate. No land shall be subdivided which is held unsuitable by the City for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewerage disposal capabilities, or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community.
  - (2) All subdivisions shall be required to submit a preservation plan to preserve significant natural features, including stands of native trees, rock formations, and scenic views or view corridors.
  - (3) All new residential subdivisions shall have street lighting that does not glare upwards.

(g) **Planned Cluster Developments.**

- (1) A pattern of subdivision which places dwelling units into compact groupings may be allowed when the proposed clustering provides a better means of preserving scenic views from the river, agricultural land, open space, woods, wetlands, waterways, and other features of the natural environment than a traditional subdivision development. Exceptions to the minimum setback and height standards shall not be allowed. Exceptions to other dimensional standards (e.g. lot width, minimum lot size) may be allowed for planned cluster developments, provided the number of dwelling units allowed shall not exceed fifty percent (50%) more than the total number of dwelling units allowed if the development were based on minimum lot size requirements for a single-family residence subdivision.
- (2) Planned Cluster Developments shall incorporate the provisions of the City's Planned Unit Development and approval process.
- (3) Zero lot line housing is not permitted unless the provisions of condominium law are applied.
- (4) Planned Cluster Developments shall designate in their site plan natural areas being protected and preserved by deeding such features as out-lots or taking other measures to ensure their preservation and protection. The essential purpose of planned cluster and planned unit development is the preservation of natural areas.

(h) **Road and Route Design/Street Trees.** All new roads and utilities in subdivisions shall be constructed in a way that protects the scenic integrity of the area and river valley and must use minimally invasive techniques for construction in order to preserve, to the extent possible, native trees and vegetation, natural features, and scenic views and provide for erosion control. All new roads constructed in subdivisions of fifteen (15) acres or more, or more than twenty (20) lots or units, shall pay a Two Hundred Fifty Dollar (\$250.00) fee per lot/residential unit, for the purchase and planting of native street trees. All or a portion of this fee may be waived if the applicant has made substantive efforts to preserve or maintain native trees and vegetation, natural features, or scenic views. The City shall purchase and install the street trees within one (1) year of the completion of subdivision roads.

(i) **Native Lawns.** Owners of residential dwelling units may submit plans for the establishment of native lawns and yards in order to encourage native grasses, herbs, shrubs and trees, provided that such plans include maintenance provisions that do not include periodic burning of the lawn or yard and discourages and removes invasive species or noxious weeds. Plans may also include storm water management practices such as porous pavers, rain ponds and infiltration swales. All plans shall be a conditional use and may be revoked or amended if such a plan is not properly managed or maintained. The Common Council shall review all proposals and shall set any conditions to such approval, pursuant to Section 8-1-5.

(j) **Highway Commercial Development.**

- (1) All new commercial development over ten thousand (10,000) square feet shall be a conditional use requiring a public hearing allowing the Plan Commission and

community an opportunity to consider the architecture and design of a building, its arrangement on the lot, landscaping, parking, pedestrian amenities, signage, lighting, and other design elements. The intent of this provision is to encourage distinctive architectural features in harmony with their natural and historic setting and authenticity and integrity in the built environment.

- (2) Approval of the commercial development shall be conditioned upon critical design elements that may include earth tone color schemes, decorative brick, use of native or historic materials, pedestrian corridors, landscaped parking areas, and signage sensitive to the environment and the region.
  - (3) All new commercial development shall incorporate outdoor lighting which does not glare upwards and is shielded to prevent shining outside the property boundary.
  - (4) Commercial developments over ten thousand (10,000) square feet shall not have blank walls of more than seventy-five (75) feet, and such shall be enhanced by display windows, murals, or similar features that add visual interest to the store.
  - (5) The City may require, as safety measures, sidewalks linking stores to street crossings, building entrances, and other pedestrian linkages.
  - (6) The City may appoint a citizen's advisory committee to work with the developer on incorporation of these design standards.
  - (7) Those adjacent to the U.S. Highway 46 commercial corridor shall be planted with vegetative screenings or shall preserve native growth where appropriate in order to protect and enhance scenic or significant views.
  - (8) The vegetation shall be managed to maintain the essential character, quality and density of existing growth, or native species on nearby adjacent lands. Compatible native species of vegetation shall be used for replacement or new plantings.
- (k) **Highway Commercial Signage.**
- (1) All new highway commercial development (those commercial or industrial uses within the U.S. Highway 46 corridor within the City limits) shall submit a signage plan and shall be limited to one freestanding sign per business or commercial center with a maximum height of no more than fifteen (15) feet and whose total surface area shall not exceed one hundred (100) square feet.
  - (2) One wall sign shall be permitted for each business in a commercial center with a message relating to the business activities on the premises. Such signs shall not exceed ten percent (10%) of the area of the front face of the building or business on a parcel, or two hundred (200) square feet, whichever is less.
  - (3) In lieu of a freestanding sign, a commercial development may be granted one (1) ground sign not exceeding a height of ten (10) feet above the uniform finished grade. Ground signs in lieu of a freestanding sign may have a total surface area of two hundred (200) square feet.
  - (4) No new billboards, portable signs, pennants, streamers, or flashing signs or intermittent lights shall be constructed in the highway commercial area.

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- (5) No existing highway commercial business shall significantly alter or improve any existing signage unless it is or comes into compliance with these provisions.
- (6) In order to ensure the integrity of this provision, and consistency in its application, no variances to these highway commercial signage provisions shall be allowed.

*Cross-Reference:* Section 13-1-154.

**Sec. 14-1-24 through Sec. 14-1-29      Reserved for Future Use.**

## Article D: Plat Review and Approval

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### **Sec. 14-1-30 Preliminary Consultation.**

- (a) Before filing of an application for the approval of a Preliminary Plat or certified survey map, the subdivider is encouraged to submit a conceptual plan and to consult with the Plan Commission and City staff for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the City Administrator. The conceptual plan would show the relationship of the proposed subdivision or certified survey to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the Master Plan, comprehensive plan components and plan implementation devices of the City and to otherwise assist the subdivider in planning his/her development. The subdivider will gain a better understanding of the subsequent required procedures.
- (b) Prior to filing an application for the approval of a Preliminary Plat, the subdivider should attend a preliminary consultation meeting with the Plan Commission. The Plan Commission may waive this requirement for small projects.

### **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 the standards of this Chapter, particularly Section 14-1-40, and the subdivider shall file copies of the Plat and the application as required by this Section with the City Administrator at least ten (10) days prior to the meeting of the Plan Commission at which action is desired. The City Administrator shall submit copies of the Preliminary Plat to the Plan Commission, and to the City Engineer for review and written report of his/her recommendations and reactions to the proposed plat.
- (b) **Public Improvements.** Simultaneously with the filing of the Preliminary Plat of map, the owner shall file with the City Administrator a concept report addressing sewer and water service feasibility, drainage facilities and centerline profiles showing streets in the subdivision.
- (c) **Property Owners Association; Restrictive Covenants.** A draft of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the City pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the City Administrator.

- (d) **Affidavit.** The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he/she has fully complied with the provisions of this Chapter.
- (e) **Supplementary Data to be Filed with Preliminary Plat.** The following shall also be filed with the Preliminary Plat:
  - (1) **Use Statement.** A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
  - (2) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
  - (3) **Area Plan.** Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the subdivider shall comply with the requirements of Section 14-1-40(a)(5) for 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.
  - (4) **Abstract of Title.**
    - a. Simultaneously with the filing of the Preliminary Plat with the City Administrator, or as soon thereafter as practicable, the subdivider shall provide an Abstract or Abstracts of Title covering the entire property contained with the subdivision. Said Abstract(s) shall be updated to within ten (10) days of the time that it is provided to the City Administrator. Said Abstract(s) shall be returned to the subdivider within three (3) months.
    - b. The purpose of requiring Abstracts of Title for platted subdivisions is to assure the City that the subdivider has adequate title to all property which the subdivider intends to dedicate to public purposes. The City shall cause said Abstract or Abstracts of Title to be reviewed. If the City raises any objection or deficiency with regard to the subdivider's title to any portion of the property proposed on the plat to be dedicated for public improvements, the City shall so notify the subdivider. No final plat shall be approved unless the subdivider shall rectify all title defects relating to those portions of the property to be used for public improvements.
- (f) **Street Plans and Profiles.** The subdivider shall provide preliminary street profiles showing existing ground surface, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.
- (g) **Soil Testing.** The subdivider may be required to provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in Section 14-1-21, the City Engineer may, in addition, 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. A minimum of one boring per thousand feet of centerline street to a minimum depth of fifteen (15) feet is required.

(h) **Referral to Other Agencies and Utilities.**

- (1) **Utilities.** The subdivider shall also forward a copy to the local electric, gas, cable television and telephone utilities. 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 the transmittal responsibility lies with the City, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.
- (2) **State Agencies.** The City Administrator shall, within two (2) days after the filing of the Preliminary Plat, transmit copies to the Director of the Planning Function in the Wisconsin Department of Commerce, 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, copies to the Wisconsin Department of Natural Resources if shoreland or floodlands are contained within the proposed subdivision, and an adequate number of copies to the Plan Commission. The Wisconsin Department of Commerce, Wisconsin Department of Natural Resources and the Wisconsin Department of Transportation shall be hereinafter referred to as objecting agencies.
- (3) **Alternative Method.** In lieu of the procedure set forth in Subsection (h)(2) above, the subdivider may, pursuant to Sec. 236.12(6), Wis. Stats., submit the original drawing of the preliminary plat directly to the Director of the Planning Function of the Wisconsin Department of Commerce who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it shall be the responsibility of the subdivider to submit the additional copies required herein by Subsections (h)(4) and (5) below.
- (4) **City Agencies.** The City Administrator shall also transmit two (2) copies of the preliminary plat to the Plan Commission and additional copies to the water and sewer superintendent and all affected City committees, commissions or departments for their review and recommendations concerning matters within their jurisdiction. The recommendations of the affected committees, commissions, and departments shall be transmitted to the City Plan Commission for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans.
- (5) **Extraterritorial Requests.** The City Administrator shall also transmit one (1) copy each of the preliminary plat to the respective Township Boards for their review and recommendation concerning matters within the township area affected by the City's extraterritorial jurisdiction. Their recommendations shall be transmitted to the Plan Commission within thirty (30) days from the date the plat is filed.

- (6) **Action by Outside Agencies.** Within twenty-five (25) days of the date of receiving the copies of the Preliminary Plat, any state or county agency having authority to object under Subsection (h)(1) above shall notify the subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty-five (25) day limit, it shall be deemed to have no objection to the plat. The recommendations of City agencies shall also be transmitted to the Plan Commission within twenty-five (25) days from the date the plat is filed.

### **Sec. 14-1-32 Preliminary Plat Review and Approval.**

- (a) **Advisory Plan Commission Review.** After review of the Preliminary Plat and negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the Plan Commission shall, within sixty (60) days of filing, or within such time as extended by agreement with the subdivider, recommend to the Common Council approval, conditional approval, or rejection of the plat. The subdivider shall be notified in writing of any conditions for approval of the reasons for rejection. Such action of the Plan Commission shall be submitted to the Common Council for approval and the subdivider shall be notified in writing of any changes or modifications in the action of the Plan Commission and the reasons therefor.
- (b) **Council Action.**
  - (1) After receipt of the Plan Commission's recommendation, the Common Council shall, within ninety (90) days of the date the plat was filed with the City Administrator, 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.
  - (2) Failure of the Common Council to act within ninety (90) days or mutual extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat.
  - (3) The City Administrator shall communicate in writing to the subdivider the action of the Common Council. If the Preliminary Plat is approved, the City Administrator shall endorse it for the Common Council.
- (c) **Effect of Preliminary Plat Approval.** Approval or conditional approval of a Preliminary Plat shall entitle the Final Plat to approval provided the Final Plat conforms substantially to the Preliminary Plat, including any conditions of that approval, conforms to applicable

local plans and ordinances, and is submitted within six (6) months of the last required approval of the Preliminary Plat. If the Preliminary Plat is approved, the Final Plat must be approved by the Common Council within six (6) months or the Preliminary Plat approval is void. Previous Preliminary Plat approvals shall not constitute grounds for approval upon resubmission. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the Plan Commission and Common Council at the time of its submission.

- (d) **Preliminary Plat Amendment.** Should the subdivider desire to amend the Preliminary Plat as approved, he/she may resubmit the amended plat which shall follow the same procedure outlined herein, unless the amendment is, in the opinion of the Plan Commission, of such scope as to constitute a new plat, in which such case it shall be refiled.

### **Sec. 14-1-33 Final Plat Review and Approval.**

(a) **Filing Requirements.**

- (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file fifteen (15) copies of the Plat and the application with the City Administrator at least twenty-one (21) days prior to the meeting of the Plan Commission at which action is desired. The owner or subdivider shall file twenty (20) copies of the Final Plat not later than six (6) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the City. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the City Attorney may require showing title or control in the applicant. A written transmittal letter shall identify all substantial changes that have been made to the plat since the Preliminary Plat. When the subdivider expects the City to act as the transmitting authority in accordance with Sec. 236.12, Wis. Stats., the application shall state that transmittal responsibilities lie with the City and shall contain a list of the other authorities to which the plat must be subjected and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.
- (2) If the City is acting as the transmitting authority, the City Administrator shall, within two (2) days after filing, transmit copies to the Director of the Planning Function in the Wisconsin Department of Commerce, 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, copies to all affected City boards, commissions and committees, and

the original Final Plat, the Wisconsin Department of Natural Resources if shorelands or floodlands are contained within the proposed subdivision, and adequate copies to the Plan Commission. The Wisconsin Department of Commerce, the Wisconsin Department of Natural Resources and the Wisconsin Department of Transportation shall be hereinafter referred to as objecting agencies.

- (3) In lieu of the procedure set forth in Subsection (a)(2) above, the subdivider may, pursuant to Sec. 236.12(6), Wis. Stats., submit the original drawing of the final plat directly to the Director of the planning function of the Wisconsin Department of Commerce, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it is the responsibility of the subdivider to submit sufficient additional copies of the final plat to the City Administrator for review by the Plan Commission.
  - (4) 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).
  - (5) The City Administrator shall refer copies of the Final Plat to the Plan Commission, and one (1) copy to the City Engineer. The recommendations of the Plan Commission and City Engineer shall be made within thirty (30) days of the filing of the Final Plat. The City Engineer shall examine the plat or map and preliminary plans and specifications of public improvements for technical details and, if he/she finds them satisfactory, shall so certify in writing to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the City Engineer shall return them to the owner and so advise the Plan Commission.
- (b) **Plan Commission Review.**
- (1) The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Common Council.
  - (2) The objecting state agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Commerce 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 twenty (20) 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 forty-five (45) days of the date of filing of the Final Plat with the City Administrator, recommend approval, conditional approval or

rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Common Council. 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 City Administrator, 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 Administrator 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 Administrator 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 by mutual written agreement 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, required improvements are either installed or a contract and sureties insuring their installation is filed, all outstanding special assessments have been made, and park and recreation fees required by this Chapter have been paid to the City, the City Administrator 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. Recording fees shall be paid by the subdivider.

(e) **Final Copies.** The subdivider shall file ten (10) copies of the Final Plat as approved with the City Administrator 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 City Administrator.

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

## **Sec. 14-1-34 Land Divisions and Consolidations by Certified Survey Map.**

(a) **Use of Certified Survey Map.**

- (1) A Certified Survey Map, prepared and recorded in accordance with Sec. 236.34, Wis. Stats. and the requirements of this Article, and having been approved by the Common

Council, may be used in lieu of a subdivision plat to divide or consolidate lands, or dedicate lands, provided that one of the following conditions is met:

- a. The division or consolidation is of any lot, outlot, parcel, or other lands previously approved by the City and recorded with the Polk County Register of Deeds as a subdivision plat, certified survey, or assessor's plat, of any size, which results in not more than four (4) lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of any changes in ownership, within any five (5) year period; or
  - b. The division or consolidation is of any lot, outlot, parcel, or other lands previously recorded with the Polk County Register of Deeds, including those recorded by a metes and bounds description, provided any of the resulting parcels are not less than one and one-half (1-1/2) acres in size and which results in not more than four (4) lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of changes of ownership, within any five (5) year period.
- (2) In the event a proposed land division does not meet the above requirements, the proposed land division must be pursued as a subdivision plat.
  - (3) The Certified Survey Map shall include the entire original parcels of land owned or controlled by the subdivider, including those proposed for division or consolidation. The subdivider shall comply with all requirements of this Chapter including Article G (Design Standards) and Article F (Required Public Improvements) when a certified survey map is used. A certification of the approval of the certified survey map by the Common Council shall be inscribed legibly on the face of the map. A certificate of the City Administrator stating that there are no unpaid special assessments or taxes on the lands shall be included on the certified survey map.
  - (4) The applicant for a land division shall file ten (10) acceptable reproductions of a certified survey map and a written application requesting approval with the City Administrator.
- (b) **Referral to Plan Commission.** The subdivider shall prepare the certified survey map in accordance with this Chapter and shall file the application with the City Administrator at least thirty (30) days prior to the meeting of the Plan Commission at which action is desired. Pre-application conference similar to the consultation suggested in Section 14-1-30 is recommended. A preliminary certified survey map may be required when the division provides for land to be dedicated to the public. The City Administrator 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 City Administrator 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 thirty (30) 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 forty (40) 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 City Administrator to so certify on the face of the original map and return the map to the subdivider.
- (e) **Recordation.**
- (1) The subdivider shall file a copy of the approved Certified Survey Map together with the approving resolution with the County Register of Deeds within sixty (60) days of the date of the last resolution of approval and not later than six (6) months following the date of the first resolution of approval. All recording fees shall be paid by the subdivider.
  - (2) No building permits shall be issued and no improvements shall be made until the certified survey is recorded and a document recording number is filed with the Building Inspector.
- (f) **Re-Approvals.** Submittals of previously approved Certified Survey Maps for replatting or reapproval by the Common Council shall be in accordance with Section 14-1-35.

### **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 exterior 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 approval procedures for Preliminary and Final Plats prescribed in this Article.
- (b) Whenever a Preliminary Plat of a replat is filed, the Plan Commission shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed replat and public hearing shall be published as a Class 3 notice and be mailed at the subdivider's expense, to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within two hundred (200) feet of the proposed replat.

- (c) Whenever an approved Final Plat is submitted for reapproval within six (6) months of the initial resolution approving the plat, and which is substantially in conformance with the approved plat, and which has not been recorded with the Register of Deeds, said plat shall be reapproved by the Common Council. No Final Plats shall be reapproved by the Common Council following the expiration of the six (6) month period. Such plats shall be submitted as a new plat. All previous approvals shall be null and void and shall have no further bearing on the subsequent review and approval of the plat by the City.
- (d) 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 other than those already provided in an adopted capital or operating budget are required.
- (b) The applicant shall furnish any data requested by the City Administrator who shall transmit this information to the appropriate commission(s), committee(s) and staff for review; the City Administrator 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, traffic counts, 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, 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 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 and funds, either public or private, are available for the program. The

- Plan Commission and the Common Council shall consider the recommendations from the City's utilities and the City Engineer and the appropriate committee(s) on line capacities, water sources and storage facilities, as well as any other information presented.
- (3) The City Administrator 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 Plan Commission verifies 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 Master Plan.
  - (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 Amery 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 Amery public water distribution and/or public sewerage system as required by the City Engineer.

### **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 of Amery. This Chapter shall not be interpreted as placing any responsibility or liability on any City official, City

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employee or the City as a municipal 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 and Sec. 14-1-39      Reserved for Future Use.**

## Article E: Technical Requirements for Plats and Certified Survey

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### **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, which name shall not duplicate or be alike in pronunciation of the name of any plat heretofore recorded in the City unless considered an addition to the subdivision.
  - (2) **Legal Description/Location** of the proposed subdivision by government lot, quarter section, township, range, county and state.
  - (3) **Date, Scale and North Point.**
  - (4) **Names, Telephone Numbers, and Addresses** of the owner, and any agent having control of the land, engineer, subdivider, land surveyor preparing the plat.
  - (5) **Entire Area** contiguous to the proposed plat owned or controlled by the subdivider shall be required by the Common Council or Plan Commission to be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. Where a subdivider owns or controls adjacent lands in addition to those proposed for development at that time, he/she shall submit a concept plan for the development of the adjacent lands showing streets, utilities, zoning districts, and other information as may affect the review of the Preliminary Plat in question. The City Engineer may waive these requirements where adjacent development patterns have already been established.
- (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, Size and Invert Elevation** of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) **Corporate Limit Lines** within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) **Existing Zoning** on and adjacent to the proposed subdivision.
- (9) **Contours** within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described.
- (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, Width and Names** of all proposed streets and public rights-of-way such as alleys and easements.
- (14) **Approximate Dimensions of All Lots** together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
- (15) **Location and Approximate Dimensions** of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use.
- (16) **Approximate Radii of all Curves.**
- (17) **Any Proposed Lake and Stream Access** with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
- (18) **Any Proposed Lake and Stream** improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.

- (19) **Soil Tests and Reports** as may be required by the City Engineer for the design of roadways, storm drainage facilities, on-site sewage disposal systems, erosion control facilities, and/or other subdivision improvements and features. The Plan Commission, upon the recommendation of the City Engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table. The City does not guarantee, warrant, or represent that only those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the City and thereby asserts that there is no liability on the part of the Common Council, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this Chapter. Where the subdivision will not be served by public sanitary sewer service, the provisions of Ch. COMM 85, Wis. Adm. Code, shall be complied with, and the appropriate data submitted with the preliminary plat.
- (20) **Design Features.**
- a. Locations and widths of proposed streets, alleys, pedestrian ways and utility easements. The Plan Commission, upon the recommendation of the City Engineer, may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon National Geodetic Vertical Datum (NGVD), and plans and profiles shall meet the approval of the City Engineer.
  - b. Layout numbers and preliminary acreages and dimensions of lots and blocks.
  - c. Minimum front, rear, side, and street yard building setback lines.
  - d. Location and size of proposed sanitary sewer lines and water mains.
  - e. Gradients of proposed streets, including centerline profiles.
  - f. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
  - g. Location and description of survey monuments.
  - h. An identification system for the consecutive numbering of all blocks and lots within the subdivision.
  - i. Sites, if any, to be reserved for parks or other public uses.
  - j. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.
  - k. Provisions for surface water management including both minor and major system components, detention/retention facilities, including existing and post development one hundred (100) year flood elevations, etc.
  - l. Potential resubdivision and use of excessively deep [over two hundred (200) feet] or oversized lots must be indicated in a satisfactory manner.

- m. Any wetlands, floodplains, or environmentally sensitive areas provided for by any local, state or federal law.
- (21) **Soil and Water Conservation.** The Plan Commission, upon the recommendation of the City Engineer, after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, shall require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the **U.S. Conservation Service Technical Guide**, and shall be in accordance with standards set forth in this Chapter.
- (22) **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) **Construction Plans and Specifications.** Simultaneously with the filing of the preliminary plat with the City Administrator or as soon thereafter as practicable, two (2) copies of the construction plans and specifications shall be furnished for the following public improvements:
  - (1) Street grading and surfacing.
  - (2) Sanitary sewerage.
  - (3) Water mains and laterals.
  - (4) Curb, gutters and sidewalk.
  - (5) Drainage system.
- (d) **Additional Information.** The Common Council, 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 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.

- (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.

- (10) **Dimensions of Lot Lines** shall be shown in feet and hundredths; no ditto marks shall be permitted. When lot lines are not at right angles to the street right-of-way line, the width of the lot shall be indicated at the building setback line in addition to the width of the lot at the street right-of-way line.
- (11) **A Numbered Identification System** for all lots and blocks.

- (12) **Railroad rights-of-way** within and abutting the plat.
  - (13) **Setbacks or building lines.**
  - (14) **Utility and/or drainage easements.**
  - (15) **Street addresses** on each lot as determined by the City Administrator.
- (c) **Deed Restrictions.** Restrictive covenants and deed restrictions 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, shall examine all Final Plats within the City of Amery 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 County or 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. Before final approval by the City

- of any plat or certified survey map located outside the corporate limits of the City, but within the plat approval jurisdiction of the City, the subdivider shall give evidence that he/she has complied with all street and utility requirements of the town in which the land being platted is located.
- (g) **State Plane Coordinate System.** All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone.
  - (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/she has fully complied with all the provisions of this Chapter.
  - (i) **Abstract of Title.**
    - (1) With the final plat, the subdivider shall submit an Abstract or Abstracts of Title covering the entire property to be included in the plat. Said Abstract shall be updated to a date within ten (10) days of the time it is provided to the City.
    - (2) If the final plat is approved, the Abstracts of Title submitted hereunder shall remain on file in the Office of the City Administrator and shall be deemed City property.

### **Sec. 14-1-42 Technical Requirements for Certified Survey Land Divisions; Review and Approval.**

- (a) **Certified Survey Requirements.** A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Sec. 236.34, Wis. Stats. The minor subdivision shall comply with the design standards and improvement requirements set forth in this Chapter for plats.
- (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.
- (9) **Critical Building Locations.** Any building or structure and its location on the lot shall be dimensioned to the nearest one-tenth of one (0.1) foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.
- (10) **Additional Information.** The City may require that the following additional information be provided when necessary for the proper review and consideration of the map:
  - a. Existing contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%), and of not more than five (5) feet where the slopes of the ground surface is ten percent (10%) or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level). The requirement to provide topographic data may be waived if the parcel(s) created are fully developed.
  - b. Soil type, slope and boundaries are shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service.
  - c. Location of soil boring tests, where required by Sec. COMM 85.06, Wis. Adm. Code, made to a depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the certified survey map.
  - d. The Plan Commission may require that the entire area contiguous to the land outlined in the proposed certified survey owned or controlled by the subdivider be included on the certified survey map even through only a portion of said area is proposed for immediate development.
- (d) **State Plane Coordinate System.** All distances and bearings shall be referenced to the Wisconsin Coordinate System. Where the map is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the City of Amery or Polk County, the map shall be tied directly to one (1) 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 bearing shall be referenced to the Wisconsin Coordinate System, Central 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/she has fully complied with all the provisions of this Chapter. The Common Council, after a

recommendation by the reviewing agencies, shall certify its approval on the face of the map.

- (f) **Street Dedication.** Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.
- (g) **Recordation.** The subdivider shall record the map with the County Register of Deeds within thirty (30) days of its approval by the Common Council and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the map by the Common Council.
- (h) **Requirements.** To the extent reasonably practicable, the certified survey shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than one and one-half (1-1/2) acres or three hundred (300) feet in width.
- (i) **Critical Building Locations.** Any building or structure and its location on the lot shall be dimensioned to the nearest one-tenth of one (0.1) foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.

**Sec. 14-1-43 through Sec. 14-1-49      Reserved for Future Use.**



## Article F: Required Improvements

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### **Sec. 14-1-50 Improvements Required.**

(a) **General Requirement.**

- (1) In accordance with the authority granted by Sec. 236.13, Wis. Stats., the City of Amery hereby requires that, as a condition of Final Plat or certified survey approval, the subdivider agree to make and install all public improvements required of the subdivider by this Chapter and that 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. (See Section 14-1-65).
- (2) As a condition for the acceptance of dedication of public rights-of-way, the City requires that the public ways have been previously provided with all necessary facilities constructed to City specifications, including, but not limited to, sewerage, storm drainage, water mains and services, grading and improvement of the streets and other public ways, sidewalks, street signing, street lighting and such other facilities required by the Common Council or that a specific portion of the costs be paid in advance as provided in Sec. 66.0709(2), Wis. Stats.

(b) **Financing of Improvements.**

- (1) The required public improvements shall be installed by the subdivider at his/her cost; or
- (2)
  - a. The subdivider may petition the City for the installation of the required public improvements through the Special Assessment B Bond process as provided for in Sec. 66.0713(4), Wis. Stats., or another acceptable special assessment process with the special assessments being payable at the time of lot sale, payable in a maximum of seven (7) annual installments together with interest.
  - b. The City may enter into a recapture agreement with the subdivider agreeing to require payment of recapture costs of public improvements from those properties benefitting from the improvements. The City shall prohibit development on those properties until payment has been made. The subdivider may contract directly with adjacent property owners and/or subdividers of adjacent land for reimbursement of the oversized and/or off-site improvements constructed.
  - c. In addition to the above, the City may enter into an agreement to reimburse the subdivider, at the end of the seven (7) year period, for his/her cost (at the time of construction) of those oversized improvements constructed within the proposed land division, but which are oversized to serve lands beyond the boundaries of the land division or other lands within the subdivider's control, and which have not, during the seven (7) year period, been reimbursed to the subdivider. Said

payment shall be only for the actual additional cost of constructing the oversized improvements within the boundaries of the land division and shall not provide for payment of any interest. The City shall then establish special assessments against those benefitting properties outside the proposed land division boundaries or the subdivider's control for those costs. To be eligible to proceed under this provision, the land division must occur within development areas identified in the City's Comprehensive Plan or other adopted comprehensive development or public facilities plan.

- (3) Any workable combination of the above may be determined by the Common Council as acceptable.
- (4) If the City finds that City construction of such public improvements would not be warranted as a special assessment to the intervening properties, or as a governmental expense until some future time, the developer shall be required, if he/she wishes to proceed with the development, to obtain necessary easements or right-of-way and construct and pay for such public improvement extensions.
- (c) **General Standards.** The required public improvements 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 established 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 eighteen (18) months of the date of Final Plat adoption shall be made to the new or revised standards and/or specifications. The City Engineer shall review and approve the construction plans, specifications and calculations for the construction of the required public improvements.
- (d) **Project Manager.** The subdivider shall designate a project manager who shall be readily available on the project site during the construction of the required public improvements. The project manager shall be granted authority on behalf of the subdivider to make decisions related to the construction of the required public improvements as they may arise during the course of the construction. The project manager shall also be responsible for the scheduling and coordination of the required work to construct the required improvements. Correspondence with or verbal orders to the designated project manager shall have the same authority as with the subdivider directly.

### **Sec. 14-1-51 Required Agreement Providing for Proper Installation of Improvements; Surety.**

- (a) **Contract.** At the time of approving a final plat, the subdivider shall be required to enter into a contract with the City for land division improvements agreeing to install improvements assigned to the subdivider under this Chapter. The contract form shall be

provided by the City and may provide for a phasing of public improvements construction, providing such phasing is approved by the Common Council. The City reserves the right to control the phasing through limits, sequence, and/or additional surety so as to provide for continuity of streets, sewers, water mains, and other necessary public improvements within and between the phases.

(b) **Financial Guarantees.**

- (1) The subdivider shall file with said contract, subject to the approval of the City Attorney, a bond, a certificate of deposit, irrevocable letter of credit or certified check in an amount equal to one hundred ten percent (110%) of the estimate of the cost of the subdivider's obligations under this Chapter prepared by the City Engineer as surety to guarantee that such improvements will be completed by the subdivider or his/her contractors not later than eighteen (18) months from the date of recording the plat or certified survey map. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the City. When a letter of credit is posted as security, the City must be the beneficiary.
- (2) However, the subdivider may elect, with the approval of the City, to install the improvements in construction phases provided that:
  - a. The phases are specified in the contract for land division improvements;
  - b. The developer submits surety in an amount equal to one hundred ten percent (110%) of the estimated costs of improvements next required by the installation and construction schedules. Improvements constructed during the first stage and each successive stage of construction shall not be accepted nor shall any building permit be issued for construction within the completed area of the subdivision or comprehensive development until the security required for the next stage of construction has been posted with the City.
  - c. The developer records deed restrictions approved by the City Attorney which specify that the lots which are included in future construction phases of the land division will not be transferred or sold unless the City's approval is obtained;
  - d. The subdivider minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and
  - e. Erosion control plans and measures submitted and approved herein shall address the individual phases of construction.
- (3) The time limit for completion of a phased improvement program shall take into account the needs and desires of the City and adjacent property owners for street and other improvements to serve lands adjacent to and within the land division.
- (4) As work progresses on installation of improvements constructed as part of the contract, the City Engineer, upon written request from the subdivider from time to time, is authorized to recommend a reduction in the amount of surety as hereinafter provided. When portions of construction (water, sanitary sewer, street, sidewalk, greenway or other improvements) are completed by the subdivider and determined acceptable by the City Engineer, the City Administrator is authorized, upon

submission of lien waivers by the subdivider's contractors, to reduce the amount of surety. The amount of surety may be reduced at the time all underground utilities are installed and tested. The amount of surety remaining shall be equal to one hundred ten percent (110%) of the estimate of the City Engineer of costs of work remaining to be completed and accepted and to insure performance of the one (1) year guarantee as specified in Subsection (d) below against defects in workmanship and materials on work accepted. When the work on the major components of construction has been substantially completed, except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the City Engineer are valid for noncompletion, the City Administrator is authorized to accept a reduction in the amount of surety to an amount in the estimate of the City Engineer, sufficient to cover the work remaining to be completed, including performance of the one (1) year guarantee period against defects in workmanship and materials. As a further guarantee that all obligations under contract for work on the development are satisfied, the contractor and subcontractors who are to be engaged in the construction of utilities or street improvements on the street right-of-way to be dedicated shall be approved for such work by the City Engineer prior to commencing construction. The Common Council, at its option, may extend the bond period for additional periods not to exceed one (1) year each.

- (5) Governmental units to which these bond and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in their behalf, agreeing to comply with the provisions of this Section.
  - (6) The subdivider shall agree in the development contract to pay all street and sidewalk assessments, specifically all area charges for sanitary sewer mains and all water main assessments, including where the land division abuts existing streets which are not improved within the City standard street improvements (including, but not limited to curb and gutter, local storm sewer, sidewalks and a bituminous pavement).
- (c) **Improvement Guarantee.** The subdivider shall include in said contract an instrument of public improvement guarantee by irrevocable letter of credit, certified check, cash escrow deposit, or performance bond whereby a bonding company [with assets exceeding Ten Million Dollars (\$10,000,000.00) and authorized to do business in the State of Wisconsin] guarantees maintenance, repair, replacement by the developer of said public improvements which deteriorate or fail to meet performance or operating standards during the bond term, or any penalties which may be incurred as a result thereof, equal to fifteen percent (15%) of the City Engineer's estimate of the cost of the public improvements. If within one (1) year after the date of final acceptance of any public improvement by the Common Council (or such longer period of time as may be prescribed by laws or regulations or by the terms of any special guarantee required by the terms of said contract as may be necessary due to the phasing of the construction of public improvements), any work on any public

improvement is found to be defective, the subdivider shall remove it and replace it with nondefective work in accordance with written instructions given by the City Engineer. If the subdivider does not promptly comply with the terms of such instructions, or in an emergency where delay would cause serious risk of loss or damage, the City may cause the removal and replacement of said defective work and charge all direct, indirect and consequential costs of such removal and replacement to the performance bond or improvement guarantee instrument.

- (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. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The City Engineer may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider executes a surety to insure the placing of such monuments within the time required. On behalf of the City, the City Administrator is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the City Engineer. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes an established one-half (1/2), one quarter (1/4), one quarter-one quarter (1/4-1/4), or other such section monument, the established monument shall be preserved and/or fully restored by the subdivider at his/her cost.

### **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 Final 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/her seal. Such plans, together with the quantities of construction items, shall be submitted to the City Engineer for his/her approval and for his/her 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 Administrator 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, Open Channel and Drainage** 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 (Title 15, Chapter 2) if applicable.
  - (6) **Planting Plans** showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
  - (7) **Master Site Grading Plan.** Showing existing and proposed lot corner elevations, top of curb elevations, building location and proposed first floor building elevation, and shall show control and direction of drainage for each lot within the subdivision and for drainage adjacent to the plat.
  - (8) **Additional** special plans or information as required by City officials. Plans and profiles of streets and sewers shall be at a scale of not more than forty (40) feet per inch horizontal and four (4) feet per inch vertical.
- (b) **Action by the City Engineer.** The City Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent City ordinances and design standards recommended by the City Engineer and approved by the Common Council. If the City Engineer rejects the plans and specifications, he/she shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the City Engineer shall approve the plans and specifications for transmittal to the Common Council. The Common Council shall approve the plans and specifications before the improvements are installed and construction commenced.
- (c) **Construction and Inspection.**
- (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the City Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. Building permits shall not be issued until all improvements required by this Chapter are satisfactorily completed, and the developer has furnished lien waivers for all contractors.
  - (2) During the course of construction, the City Engineer shall make such inspections as he/she or the Common Council deems necessary to insure compliance with the plans and specifications as approved. The City shall have full-time inspections during construction phases. 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. The engineering costs will be per the engineering agreement.

- (d) **Subdivider to Reimburse the City for Costs Sustained.** The subdivider of land divisions within the City shall reimburse the City for its actual cost of design, inspection, testing, construction and associated legal and real estate fees for the required public improvements for the land division. The City's costs shall be determined as follows:
- (1) The cost of City employees' time engaged in any way with the required public improvements based on the hourly rate paid to the employee multiplied by a factor determined by the City Administrator to represent the City's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
  - (2) The cost of City equipment employed.
  - (3) The cost of mileage reimbursed to City employees which is attributed to the land division.
  - (4) The actual costs of City materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
  - (5) All consultant fees associated with the public improvements at the invoiced amount plus administrative costs. Unless the amount totals less than 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) **"As-Built" 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 one (1) Mylar and three (3) blue line plan sets showing the actual recorded location of all valves, manholes, stubs, sewers and water mains and such other facilities as the City Engineer shall require. These plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

### **Sec. 14-1-53 Street Improvements.**

The subdivider shall provide streets to meet the specifications of this Chapter and inspection of the City Engineer or petition the City to provide such streets. The subdivider shall also provide streets from where they now exist to the subdivision in question. Streets, roads and alleys as

outlined on the approved plans based on the requirements of this Chapter, particularly Sections 14-1-70 and 14-1-71 shall be constructed as follows:

- (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 City Engineer before acceptance.
- (c) **Conform to Official Map.** The arrangement, width, grade and location of all streets shall conform to the Official Map.
- (d) **Survey Monumentation.** Before final approval of any plat or certified survey within the corporate limits of the City, the subdivider, at his/her cost, shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The City Engineer may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider executes a survey to insure the placing of such monuments within the time required. On behalf of the City, the City Administrator is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the City Engineer. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes and established one-half (1/2), one-quarter (1/4), one-quarter one-quarter (1/4-1/4), or such other section monument, the established monument shall be preserved and/or fully restored by the subdivider at his/her cost.
- (e) **Street Construction.** After the installation of all required utility and storm water drainage improvements, the subdivider shall prepare for surfacing all roadways, installing curb and gutter, 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 City Engineer. Construction shall be to City standard specifications for street improvements.
- (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 City Engineer.

### **Sec. 14-1-54 Curb and Gutter; Drainage Facilities.**

- (a) In all subdivisions, the Common Council may require the construction of concrete curb and gutters in accordance with plans and standard specifications approved by the Plan Commission, upon recommendation of the City Engineer. The City shall install all curb and gutters for roadway pavement on the established street and highway system. The cost of curb and gutter will be paid for by the developer in accord with City policy. These costs will be placed as a special assessment against the property.
- (b) Suitable concrete curb and gutter shall be constructed along the outside edge of all street pavements. Curb and gutter in residential areas shall have a six (6) inch barrier curb with a twenty-four (24) inch flag, except at driveway aprons where depressed curb shall be constructed. Depressed curb ramps shall be constructed at all handicap ramps for sidewalks and at all bikeways. Said curbs and gutters shall be constructed of concrete, 3500 PSI strength at seven (7) days, and contain three (3) continuous one-half (1/2) inch diameter deformed steel reinforcing rods ten (10) feet long, six (6) inches on center in the gutter flag at locations crossing underground utility excavations or where otherwise directed by the City Engineer. Expansion joints three quarter (3/4) inch thick shall be placed in the curb at each starting and ending of a radius, three (3) feet at each side of inlets, and at intervals not exceeding two hundred fifty (250) feet and where otherwise directed by the City Engineer. Tie bars shall be provided where curb and gutter is adjacent to rigid pavements.
- (c) Contraction joints shall be tooled, saw cut, or formed by insertion of a metal plate in the concrete at intervals not exceeding twelve (12) feet.

*Cross-Reference:* Section 14-1-58.

### **Sec. 14-1-55 Sidewalks and Bikeways.**

- (a) **Where Required.**
  - (1) In all new subdivisions and additional areas where required by the Common Council, the construction of all sidewalks shall be in accordance with plans and standard specifications approved by the City Engineer and in compliance with Section 6-2-2 of this Code of Ordinances.
  - (2) The cost of sidewalk will be paid for by the developer or property owner in accord with City policy. These costs will be placed as a special assessment against the property.
- (b) **Extra-Sized Sidewalks.** 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, for safe and adequate pedestrian circulation.

(c) **Location.**

- (1) The subdivider shall be required to provide sidewalks and bikeways where required by the City's sidewalk Master Plan, at City specifications as follows: Sidewalks and bikeways shall normally be located as far from the traffic lane as is possible, but not closer than six (6) inches to the right-of-way line. Where, as a result of such major obstructions as large and established trees, steep hills, drainageways, or major utility lines, the construction costs of the sidewalk or bikeway in its normal location would be prohibitive, sidewalks or bikeways may be located elsewhere within the street right-of-way, or within an easement, with the approval of the City Engineer. Sidewalks and bikeways constructed at street intersections or within five (5) feet of a legal crosswalk shall include provisions for curb ramping as required by Sec. 66.0911, Wis. Stats., and in accordance with City standards. In all cases where the grades or sidewalks or bikeways have not been specifically fixed by ordinance, the sidewalks and bikeways shall be laid to the established grade of the street [Ref. Sec. 66.0907(2), Wis. Stats.]. In areas where sidewalks and bikeways are to be laid to the established grade of the street, the street edge of the sidewalk or bikeway pavement shall be at an elevation above the top of the curb determined by a slope of a minimum of one-fourth (1/4) inch per foot up to a maximum of three-fourths (3/4) inch per foot times the distance between the curb and the street sidewalk or bikeway edge. The sidewalk or bikeway pavement shall be sloped at a minimum of one-fourth (1/4) inch per foot and a maximum of three-fourths (3/4) inch per foot toward the street — unless public drainage is available behind the sidewalk or bikeway.
- (2) Sidewalks in street right-of-ways shall be specifically intended to serve adjacent lots and the pedestrian traffic generated from and to those lots.

(d) **Bikeways.**

- (1) Bikeways shall be intended to serve both pedestrian and bicycle traffic in areas where the majority of the adjoining lots do not have frontage or access to the street or are not being served by the bikeway. In general, those lots which do not front or have access on the street in question are not the generating or terminating point for the pedestrian or bicycle traffic.
- (2) More specifically, bikeways shall be designed to transport the majority of pedestrian or bike traffic through the area as opposed to serving the adjoining lots as a sidewalk does.
- (3) Bikeways shall not be installed in lieu of sidewalks. However, where permitted by City ordinance, persons may ride a bicycle upon public sidewalks.

(e) **Location Determination.** The Common Council shall determine where sidewalks and/or bikeways are required in accordance with this Section.

(f) **Construction Standards.** Bikeways shall be constructed of bituminous pavement, at least eight (8) feet in width, in accordance with standard City specifications. Sidewalks shall be constructed according to the standards in Section 6-2-2.

*Cross-Reference:* Section 6-2-2.

**Sec. 14-1-56 Sanitary Sewerage System.**

- (a) When the proposed subdivision or certified survey map is located within the adopted sanitary sewer service area of the City of Amery, sanitary sewerage facilities shall be constructed in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:
- (1) There shall be provided a sanitary sewerage system in conformity with the Maser Plan of Sewers as approved by the Common Council. The subdivider shall either install adequate sanitary sewer facilities and connect them to City sewer mains subject to specifications and inspection of the City Engineer, or petition the City to install sanitary sewer facilities and connect them to City sewer mains. The subdivider shall pay all the costs of all sanitary sewer work including the bringing of the sanitary sewer from where it exists to the subdivision in question as well as providing all sanitary sewer work within the subdivision.
  - (2) The size, type, and installation of all sanitary sewers and sanitary laterals proposed to be constructed shall be in accordance with plans and specifications approved by the Common Council, upon recommendation of the City Engineer. The latest revision of the "Standard Specifications for Sewer and Water Construction in Wisconsin" shall govern all work. All sanitary sewer and sanitary sewer lateral trenches within proposed streets shall be back filled with granular material meeting the requirements of the "Standard Specifications". However, upon written approval of the City Engineer, the trenches may be back filled with excavated material, meeting the requirements of the "Standard Specifications". If excavated material is allowed for backfill, it shall be compacted by mechanical methods, meeting the approval of the Common Council, upon the recommendation of the City Engineer.
  - (3) The subdivider, at his/her cost, shall install all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed subdivision.
- (b) Sanitary sewers, including all related items (manholes, lift stations, wyes, tees, stubs for future extensions, etc.), shall be installed meeting the specifications and requirements of the City.
- (c) Sanitary sewers shall be constructed in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. Where public sanitary sewers of adequate capacity are determined by the City Engineer to be available, extensions of the public sanitary sewer system shall be made so as to provide sewer service to each lot. Gravity sanitary sewers shall be extended to the land division and to each buildable lot as approved by the City Engineer. 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. 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

City Engineer. Where sanitary sewers are located within the floodplain, sanitary manholes shall be floodproofed.

- (d) The ends of the services for each lot shall be accurately measured and recorded with the City Engineer and marked in the field with appropriate staking.

### **Sec. 14-1-57 Water Supply Facilities.**

- (a) When the proposed subdivision or certified survey map is located within the adopted water service area of the City of Amery, or when it is proposed to establish a private water supply and distribution system to serve two (2) or more lots, the water supply and distribution facilities shall be installed in such a manner as to make adequate water service available to each lot within the subdivision. The subdivider shall make provision for adequate private water systems, where permitted, as required by the City in accordance with the standards of the Wisconsin Department of Natural Resources. In addition:
  - (1) There shall be provided a water supply system in conformity with the Master Plan of the water system as approved by the Common Council. The subdivider and/or property owner shall either install and connect City water to serve all lots subject to specifications and inspection of the City Engineer, or shall petition the City for installation and connection of City water to serve all lots. The subdivider shall pay all costs of installing and connecting City water including the bringing of water from where it exists to the subdivisions in question as well as providing all waterworks within the subdivision.
  - (2) The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standards specifications approved by the Common Council, upon the recommendation of the City Engineer.
  - (3) The City shall install all water mains, water laterals, and water system appurtenances within the proposed subdivision.
  - (4) The cost of water mains will be shared by the property owners on either side of the street the main is laid according to the water utility policies. The cost of water laterals will be paid entirely by the subdivider or land owner. These costs will be placed as a special assessment against the property.
- (b) Water mains shall be constructed in such a manner as to make adequate water service available to each lot within the land division. Extensions of the public water supply system shall be designed so as to provide public water service to each lot and required fire flow protection to each hydrant. 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 City Engineer.

**Sec. 14-1-58 Storm Water Drainage Facilities.**

- (a) Pursuant to Section 14-1-74, storm water drainage facilities shall be installed which include curb and gutter, manholes, catch basins and inlets, storm sewers, storm sewer laterals from the main to the lot line, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, the type of facility required, the design criteria and the sizes and grades to be determined by the City Engineer. The material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be submitted by the subdivider for the area within the subdivision.
- (b) The subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate the ten (10) year storm. Detention ponds, open channels and road ditches shall be designed for one hundred (100) year frequency storms. Storm drainage facilities shall be so designed as to present no hazard 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 Common Council. The subdivider shall pay all costs of all storm sewer work required to serve the subdivision.
- (c) Only where sump pumps are required, storm sewer laterals of the sizes and materials required by the Director of Public Works or City Engineer 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 shoreland erosion and siltation of surface waters, shall prevent excess run-off on adjacent property and shall provide positive drainage away from on-site sewage disposal facilities. The size, type and installation of all storm water drain and sewers proposed to be constructed shall be in accordance with this Chapter and plans and standard specifications approved by the City Engineer. Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the City Engineer. Storm sewers oversized to handle runoff from offsite properties will be installed by the subdivider; however, the cost of oversizing above a twenty-four (24) inch diameter storm sewer shall be paid by other users connecting to the system.
- (d) Wherever possible, where drainage is into a lake, river or stream, the drainage shall be by open channel with landscaped banks and adequate width for maximum potential volume of flow. In all cases, such watercourse 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. Such drainage is subject to erosion control in accordance with the latest edition of the Wisconsin Construction Site Best Management Practice Handbook.

## **Sec. 14-1-59 Other Utilities.**

- (a) (1) In so far as possible, all utilities, including but not limited to natural gas, telephone, cable TV, electric, and water shall be installed underground with an affidavit by the subdivider that the maintenance of said public improvements will be guaranteed by the subdivider due to use of the improvements by purchasers and construction traffic.
- (2) Prior to any maintenance, repair or replacement being performed by the developer during the bond period, it shall notify the City Engineer at least three (3) work days prior to the doing of the work and obtain approval of the City Engineer as to the nature and manner of work to be done.
- (b) 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 pertinent City utilities or the Plan Commission, specifically allows overhead poles because topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical.
- (c) 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.

## **Sec. 14-1-60 Street Lamps; Street Trees.**

- (a) **Street Lighting.** The City shall install street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Director of Public Works or City Engineer. All the costs associated with the installation and maintenance of street lamps will be paid for by the subdivider.
- (b) **Street Trees.** Street trees shall be planted throughout all residential land divisions. Such trees shall be planted in the parkways equidistant between the sidewalks and curb, or in street tree easements, and no closer than five (5) feet from any sanitary sewer service, water service, or driveway apron. The City shall let contracts for planting of street trees. At street corners, trees shall be located at least twenty-five (25) feet from the intersection of right-of-way lines. A fee for street trees shall be collected as prescribed in Section 14-1-23(h). The fee shall be placed into a City Forestry Fund to be used for the planting of new street trees in the neighborhood in which the residence is located.

**Sec. 14-1-61 Street Signs.**

- (a) The City shall pay the costs of providing the street signing necessary to serve the development. Such signing shall include street name signs and such temporary barricades and "road closed" signs as may be required by the Director of Public Works until the street improvements have been accepted by Common Council resolution.
- (b) The Director of Public Works shall have the authority to impose any restrictions to traffic on street improvements not yet accepted by the City as he/she may deem necessary to protect the improvements from damage and to protect the safety of the public. Such restrictions shall include, but not be limited by enumeration to, weight restrictions, street closings, access restrictions, or the posting of temporary traffic control measures. All the costs associated with the installation and maintenance of street signs will be paid for by the City.

**Sec. 14-1-62 Erosion Control.**

- (a) 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.
- (b) The subdivider shall plant those grasses, trees, and vines, a species and size specified by the Common Council, necessary to prevent soil erosion and sedimentation. In addition:
  - (1) The Common Council may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures.
  - (2) Tree cutting and shrubbery clearing shall not exceed fifty percent (50%) of the lot or tract and shall be so conducted as to prevent erosion and sedimentation, preserve and improve scenic qualities, and during foliage, substantially screen any development from stream or lake users.
  - (3) Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Common Council, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.
  - (4) Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography.

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- (5) Review of the conduct of such cutting, clearing and moving may be required of the Polk County Zoning Department, the State District Fish and Game Managers, and the State District Forester by the City Engineer, Common Council, or Plan Commission as they deem appropriate.

*Cross-Reference:* Title 15, Chapter 2.

### **Sec. 14-1-63 Partition Fences.**

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

### **Sec. 14-1-64 Easements.**

- (a) **Utility Easements.** The Common Council, on the recommendation of appropriate departments, 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.** Drainage easements shall comply with the requirements of Section 14-1-74(f).
- (c) **Easement Locations.**
  - (1) Utility easements shall be at least twelve (12) feet wide, or wider where recommended by the City Engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Common Council and/or Plan Commission 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.
  - (2) All easements dedicated on final plat or certified survey maps for survey maps for poles, cables or conduits for electricity, telephone or other private utility lines shall

be noted thereon as "Utility Easement". All easements for storm and sanitary sewers, water and force mains, pedestrian walks and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.

- (d) **Deed Restrictions for Easements.** Deed restrictions shall accompany each final plat or certified survey map, and shall be filed in the Register of Deeds office. In addition to whatever else may be contained therein, such restrictions shall describe the location and width of utility and public easements which are being established; a description by reference to the final plat or certified survey map shall suffice. Such restrictions shall further recite that the utility companies and the public agencies using such easements are granted the right to place, and shall state that the elevation of such easements as graded by the subdivider may not be altered thereafter by him/her, or any subsequent landowner by more than six (6) inches.

### **Sec. 14-1-65 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 the service requirements for the entire service or drainage area in which the development is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service area involved.
- (b) **Extra-sized and Off-size Improvements.**
- (1) 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).
  - (2) Where improvements in excess of the size needed to serve just the proposed subdivision are required, the subdivider shall pay for the total cost of improvements he/she is required to install to serve his/her subdivision. The additional costs which result from the extra-size improvement shall be paid for by the City. Thus, when conditions within the whole drainage area will require an eighteen (18) inch sewer and a twelve (12) inch sewer will adequately serve the subdivision involved, the subdivider shall construct the eighteen (18) inch sewer. The City shall be responsible for the difference in such cost as determined by the City Engineer.
- (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 City Engineer's requirements. Equipment similar to existing City equipment shall be utilized whenever possible. The installation, inspection, supervision and engineering fees for lift stations and/or force mains shall be paid for by the subdivider unless otherwise determined and agreed upon by the Common Council. Gravity sanitary sewer service shall be employed whenever determined by the City Engineer to be feasibly accessible.

## **Sec. 14-1-66 Acceptance of Improvements and Dedications.**

- (a) **Acceptance of Improvements.** The dedication of any improvements, utilities, streets, parks, easements, rights-of-way or other lands or rights to the City or the public shall not be considered accepted by the City for public ownership until such time as the required public improvements within the intended dedication or necessary because of the intended dedication have been completed and accepted by the Common Council by adoption of a resolution accepting such dedication. The subdivider shall be responsible for and liable for the maintenance, safety and operation of all required public improvements until such time as the improvements are accepted by the Common Council by resolution. In the event the City must take measures to maintain, operate or make safe a public improvement existing or required as a result of the land division but which has not yet been accepted by the City, the costs of such measures shall hereby be determined to be City-incurred costs to be reimbursed to the City by the subdivider in accordance with the provisions of this Chapter.
- (b) **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 City Engineer, in writing, that the work is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements and shall file lien waivers or affidavits, in a form acceptable to the City Administrator 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 Administrator shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the area of acceptance and shall prepare a final billing for engineer, inspection and legal fees and submit it to the subdivider

for payment. The City Engineer shall conduct any necessary final inspections of the improvements and forward a report to the City Administrator recommending either approval or disapproval. When the engineering, inspection, taxes, special assessments and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, the report of the City Engineer, together with the recommendation of the City Administrator, shall be forwarded to the Common Council for approval and acceptance of the improvements and dedications.

**Sec. 14-1-67 Site Grading.**

The subdivider shall be required to grade the full land division in accordance with the requirements of Section 14-1-76. The entire cost of grading will be paid for by the City. All street project that will require grading must be requested for one (1) year in advance of the actual work to be done so the funds can be budgeted for.

**Sec. 14-1-68 through Sec. 14-1-69 Reserved for Future Use.**



## Article G: Design Standards

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### **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 of Amery 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 and Ordinances.**
  - (1) The arrangement, character, features, and layout of land divisions in the City of Amery shall be designed to comply with the standards of this Chapter, the Comprehensive Plan, the Official Map, and/or any comprehensive utility plans or other planning documents which may pertain to the standards of design for land divisions and which have been adopted by the Common Council. Where no such planning documents have been adopted, subdivisions shall be designed according to engineering and planning standards approved by the City Engineer and applied so as to properly relate the proposed development with adjacent development, the topography, natural features, public safety and convenience, and the most advantageous development of undeveloped adjacent lands. The absence of a street being shown on the official map, streets shall be provided in locations determined necessary by the City Engineer and to the right-of-way widths required in this Article for the classification of street required.
  - (2) The arrangement, character, extent, width, grade, and location of all streets shall conform to City master plans, the Official Map, and to this Chapter, and other City planning documents and shall be considered in their relation to: existing and planned streets, reasonable circulation of traffic, topographical conditions, run-off of storm water, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
  - (3) The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same or greater width of the existing streets in adjoining areas.
- (d) **Areas Not Covered by Official Map or Plan.** In areas not covered by an Official Map or 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) **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) **Streets Classifications.** Streets shall be required and classified by the City Engineer in accordance with the City's Comprehensive Plan and where not identified in said plan, in accordance with sound engineering standards, into the classifications indicated below:
  - (1) **Arterial Streets.** Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
  - (2) **Collector Streets.** Collector streets shall be arranged so as to provide ready collection of traffic from individual areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they connect.
  - (3) **Local/Minor Streets.** Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
  - (4) **Alleys.** Alleys shall be located at rear property lines, shall discourage through traffic, shall serve less than fifty (50) vehicles/day, shall be intended to provide access to off-street loading and service areas and not primary access to parcels.
- (g) **Reserve Strips.** Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the City under conditions approved by the Common Council.
- (h) **Alleys.**
  - (1) **Commercial and Industrial.** Alleys may be provided in commercial and industrial districts. The width of the right-of-way for residential alleys shall be not less than forty (40) feet and the width of the right-of-way for commercial and industrial alleys shall be not less than forty (40) feet. Alleys shall be constructed according to base and surfacing requirements for streets.
  - (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.
- (4) **Temporary Dead-End Streets.** Temporary dead-end streets shall not be over six hundred (600) feet in total length, shall provide for an eventual intersection spacing meeting the requirements of this Chapter and shall provide for temporary cul-de-sacs or turnarounds as approved by the City Engineer. Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by construction of a temporary "T" intersection thirty-three (33) feet in width and thirty-three (33) feet in length abutting the right-of-way lines of the access street on each side.
- (i) **Permanent Dead-End Streets; Cul-De-Sac Streets.** Permanent dead-end streets or cul-de-sacs shall not be longer than six hundred (600) feet in length. All urban cul-de-sac streets designed to have one end permanently closed shall terminate in a tear-drop turn-around having a minimum right-of-way radius of sixty (60) feet and a minimum outside curb radius of forty-eight (48) feet.
- (j) **Continuation.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. The use of cul-de-sacs shall be held to a minimum and permanently dead ended streets shall be prohibited. Provisions 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.
- (k) **Minor Streets.** Minor streets shall be so laid out so as to discourage their use by through traffic.
- (l) **Frontage Roads.** Where a land division abuts or contains an existing or proposed arterial highway, or railroad right-of-way, the subdivider shall provide a frontage road, platted access restriction along the property contiguous to such highway, or such other treatment as may be determined necessary by the City Engineer to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (m) **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.
- (n) **Visibility.** Streets shall afford maximum visibility and safety for motorist, bicycle, and pedestrian use and shall intersect at right angles, where practicable. A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least five hundred (500) feet on major thoroughfares, two hundred (200) feet on collector-distributor streets, and one hundred fifty (150) feet on all other streets.
- (o) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.

- (p) **Half Streets.** Half streets shall not be platted unless necessary to provide the full width of an existing street platted to half width. All newly platted streets shall be platted to the required full width. Where a half street exists adjacent to a proposed land division, the subdivider shall endeavor to acquire and dedicate the remaining half street.
- (q) **Intersections.**
- (1) **Angle of Intersect.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. The curved street shall intersect another street with not less than forty (40) feet of tangent right-of-way between the end of curvature and the right-of-way of the street being intersected.
  - (2) **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). Intersections of local streets shall be at least one hundred twenty-five (125) feet from each other.
  - (3) **Number of Intersections — Arterial Streets.** 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 two hundred (1,200) feet, unless otherwise determined by the City Engineer to provide better safety.
  - (4) **Local Street Spacing.** Local streets and frontage roads intersecting with other local streets shall be spaced no closer than three hundred (300) feet between centerline and spaced no closer than eight hundred (800) feet between centerline on collector streets, unless otherwise approved by the Plan Commission.
  - (5) **Property Lines at Street Intersections.** Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet, except that with all intersections with arterial and collector streets the radius shall be increased to twenty-five (25) feet or of a greater radius when required by the City Engineer.
  - (6) **Local Streets.** Local streets shall not necessarily continue across arterial or collector streets, but if the centerline of such local streets approach the major streets from opposite sides within one hundred fifty (150) 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 and a jog is avoided.
  - (7) **Additional Sight Easements.** At any intersection determined by the City Engineer, restricted development easements or additional street right-of-way shall be platted to provide for adequate sight distances in every direction of travel. At a minimum, the subdivider shall grade, clear or otherwise provide for an unobstructed sight triangle at all intersections incorporating the area within a triangle formed by the intersection of the street right-of-way lines and a point on each right-of-way line being not less than twenty-five (25) feet from the intersection point.
- (r) **Street Names.**
- (1) Duplication of existing street names by similar word, spelling, or sound shall not be permitted.

- (2) Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the street. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes.
  - (3) A street name shall be changed when required to conform to the proposed or existing house numbering base.
  - (4) A name which is assigned to a street which is not presently a through street, due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.
  - (5) The following designations shall be used only in the situations indicated:
    - a. "Boulevard." A street with a divided pavement, either existing or planned. If the divided pavement ends but the street continues, the same street name and suffix shall continue.
    - b. "Lane." To be limited to a street, one (1) block long, not ending in a cul-de-sac.
    - c. "Circle." To be limited to a cul-de-sac of nine (9) lots or more.
    - d. "Court." To be limited to a cul-de-sac of eight (8) lots or less.
    - e. "Parkway." To be limited to a street abutting a park or greenway or creek.
  - (6) The maximum number of street names at one (1) intersection shall be three (3).
  - (7) Street names shall be assigned to avoid intersections which have the same exact street names.
  - (8) The name of any projection of a street shall remain unchanged even if the projection terminates in a cul-de-sac.
  - (9) The changing of a street name that does not duplicate an existing street name shall only be approved where such change will eliminate conflicts with other provisions of this Subsection.
  - (10) Service roads and highways served by them shall have the same street name and designation.
  - (11) Approval of street names on a preliminary plat will not reserve the names nor shall the City be required to accept such names at the time of final platting.
  - (12) A minimum number of letters is desirable in a street name. The maximum number of letters, not including the prefix or suffix, shall not exceed twelve (12).
- (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 twenty (20) 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."

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- (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.
- (t) **Stream or Lake Shores.** Stream or lake shores shall have a minimum of sixty (60) feet of public access platted to the low water mark at intervals of not more than one-half (1/2) mile as required by Sec. 236.16(3), Wis. Stats.
- (u) **Street and Pedestrian Way Design Standards.** The minimum right-of-way and roadway width of all proposed streets shall be as specified by the comprehensive plan, comprehensive plan component, official map, neighborhood development study, or jurisdictional highway system plan, or if no width is specified therein, the minimum widths shall be as shown as follows. Street sections are for standard arterial streets only. Cross-sections for freeways, expressways and parkways should be based upon detailed engineering studies.
  - (1) **Street Cross Sections — Urban Streets.**

<b>Type of Street or Public Way</b>	<b>Minimum Right-of-Way to be Dedicated</b>	<b>Minimum Dimensions</b>
Arterial Streets (four-lane)	120 feet	*Dual 36-foot pavement (face of curb to face of curb) *24-foot median *7-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks

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Arterial Streets (two-lane)	80 feet	*48-foot pavement (face of curb to face of curb) *11-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks
Collector Streets	80 feet	*48-foot pavement (face of curb to face of curb) *11-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks
Minor Streets	66 feet	*36-foot pavement (face of curb to face of curb) *7-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks
Minimum Cul-de-Sac	60 foot radius	*48-foot radius pavement *7-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks
Cul-de-Sac Barrel	60 feet	*32-foot pavement (face to curb to face of curb) *9-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks

(2) **Street Cross Sections — Rural Streets (When Authorized by Council Due to Unique Circumstances).**

<b>Type of Street or Public Way</b>	<b>Minimum Right-of-Way to be Dedicated</b>	<b>Minimum Dimensions</b>
Arterial Streets (four-lane)	130 feet	*Dual 24-foot pavement *18-foot median *10-foot outside shoulders *6-foot inside shoulder *16-foot roadside ditches
Arterial Streets (two-lane)	100 feet	*24-foot pavement *10-foot shoulders *28-foot roadside ditches
Collector Streets	None	None
Minor Streets	66 feet	*22-foot pavement *6-foot shoulders *16-foot roadside ditches
Minimum Cul-de-Sac	66 foot radius	*45-foot radius pavement *5-foot shoulders *16-foot roadside ditches
Cul-de-Sac Barrel	66 feet	*22-foot pavement *6-foot shoulders *16-foot roadside ditches

(3) **Street Grades.**

- a. Arterial streets: Six percent (6%).
- b. Collector streets: Eight percent (8%).
- c. Minor streets, alleys, frontage streets: Twelve percent (12%).
- d. Pedestrian ways: Twelve percent (12%) unless steps or stairs of acceptable design are provided.
- e. The grade of any street shall in no case exceed twelve percent (12%) or be less than one-half of one percent (0.5%).

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

- a. Arterial street and highways: Five hundred (500) feet.
- b. Collector streets: Three hundred (300) feet.
- c. Minor Streets: One hundred fifty (150) feet.

Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for arterial streets, and one-half (1/2) this minimum for all other streets.

## **Sec. 14-1-71 Specifications for Preparation, Construction and Dedication of Streets and Roads.**

### **(a) General Requirements.**

- (1) **Construction Standards.** All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this Chapter, whichever is more restrictive. The design requirements of this Section and Section 14-1-70 shall be applicable to all streets and roads that are to be dedicated to the City, regardless of whether such streets or roads are part of a new subdivision or land division. Design requirements for the pavement shall be adequate for the zoning classification of the area served by the subject street. A street which divides areas with different zoning classifications shall be constructed in accordance with the requirements of the area requiring the higher quality pavement. Any variation of this must have prior approval of the City Engineer. Combination concrete curb and gutter is required on all streets. (Refer to the Section describing requirements for curbs and gutters.) A copy of all design assumptions and computations on which the proposed design is based shall be submitted to the City Engineer.
- (2) **Preliminary Consultation.** Prior to the design, preparation and construction of any roadway to be dedicated to the City of Amery, the applicant shall notify the City Engineer. An on-site meeting will then be arranged to be attended by the City Engineer and the applicant. Plans must be provided in order for the City Engineer to check the design and the drainage.
- (3) **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.
- (4) **Required Inspections.** Prior to the commencement of any street construction, the subdivider shall notify the City Engineer, at least three (3) workdays in advance, as

to the nature of the work being done. The City Engineer shall be contacted for required inspections during the following phases of construction:

- a. Subbase grading;
- b. Crushed aggregate base course;
- c. Concrete gutter, curb and sidewalks;
- d. Bituminous surface course; and
- e. Shouldering.

Any deficiencies found by the City Engineer shall be corrected before proceeding to the next phase of construction.

- (5) **Tests of Materials.** The City shall be provided with a sample of the roadway base material prior to placement on the roadway. The City shall also be provided with copies of test reports performed by an independent testing lab indicating test results for material gradation and soundness.
  - (6) **Pavement Samples.** Samples of bituminous concrete will be taken by the City during pavement construction operations for purposes of determining that the material meets specifications.
- (b) **Construction Standards.** All streets and highways constructed in the City or to be dedicated to the City shall fully comply with the following construction standards, and shall be adequate for the zoning classification or projected use of the area served by the street:
- (1) **General.** After completion of the underground utilities and approval thereof, the streets shall be constructed. Unless excepted, building permits shall not be issued prior to the installation of the street improvements and the approval of an individual lot grading plan that conforms to the guidelines of the master site grading plan, as determined by the City Engineer, or his/her designee.
  - (2) **Temporary Streets.** Construction of temporary streets shall require authorization of the Common Council.
  - (3) **Standard Street Improvements.**
    - a. Standard street improvements shall include street lights, crushed stone base course, concrete curb and gutter, bituminous binder and surface course and, when required, walkways.
    - b. The construction of standard street improvements can begin only when the construction of underground utilities has been completed and mechanical compaction test reports have been approved by the City Engineer.
    - c. Standard street improvements shall be installed to the boundary line of the subdivision unless the street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the City Engineer.
  - (4) **Roadway Base Standards.**
    - a. After the installation of temporary block corners monuments by the subdivider and establishment of street grades by the City Engineer, the City shall grade the

full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Common Council, upon the recommendation of the City Engineer. The roadbeds in the street rights-of-way shall be graded to subgrade.

- b. Cut and filled lands shall be graded to a maximum slope of one (1) on four (4) or the soils angle of repose, whichever is the lesser and covered with permanent vegetation.
- c. Residential streets shall have a minimum nine (9) inch thick, compacted in-place, crushed stone roadway base. Roadway base shall consist of four (4) inch minimum depth of compacted, crushed stone conforming to requirements of Gradation No. 2 of Section 304 - Crushed Aggregate Base Course of "State of Wisconsin, Standard Specifications For Road and Bridge Construction," latest edition, in top layer over five (5) inch minimum depth of compacted, crushed stone in bottom layer.
- d. On commercial, arterial or other heavy-use streets, as determined by the City Engineer, a ten (10) inch minimum depth base course shall be constructed upon an inspected and approved subgrade, with crushed rock approximately six (6) inches in depth conforming to the specifications in Subsection (b)(4)b above and overlaid with one (1) four (4) inch layer of crushed stone conforming to Gradation No. 2 as specified in Subsection (b)(4)b above.
- e. In the case of commercial, arterial or other heavy-use roads, the Common Council may, in the alternative to the above standards, have the City Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis for separate pavement design analysis.
- f. In any case, the Common Council shall have the sole discretion in determining the use and construction classification to be adhered to.
- g. 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. Compaction shall be to ninety-five percent (95%) modified Proctor ASTM D1557. Testing shall be conducted by nuclear density meter or as otherwise approved by the City Engineer.
- h. The subdivider shall furnish drawings which indicate the proposed grades of streets shown on the plat and, after approval of those grades by the City Engineer and adoption by the Common Council, the streets shall be graded to full width of the right-of-way of the proposed street to the subgrade elevations shown on the typical cross-section. The grading is to be completed prior to installation of utilities. All stumps and trees which cannot be saved, boulders and other similar items shall be removed by the subdivider.

- (5) **Roadway Subgrade 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.
- (6) **Roadway Sub-Base.** Stable and nonorganic sub-base material is required. Unstable and organic material must be subcut, removed and replaced with a suitable granular or breaker-run material approved by the City Engineer.
- (7) **Street Width; Pavement Thickness; Surfacing.**
  - a. After the installation of all utility and storm water drainage improvements, the City shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the comprehensive plan or the comprehensive plan components of the City.
  - b. All roadways shall be surfaced with a three and one-half (3-1/2) inch hot mix bituminous concrete pavement, made up of a two (2) inch binder course and a one and one-half (1-1/2) inch surface course, placed on an eight (8) inch thick gravel base. The bituminous pavement shall be constructed in stages.
  - c. Unless the subdivider elects to use the delayed surfacing option under Subsection (b)(7)d below, the binder course shall be placed initially upon completion of the utilities, and the surface course being placed at such time that seventy-five percent (75%) of the lots within the subdivision have been developed, but not sooner than one (1) year after the date the binder course was placed. All failures in the binder course shall be repaired and no bituminous surface shall be laid later than October 1 of any given year. Said surfacing shall be done in accordance with plans and standards specifications approved by the Common Council, upon the recommendations of the City Engineer.
  - d. The subdivider may, at his/her option, not surface the streets immediately but will be required to grade the full width the right-of-way of the street proposed to be dedicated. The subdivider shall grade the bed for the roadway, provide a satisfactory subgrade and surface the roadway with not less than six (6) inches of fresh gravel. The subdivider shall pave the streets within two (2) years of completion of the gravel surface with asphaltic concrete pavement unless the Common Council at its option would allow additional time for the street paving.
  - e. The entire cost of surfacing will be paid for by the subdivider.
- (8) **Roadway Culverts and Bridges.** Roadway culverts and bridges shall be constructed as directed by the City Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage," of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls. All culverts shall be designed to pass a ten (10) year, twenty-four (24) hour duration storm event.

- (9) **Driveways.**
- a. Curbs shall not be interrupted by openings for driveways or other accessways to private property unless the number and location of such interruptions have been approved by the City Engineer.
  - b. When allowed, curb openings for driveways within the public service area shall be no less than fourteen (14) feet nor more than twenty-four (24) feet in width unless the opening is intended to afford access to a commercially zoned parcel. The width of any driveway opening intended to afford access to commercial property shall not be more than thirty-five (35) feet, unless otherwise prescribed by the City Engineer.
  - c. Driveways outside of the public service area shall be no less than twelve (12) feet in width, shall have a culvert at the ditch line, and shall, in all other respects, comply with the requirements of any ordinance regulating driveways adopted by the pertinent adjacent town.
  - d. The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and they shall be provided with concrete or metal endwalls.
- (10) **Topsoil, Grass, Seed, Fertilizer and Mulch.** All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four (4) inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway with greater than a two percent (2%) slope shall be protected by erosion control materials such as hay bales, sod, erosion control mats, etc.
- (11) **Drainage Improvements.** All new roads and streets shall be provided with storm water retention areas and storm sewers in order to provide for proper drainage.
- (12) **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 width transitions, the ratio of the transition length to width shall not be less than forty to one (40:1) unless the City Engineer determines that special circumstances prevent use of such ratio, in which case the minimum transition ratio shall be twenty to one (20:1).
- (13) **Curb and Gutter.** Combination concrete curb and gutter is required on all streets. Refer to Section 14-1-54 describing requirements for curbs and gutters.
- (14) **Post-Construction Traffic Limited.** No vehicular traffic shall be permitted on the pavement for a minimum period of between twenty-four (24) and seventy-two (72) hours following paving, as determined necessary by the City Engineer to protect the new pavement.

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(15) **Rural Street Sections.**

- a. When permanent rural street sections have been approved by the Common Council, the City 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 Common Council, as recommended by the City Engineer and as set forth in this Chapter.
- b. The cost of rural street sections will be paid for by the City. Any work to be done must be requested the year before the work is to be completed for budgetary purposes.

**Sec. 14-1-72 Block Design Standards.**

(a) **Length; Arrangement.**

- (1) The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length (measured in the long dimension from street centerline to street centerline) shall not be less than six hundred (600) feet nor 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, unless otherwise dictated by exceptional topography or other limiting factors of good design.
- (2) 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. Cul-de-sacs may be used where the interblock spacing of adjacent streets exceeds the appropriate depth of two (2) tiers of lots.

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

(c) **Street Tree Planting Strip Easements.** Tree planting strip easements shall be provided for on both sides of all streets when the street terrace is insufficient. The minimum easement width shall be ten (10) feet and shall be adjacent to the front property line. Street trees shall be maintained by the adjacent property owner in accordance with City ordinances.

**Sec. 14-1-73 Lot Design Standards.**

(a) **Size.**

- (1) **Generally.** The size, shape and orientation of lots shall be appropriate for the location of topography of the land division, 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) **Zoning Requirement Compliance.** 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. Area and dimensions of all lots shall conform to the requirements of the City of Amery Zoning Code for the subdivisions within the City. Those building sites in the extraterritorial plat approval jurisdiction not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with Ch. COMM 83, Wis. Adm. Code. The width and area of lots located on soils suitable for the use of an on-site soil absorption sewage disposal system shall not be less than one hundred fifty (150) feet in width and forty thousand (40,000) square feet in area.
  - (3) **Depth.** Depth of lots shall be a minimum of one hundred twenty (120) feet. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
  - (4) **Lot Width.** Width of lots shall conform to the requirements of the City's Zoning Code, or other applicable ordinance, and in no case shall a lot be less than sixty (60) feet in width at the building setback line.
- (b) **Commercial or Industrial 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) **Minimum Lot Frontage.** All lots on curved streets and cul-de-sacs shall have a minimum of forty (40) feet of platted frontage on a public street to allow access by emergency and service motor vehicles unless part of a Planned Unit Development approved by the Common Council. In any case, minimum lot width at building setback line shall be in conformance with the requirements of the Zoning Code. Alley frontage (public or private) shall not constitute meeting this minimum frontage requirement.
  - (d) **Corner Lots.** Corner lots for residential use shall have an extra width of twenty (20) feet to permit full building setback 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 for a distance of at least forty (40) feet.
  - (f) **Side Lots.** Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines. Lot lines shall follow City boundary lines rather than cross them.
  - (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 dividing 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 dividing 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 City Engineer. Upon written request of the City Engineer; the Wisconsin Department of Transportation is hereby authorized to then determine building setback requirements equal to or less than those required above in all land divisions (including certified surveys) adjacent to state and federal highways in accordance with the authority granted in the Administrative Code. The required building setback line and additional lot depth shall be platted so as to accommodate such required building setbacks.
- (l) **Easement Allowance.** Lots containing pedestrian or drainage easements shall be platted to include additional width in allowance for the easement.
- (m) **Drainage Way and Watercourses.**
  - (1) **Lots Abutting Watercourse.** Lots abutting upon water course, drainage way, channel or stream shall have such additional depth or width as required by the City Engineer to obtain building sites that are not subject to flooding from a post development one hundred (100) year twenty-four (24) hour duration storm event.
  - (2) **Meander Lines.** Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.
- (n) **Greater Building and Setback Lines.** Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, or setting special yard requirements to protect natural resource elements.

## **Sec. 14-1-74 Drainage and Stormwater Management System.**

(a) **Purpose.**

- (1) The following provisions in this Section are established to preserve and provide properly located public sites and facilities for drainage and stormwater management as the community develops, and to insure that the costs of providing and developing such public sites are equitably apportioned on the basis of serving the need for the management of increased stormwater quantities resulting from land development.
- (2) The City shall install all storm sewers within the proposed subdivision. The entire cost of installation of storm sewers shall be paid for by the City.

(b) **Drainage System Required.**

- (1) As required by Section 14-1-58, a drainage system shall be designed and constructed to provide for the proper drainage of the surface water of the land division 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 or modified by the Common Council, upon the recommendations of the Plan Commission and City Engineer. Drainage systems shall be designed to accommodate a one hundred (100) year storm event.
- (2) Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- (3) The Plan Commission shall not recommend for approval any subdivision plat which does not provide adequate means for stormwater or floodwater runoff. Any stormwater drainage system will be separate and independent of any sanitary sewer system. Storm sewers, where necessary, shall be designed in accordance with all governmental regulations, and a copy of design computations for engineering capacities shall accompany plans submitted by the planning engineer for the final plat. When calculations indicate that curb capacities are exceeded at a point, or that storm water will extend more than ten (10) feet beyond the face of the curb, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.

(c) **Drainage System Plans.**

- (1) The subdivider shall submit to the City at the time of filing a Preliminary Plat a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made

- for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:
- a. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
  - b. Quantities of flow at each inlet or culvert.
  - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
- (2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
  - (3) The design criteria for storm drainage systems shall be based upon information provided by the City Engineer.
  - (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the City Engineer.
- (d) **Drainage System Requirements.** Storm drainage facilities as indicated on the plans required in Subsection (a) of this Section necessary to serve, and resulting from, the phase of the land division under development shall be installed as follows:
- (1) **Street Drainage.** All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the minor drainage system and shall be designed to carry street, adjacent land and building storm water drainage. Storm water shall not be permitted to be run into the sanitary sewer system within the proposed subdivision or to run across street intersections.
  - (2) **Off-Street Drainage.** The design of the off-street major drainage system shall include the entire watershed affecting the land division 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 pursuant to Subsection (e) of the City to provide for the future maintenance of said system.
- (e) **Protection of Drainage Systems.** The subdivider shall adequately protect all ditches to the satisfaction of the City Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to one percent [1%] shall be seeded; those with grades up to four percent [4%] shall be sodded and those with grades over four percent [4%] shall be paved or lined with rip-rap).
- (f) **Drainage Easements.** Where a land division is traversed by a watercourse, drainageway, channel or stream:
- (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
  - (2) The watercourse or drainageway 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 plus ten (10) feet.
- (g) **Dedication of Drainageways.** Whenever a parcel is to be subdivided or consolidated and embraces any part of a drainageway identified on a City Comprehensive Storm Water Management Plan, master plan and/or official map or any portion thereof, such part of said existing or proposed public drainageway shall be platted and dedicated by the subdivider as an easement or right-of-way in the location and at the size indicated along with all other streets and public ways in the land division. Whenever any parcel is to be subdivided or consolidated and is part of a drainage district established under the authority of Chapter 88, Wis. Stats., the subdivider shall petition the Circuit Court to transfer the jurisdiction of that portion of the drainage district being subdivided or consolidated to the City in accordance with Chapter 88.83, Wis. Stats.
- (h) **Dedication/Preservation of Storm Water Management Facilities.** The subdivider shall dedicate sufficient land area for the storage of storm water to meet the needs to be created by the proposed land development and in accordance with the standards for on-site detention and as determined by the City Engineer. Whenever a proposed storm water management facility (e.g., detention or retention basin) shown on the Comprehensive Storm Water Management Plan (if applicable), 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.
- (i) **Storm Drainage Facilities.**
- (1) The subdivider, at his/her cost, shall install all drainage facilities identified in the Erosion Control Plan or determined by the City Engineer other than storm sewers as being necessary for the management of all lands and roadways within the development. In addition, drainage capacity through the development from other areas shall be provided in accordance with a Comprehensive Surface Water Management Study, if applicable. All required storm drainage facilities shall be constructed and operational prior to acceptance of any dedications and/or public improvements served by the storm drainage facilities.
- (2) The subdivider shall submit to the City Engineer for his/her review and approval a report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the land division to handle the additional runoff which would be generated by the development of the land within the land division. Additional information shall be submitted to adequately

- indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed land division. The report shall also include:
- a. Estimates of the quantity of storm water entering the land division naturally from areas outside the land division.
  - b. Quantities of flow at each inlet or culvert.
  - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
- (3) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the land division.
  - (4) The design criteria for storm drainage systems shall be reviewed by the City Engineer and approved or modified.
  - (5) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, code, etc.) shall be in compliance with standards and specifications provided by City ordinance and/or the City Engineer.
- (j) **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 ten (10) year frequency rainfall event as determined using the Rational Method. 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 sixteen (16) 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 drainage easements, accumulations of water shall not inundate beyond the limits of the drainageway or drainage easement. Cross-street drainage channels (valley gutters) shall not be permitted.
- (k) **Major Drainage System.** Other than storm sewers installed by the City, 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, twenty-four (24) hour event as identified in the most current edition of Soils Conservation Service Technical Release 55 (TR 55) or Technical Release 20 (TR 20). 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.

(l) **Drainage Piping Systems.**

- (1) Unless otherwise approved by the City Engineer, all drainage piping of twelve (12) inches diameter and greater shall be constructed of reinforced concrete pipe class adequate for proposed street loading. Open drainage inlet pipes or culverts with any opening dimension in excess of eighteen (18) inches shall be equipped with debris grates having an exposed area at least seven (7) times the pipe opening area to avoid backwater accumulations from trash buildup and unsafe stream velocities and a maximum opening size of six (6) inches. Drainage piping outfalls with any opening dimension in excess of thirty-six (36) inches shall be protected from unauthorized entry by fencing, partial or total submergence of the outlet, debris grates or other methods approved by the City Engineer unless in such a location as to render routine maintenance operations impossible. Outfalls and their channels shall be protected from damages due to scour and erosion to the satisfaction of the City Engineer.
- (2) Agricultural drain tiles which are disturbed during construction shall be restored, reconnected or connected to public storm drainage facilities.

(m) **Open Channel Systems.**

- (1) Where open channels are utilized in either the minor or major drainage system, they shall be designed so as to minimize maintenance requirements and maximize safety. Drainage easements (in lieu of dedications) shall be utilized to accommodate open channels provided adequate access by the City for maintenance of drainage capacity. Side slopes shall not exceed a four-to-one (4:1) slope. Drainageways with grades of 0.75% or less, or where subject to high ground water, continuous flows, or other conditions as determined by the City Engineer that would hamper maintenance operations due to consistently wet conditions, shall have a paved concrete invert of not less than eight (8) feet wide and side slopes to a point one (1) foot above the channel invert.
- (2) In areas where invert paving is not required, the drainageway bottom shall be grass. If the drainageway has a bare soil bottom or the natural grasses in the drainageway are disturbed due to development operations, the drainageway bottom shall be sodded and securely staked to one (1) foot above the elevation of inundation resulting from a predevelopment ten (10) 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.

(n) **Standards for On-Site Detention Storage.** The subdivider shall 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 one hundred (100) 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 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 on both public and, if necessary, private properties without inundating any building at the ground elevation, the travel lanes of any arterial street, the center ten (10) feet of any collector street or the top of the curb on any local street.
- (6) Determination of on-site detention volumes shall be computed by procedures established by the United States Soil Conservation Service in the most current edition of its technical publication entitled "Urban Hydrology for Small Watersheds, TR-55," and as accepted and approved by the City Engineer.
- (7) The storage of storm water runoff shall not encroach on any public park (except parks designed with detention facilities) or any private lands outside the land division unless an easement providing for such storage has been approved and recorded for said lands.
- (8) All detention facilities shall be designed with the safety of the general public and any considerations for ease of maintenance as top 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 City Engineer.
- (11) The Common Council, upon recommendation by the City Engineer, 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 City Engineer, with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the Common Council, upon the recommendation of the City Engineer, with respect to the installation of public utilities, including water, sewer and storm water drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
- (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

## **Sec. 14-1-76 Grading.**

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

(a) **Master Site-Grading Plan.**

- (1) The entire cost of grading will be paid for by the City. All street projects that will require grading must be requested for one (1) year in advance of the actual work to be done so the funds can be budgeted for.

- (2) A master site-grading plan shall be prepared by the subdivider for all new subdivisions. This plan shall be prepared in accordance with the requirements and standards of the City.
  - (3) The master site-grading plan shall show existing and proposed elevations of all lot corners, control points and building locations. The plan shall also indicate all overland storm drainage in and adjacent to the subdivision. The cost of the preparation of such a plan shall be paid for by the subdivider.
  - (4) After approval or modification of these plans by the City Engineer, the full width of the right-of-way of the proposed streets within the subdivision and the entire subdivision lot area shall be graded in accordance with the master site-grade plan. The owners of the subdivision lots shall adhere to those plans.
  - (5) Upon completion of all street and subdivision grading, the grades shall be checked and inspected by the Building Inspector to determine that the completed grading work is in accordance with the master site-grading plan. All grades shall be within four-tenths (.4) of a foot of the elevations shown on the master site grading plan.
- (b) **Right-of-Way Grading.** 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.
- (c) **Block Grading.** Block grading shall be completed by one (1) or more of the following methods prior to the installation of utilities:
- (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.
- (d) **Miscellaneous Grading Requirements.**
- (1) Lot grading shall be completed so that water drains away from each building site toward public drainage facilities at a minimum grade of one percent (1%) and provisions shall be made to prevent drainage onto properties adjacent to the land division unless to a public drainage facility.
  - (2) Grading activities shall not result in slopes greater than three to one (3:1) on public lands or lands subject to public access.
  - (3) The topsoil stripped for grading shall not be removed from the site unless identified in the Erosion Control Plan approved by the City Engineer as not being necessary for erosion control or site landscaping purposes. Topsoil shall be uniformly returned to the lots when rough grading is finished. Topsoil piles shall be leveled and seeded for erosion control prior to the City releasing the one (1) year guarantee provision on public improvements in the streets adjacent to the lots on which the topsoil is stockpiled.

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

**Sec. 14-1-77 through Sec. 14-1-79      Reserved for Future Use.**



## Article H: Park and Public Land Dedications

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### **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 may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall be required to dedicate land or fees in lieu of land for park or other public uses.
- (b) **General Design.** In the design of a subdivision, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for parks, playgrounds, open spaces, drainage-ways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, or official map, such areas shall be made a part of the preliminary and final plats as stipulated in this Chapter. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, standards of fine trees, marshes, lakes, ponds, watercourses, watersheds and ravines.

### **Sec. 14-1-81 Public Parks and Sites for Other Public Areas.**

- (a) **Provision of Suitable Sites for Public Areas.** Each subdivider of land in the City of Amery shall, at the discretion and direction of the Common Council, upon the recommendation of the Plan Commission, either dedicate open space lands designated on the City's comprehensive plan or plan component, or reserve such open space lands and pay a public site fee or, where no open space lands and pay a public site fee or, where no open space lands are directly involved, pay a public site fee. The Common Council, upon the recommendation of the Plan Commission shall, at the time of reviewing the preliminary plat or certified survey map, select one (1) of the following options and record such selection in the minutes of the meeting at which the preliminary plat is presented for approval. Suitable sites for public areas, such as but not limited to, park recreational areas, parkways, public building areas or other public uses, but excluding schools, shall be provided in one (1) or more of the following manners:
  - (1) Dedication of eight percent (8%) of the total area of the subdivision.
  - (2) Transfer of ownership by deed to the City of the areas of land equivalent to the requirements of Subsection (a)(1) above.
  - (3) Where the dedication of land under Subsections (1) or (2) above would result in lands which would not be useful to the City, the Common Council may stipulate to the owner some other equitable means for making a dedication or, in lieu thereof, a cash

payment per dwelling unit as prescribed in Section 1-3-1 as each is sold or developed. Revenues received in such a manner shall be deposited in a special account and shall be used exclusively for public recreation in the City.

- (b) **Reservation of Greater Public Area.** In the event the suitable sites for public areas, as shown on the Official Map, lie within the area proposed for development and are greater in area than required by Subsection (a)(1) above, the owner shall reserve for acquisition by the City, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year.
- (c) **Determination of Dedicated Lands.** The Common Council shall determine which land shall be dedicated. Land dedicated for drainageways is not a credit towards park dedication requirements.
- (d) **Development of Dedicated Area.** It shall be the duty of the City to properly develop and maintain the dedicated areas and the owner who dedicated said land shall in no way be responsible for its development, maintenance or liability thereon, except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property and except if such owner shall reside on one of the subdivided parcels, in which case he/she shall be responsible for the maintenance of adjacent public property as may be required in other laws of the City.

### **Sec. 14-1-82 Development of Park Area.**

- (a) When parklands are dedicated to the City, the subdivider is required to:
  - (1) Properly grade and contour for proper drainage;
  - (2) Provide surface contour suitable for anticipated use of area as approved by the City Engineer; and
  - (3) Cover areas to be seeded with a minimum of six (6) inches of quality topsoil, seed as specified by the City, fertilized with 16-6-6 at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched, as specified in the standard "Specifications for Road and Bridge Construction Section 627 and 629. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one (1) year following issuance of the first building permit within that land division unless otherwise authorized by the Common Council. 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) It shall be the responsibility of the City to maintain the dedicated areas upon their dedication and acceptance by the City. The owner of said land shall be responsible for its

maintenance and liability thereon except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property.

- (c) 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.
- (d) The Common Council may require certification of compliance by City officials. The cost of such report shall be paid by the subdivider.
- (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.
- (f) The subdivider shall pay all costs of public improvements in the public streets adjacent to or within all public and/or park lands.
- (g) Development of park lands 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.

**Sec. 14-1-83 through Sec. 14-1-89      Reserved for Future Use.**



## Article I: Fees

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### **Sec. 14-1-90 Administrative and Other Fees.**

- (a) **General.** The subdivider shall pay the City of Amery all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map according to a developer agreement.
- (b) **Engineering Fees.** 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 pursuant to Section 14-1-52(d). The subdivider shall pay a fee equal to the actual cost to the City for such engineering work and inspection as the Common Council and/or City Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the City or any other governmental authority. Engineering work shall include the preparation of construction plans, review of preliminary plat, final plat, construction plans, standard specifications and inspection of construction.
- (c) **Inspection Fees.** The subdivider shall pay a fee to the City Treasurer equal to the actual cost to the City for such inspections as the City Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the City or any other governmental authority.
- (d) **Administrative Fees.** 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.
- (e) **Concept Plan.** There shall be no fee for the City's review of a concept or sketch plan of a proposed land division. However, such reviews shall be conducted only as staff time permits.
- (f) **Preliminary Plat.**
  - (1) A subdivider who submits a Preliminary Plat or condominium plat for the City Plan Commission and the Common Council shall file said Preliminary Plat with the City Treasurer and shall deposit with the City Treasurer a fee to cover the costs of reviewing said application. The fee for a Preliminary Plat or condominium plat shall be as prescribed in Section 1-3-1 per each lot. If the plat is rejected, no part of the fee shall be returned to the petitioner.
  - (2) A reapplication fee of as prescribed in Section 1-3-1 shall be paid to the City Treasurer at the time of reapplication for approval or amendment of any Preliminary Plat or condominium plat which has previously been reviewed.
- (g) **Final Plat Review Fee.**
  - (1) The subdivider shall pay a fee as prescribed in Section 1-3-1 for each dwelling unit within the Final Plat to the City Treasurer at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review.

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- (2) A reapplication fee as prescribed in Section 1-3-1 shall be paid to the City Treasurer at the time of a reapplication for approval or amendment of any Final Plat which has previously been reviewed.
- (h) **Certified Survey.**
  - (1) The subdivider shall pay an application fee as prescribed in Section 1-3-1 for each certified survey, plus Five Dollars (\$5.00) for each lot being created.
  - (2) Should the subdivider submit an amended or revised Certified Survey, the resubmittal fee shall be as prescribed in Section 1-3-1 for each amended or revised Certified Survey.
- (i) **Objecting Agency Review Fees.** The subdivider shall transmit all fees required for state agency review to the City Treasurer at the time of application. Said review fees shall be retransmitted to the proper state review agency by the City Treasurer. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Transportation, Wisconsin Department of Commerce and the Wisconsin Department of Natural Resources.
- (j) **Public Site Fee.** If the subdivision does not contain lands to be dedicated as required in this Chapter, the City 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.
- (k) **Assessments.** All outstanding special charges (including, without limitation, charges for engineering, legal fees, taxes, public works fees, etc.) due to the City shall be due prior to the signing of the Final Plat or Certified Survey by the City.

**Sec. 14-1-91 through Sec. 14-1-99      Reserved for Future Use.**

## Article J: Variances; Penalties and Violations

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### **Sec. 14-1-100 Variations and Exceptions.**

- (a) Where the subdivider alleges that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, he/she may request variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Chapter. When in the judgment of the Common Council it would be inappropriate to apply literally a provision of this Chapter because the subdivision is located outside the corporate limits of the City or because extraordinary hardship would result or because the City deems it to be in the public interest, it may waive or vary such provision so that substantial justice will be done and the public interest secured; provided the requirement of filing and recording the plat shall not be waived. Application for any such variance shall be made in writing by the subdivider to the City Administrator at the time when the Preliminary Plat or certified survey 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 City officials in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. The City Administrator may request that the City Engineer, City Attorney or other officials review each situation to insure that the request is consistent with the requirements and standards of this Chapter. The City Administrator shall refer the matter to the Plan Commission with any written recommendations from City staff. The Plan Commission shall make a determination and convey its decision in writing to the Common Council. The previous granting of variances or exceptions in the same or similar circumstances shall not of itself constitute grounds for the granting of a variance or exception, nor shall strictly financial rationale.
- (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) Failure to grant the variation may be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
  - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
  - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.

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- (4) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- (5) There would be no costs (present or future) to the City resulting from the granting of the variance or exception.
- (c) Any recommendations for variances or exceptions by the Plan Commission must be approved by a minimum of five (5) affirmative Plan Commission member votes and shall be so endorsed by the Secretary and transmitted to the Common Council. The Common Council, if it approves, shall do so by resolution adopted by three-fourths (3/4) vote and shall instruct the City Administrator to notify the Plan Commission and the subdivider.
- (d) Variances from the strict application of this Chapter may also be granted in accordance with this Chapter in the case of Planned Unit Developments provided the Common Council, upon review and recommendations from the Plan Commission, shall find that the proposed development is fully consistent with the purpose and intent of this Chapter, City Zoning Ordinances, and any City comprehensive plan.

**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. Each day a violation exists or continues shall constitute a separate offense.
  - (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
  - (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
  - (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
  - (5) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes may be ordered by the City at the expense of the subdivider when a subdivision is created by successive divisions.
- (c) **Revocation of Permits and/or Approvals.**
  - (1) The City Engineer, 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 City Engineer shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the subdivider or his/her contractor has refused to conform after written warning or instruction has been issued to him/her.
  - b. Whenever the continuance of any construction becomes dangerous to life or property.
  - c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.
  - d. Whenever, in the opinion of the City Engineer, 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 City Engineer, 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/her agent, if any, and/or on the person having charge of construction.
  - (3) A revocation placard shall also be posted upon the premises in question by the City Engineer, Director of Public 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 therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the City Engineer, 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/she 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 Administrator 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.

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- (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.

**Sec. 14-1-102 Restrictions for Public Benefit.**

Pursuant to Sec. 236.293, Wis. Stats., any restriction placed on platted lands by covenant, grant of easement, land division or consolidation approval, which was required by the City of Amery and which names a public body or public utility as grantee, promisee or beneficiary, vests in the public body or utility the right to enforce the restriction by law or in equity against anyone who has interest in the land subject to the restriction. The restriction may be released or waived by resolution of the Common Council.