



# **CITY OF FORT ATKINSON**

## **Subdivision Ordinance Chapter 70 of the City Code**

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## CHAPTER 70

### SUBDIVISION REGULATIONS

#### GENERAL SUBDIVISION PROVISIONS

##### SECTION:

**70.1: Short Title**

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**70.1: Short Title:**

This Chapter may be known, cited and referred to as the Fort Atkinson Subdivision Ordinance. (1)

**70.2: Purpose and Goals:**

A. Purpose. This Chapter is adopted for the following purposes:

1. To encourage well planned, efficient and attractive subdivisions, by establishing adequate and impartial standards for design and construction.
2. To provide for the health and safety of residents, by requiring properly designed streets and adequate sewer and water service.
3. To place the cost of improvements against those benefiting from their construction
4. To secure the rights of the public with respect to public lands and waters.
5. To set the minimum requirements necessary to protect the public health, safety, comfort, convenience and general welfare and ensure the long term sustainability of the development.

B. Goals. Subdivisions approved under this Ordinance shall be guided by the following:

1. Preserve and enhance Fort Atkinson's "small town" character (Comprehensive Plan).

2. Respect the existing scale, character and pattern of the City, recognizing existing neighborhoods and commercial areas (Comprehensive Plan).
3. Provide a balanced housing supply available for all people no matter their income, age, race or ethnicity (Comprehensive Plan).
4. Support a pedestrian environment at a human, not automotive scale (Comprehensive Plan).
5. Relate development/redevelopment to the natural characteristics of the land to enhance the development through the preservation of attractive natural amenities (i.e., lakes, wetlands, creeks, wooded areas, slopes, etc.) (Comprehensive Plan).

**70.3: Approvals Necessary for Acceptance of Subdivision Plats:**

Before any plat shall be recorded or be of any validity, it shall be referred to the City Planning Commission and approved by the City Council as having fulfilled the requirements of this Chapter.

- (1) For general State law provisions relating to the subdivision of land and the platting thereof, see WI Stats. Chapter

**70.4: Conditions for Recording:**

No plat of any subdivision shall be entitled to record in the Jefferson County Register of Deed's office or have any validity until the plat has been prepared, approved and acknowledged in the manner prescribed by this Chapter.

**70.5: Building Permits:**

No building permits shall be considered for issuance by the City for the construction of any building, structure or improvement to the land or to any lot in a subdivision as defined herein, until all requirements of this Chapter have been fully complied with. Building permit requirements are set forth in Chapter 70 of the City Code.

**70.6: Conflict:**

Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other official regulations, resolutions or City Code provisions, the most restrictive standards shall apply.

**70.7: Measured Distances:**

All measured distances expressed in feet shall be the nearest tenth of a foot.

**70.8: Definitions:**

Except for those words and phrases defined below, the words and phrases used in this Ordinance shall be interpreted to be given the meaning in common usage, so as to give this Ordinance its most reasonable application.

- A. Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.;
- B. Applicant: The owner, his agent or person having legal control and/or interest in the land proposed to be subdivided.
- C. Attorney: The attorney employed by the City, unless otherwise stated.
- D. Base Lot: A lot meeting all the specifications within its zoning district prior to being divided into a subdivision of single family attached units.
- E. Block: An area of land within a subdivision that is entirely bounded by streets, or by streets and the entire boundary or boundaries of the subdivision, or a combination of the above with a river, lake or other undevelopable land.
- F. Terrace: The portion of the street right-of-way between the curb line and the property line.
- G. Building: Any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.
- H. Butt Lot: A lot at the end of a block, located between two corner lots.
- I. City: The City of Fort Atkinson.
- J. Cluster Development: A subdivision development planned and constructed so as to group housing units into relatively tight patterns, while providing a unified network of open space and wooded areas, meeting the overall density regulation of this Chapter and the Zoning Ordinance.
- K. Comprehensive Plan: A comprehensive plan prepared by the City, including a compilation of policy statement goals, standards and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the City, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- L. Contour Map: A map on which irregularities of land surface are shown by lines connecting points of equal elevations. "Contour interval" shall mean the vertical height between contour lines.
- M. Copy: A print or reproduction made from a tracing.

- N. County: Jefferson County, Wisconsin
- O. Design Standards: The specifications to landowners or subdivision applicants for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.
- P. Development: The act of building structures and installing site improvements.
- Q. Double Frontage Lot: A lot which has a property line abutting on one street and an opposite property line abutting on another non-intersecting street.
- R. Drainage Course: A water course or indenture for the drainage of surface water.
- S. Easement: A grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining drives, utilities, including, but not limited to, wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.
- T. Engineer: The registered engineer employed by the City, unless otherwise stated.
- U. Flag Lot: An "L" shaped design utilizing a minimum frontage on a public street in order to facilitate back lot or rear property division and development.
- V. Final Plat: A drawing or map of a subdivision, meeting all of the requirements of the City and in such form as required by Jefferson County for the purpose of recording.
- W. Governing Body: The Fort Atkinson City Council.
- X. Key Map: A map drawn to comparatively small scale which definitively shows the area proposed to be platted in relation to known geographical features (e.g., town centers, lakes and roads).
- Y. Lot: A parcel or portion of land in a subdivision or plat of land separated from other parcels or portions by description, as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.
- Z. Lot, Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five degrees (135 degrees).
- AA. Lot Improvement: Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain proposed lot improvements shall be properly bonded for as provided in these regulations.

- BB. Metes and Bounds Description: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.
- CC. Natural Water Way: A natural passageway in the surface of the earth, so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also shall include all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.
- DD. Outlot: A lot remnant or parcel of land left over after platting, which is intended as open space or other future use, for which no building permit shall be issued.
- EE. Owner: An individual, association, syndicate, partnership, corporation, trust or any other legal entity holding an equitable or legal ownership interest in the land sought to be subdivided.
- FF. Parks and Playgrounds: Public land and open spaces in the City dedicated or reserved for recreation purposes.
- GG. Pedestrian Way: A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may be used for the installation of paths or trails.
- HH. Percentage of Grade: Along a center line of a street, the change in vertical elevation in feet and tenths of a foot for each one hundred feet (100') of horizontal distance, expressed as a percentage.
- II. Planning Commission: The Planning Commission of the City.
- JJ. Preliminary Plat: A drawing or map of a proposed subdivision meeting the requirements herein enumerated submitted to the Planning Commission and governing body for their consideration, in compliance with the Comprehensive Plan, along with required supporting data.
- KK. Private Street: A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public and is owned by one or more private parties.
- LL. Protective Covenants: Contracts entered into between all owners and holders of mortgage constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and providing mutual protection against undesirable aspects of development which would tend to impair the stability of property value and economic integrity of any given area.
- MM. Public Improvement: Any drainage ditch, roadway, parkway, street, sanitary sewer, storm sewer, water system, sidewalk, pedestrian way, tree, lawn,

off-street parking area, lot improvement or other facility for which the City may ultimately assume ownership, responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

- NN. Quadraminiums: Single structures which contain four (4) subdivided dwelling units all of which have individually separate entrances from the exterior of the structure.
- OO. Reserve Strips: A narrow strip of land placed between lot lines and streets to control access.
- PP. Right-of-way: The land covered by a public road, otherwise dedicated for public use, or land for certain private uses, such as land over which a power line passes.
- QQ. Setback: The distance between a building and the property line nearest thereto.
- RR. Street: A public right-of-way for vehicular traffic, whether designated as highway, thoroughfare, parkway, through-way, road, avenue, boulevard, lane, place, drive, court or otherwise designated.
- SS. Streets, Arterial: Those streets carrying larger volumes of traffic and serving as links between various subareas of the City. Arterial streets are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulation of direct access to property is critical.
- TT. Streets, Collector: Those streets which carry traffic from local streets to the major system of arterials and highways. Collector streets primarily provide principal access to residential neighborhoods, including, to a lesser degree direct land access.
- UU. Streets, Local: Those streets which are used primarily for access to abutting properties and for local traffic movement.
- VV. Streets, Marginal Access (Service Road): Those local streets which are parallel and adjacent to high volume arterial streets and highways; and which provide access to abutting properties and protection from through traffic.
- WW. Streets, Cul-De-Sac: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- XX. Street Width: The shortest distance between the lines delineating the right-of-way of a street.
- YY. Subdivision: The division of land into two (2) or more lots or parcels or combination of two (2) or more lots or parcels. This term includes resubdivision, lot combination and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided.



- ZZ. Surveyor: A land surveyor registered under Minnesota State laws.
- AAA. Tracing: A plat or map drawn on transparent paper, film, or cloth which can be reproduced by using regular reproduction procedure.
- BBB. Two-Family Dwelling: A dwelling designed exclusively for occupancy by two (2) families living independently of each other.
- CCC. Unit Lots: Lots created from the subdivision of single family attached dwellings having different minimum lot size requirements than the conventional base lot within the zoning district.
- DDD. Zoning Ordinance: The Zoning Ordinance or resolution controlling the use of land as adopted by the City.

**MINOR SUBDIVISION AND LOT COMBINATION**

SECTION:

- 70.9:                      Qualification**
- 70.10:                    Content and Data Requirements**
- 70.11:                    Design Standards**
- 70.12:                    Processing**

**70.9:                      Qualification:**

This Section shall apply to the following applications:

- A.     In the case of a request to divide a portion of a lot where the division is to permit the adding of a parcel of land to an abutting lot so that no additional lots are created and both new lots conform to Zoning Ordinance lot size minimum standards.
  
- B.     In the case of a request to combine two (2) existing platted lots.
  - 1.    Of which one or both lots are non-conforming due to insufficient lot size, width or depth; and
  - 2.    Which results in a single lot that is not greater in area than one hundred twenty-five (125) percent of the minimum lot size of the established zoning district.
  
- C.     In the case of a request to divide a lot from a larger tract of land thereby creating no more than two lots, each may not be greater in area than one hundred twenty-five (125) percent of the minimum lot size of the established zoning district. To qualify, the parcel of land shall not have been part of a minor subdivision within the last five (5) years.
  
- D.     In the case of a request to divide a base lot which is a part of a recorded plat upon which has been constructed a two-family dwelling, townhouse or quadraminium, where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this Ordinance, the Zoning Ordinance, or the State Building Code.

**70.10:                    Content and Data Requirements:**

- A.     Certificate of Survey. The requested minor division shall be prepared by a registered land surveyor in the form of a Certificate of Survey.
  
- B.     Property description and Submission Information. The data and supportive information detailing the proposed subdivision shall be the same as required for a preliminary plat as described in Section 70.14 of this Chapter. Exceptions, as stipulated in writing, may be granted by the City Manager.

**70.11: Design Standards:**

The minor subdivision shall conform to all design standards as specified in this Chapter. Any proposed deviation from said standards shall require the processing of a variance request.

**70.12: Processing:**

- A. If the land division involves property which has been previously platted, or the total property area included is greater than ten (10) acres, the City Manager shall have the authority to approve the subdivision, provided that it complies with applicable provisions of this Chapter.
- B. In the case of applications involving property not previously platted or less than ten (10) acres in total area, applicable processing provisions of Section 70.14, Preliminary Platting, shall be followed.
- C. The provisions of Section 70.14.E of this Ordinance are considered and satisfactorily met.

## **PROCEDURES FOR FILING AND REVIEW**

### **SECTION:**

**70.13: Sketch Plan**

**70.14: Preliminary Plat**

**70.15: Final Plat**

### **70.13: Sketch Plan:**

In order to insure that all applicants are informed of the procedural requirements and minimum standards of this Chapter and the requirements or limitations imposed by other City Code provisions or plans, prior to the development of a preliminary plat, all applicants shall present a sketch plan to the City Manager prior to filing a preliminary plat. The City Manager may refer said sketch plan to City Staff, the Planning Commission and/or the City Council for review or comments.

### **70.14: Preliminary Plat:**

#### **A. Filing:**

1. The applicant, or his surveyor, or his planner or another designated agent shall prepare and file a plat which is in conformity with the requirements of this Chapter. The applicant must demonstrate to the City ownership of the land in question or show the legal and written power to file a preliminary plat application for the land in question.
2. The applicant also shall complete an "Application for Consideration of Planning Request", and/or such other application form as may be required, and shall submit any additional information, plans or studies as are required by this Ordinance, and shall furnish the City Manager with four (4) copies of their plat and one (1) reduced copy of their plat no larger than eleven by seventeen (11 x 17) inches.
3. The applicant shall submit a list of property owners located within three hundred fifty (350) feet of the subject property. The records of the City Assessor shall be deemed sufficient for determining the location and ownership of all such properties.
4. The applicant shall submit any necessary applications for variances from the provisions of this Chapter, as set out in 70.60.
5. Prior to consideration of the proposed plat by the City, the applicant shall pay the required filing fee as established by City Council resolution.
6. The plat shall be considered as being officially submitted when all of the information requirements are complied with and the appropriate fees paid.

#### **B. Hearing: Upon receipt of the completed application as outlined in a. above, the City Manager shall set a public hearing for public review of the preliminary**

plat. The hearing shall be held after adequate time has been allowed for staff and advisory body review of the plat, but within forty-five(45) days of the completed filing of the application. The applicant and/or his representative(s) shall appear at the public hearing before the Planning Commission in order to answer questions concerning the proposal. Notice of the hearing shall consist of a legal property description, description of request and shall be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of the hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty (350) feet of the boundary of the property in question. Failure of any property owner to receive said notice shall not invalidate the public hearing.

- C. Technical Assistance Reports: The City Manager may instruct the appropriate staff to prepare technical reports and provide general assistance in preparing a recommendation on the action to the City Council. This may include the City Engineer, City Zoning Administrator and/or the City Attorney, among others.
- D. Review by Other Commissions or Jurisdictions: The City Manager shall refer copies of the preliminary plat to County, State or other public jurisdictions for their review and comment, where appropriate and when required. This may include the State Department of Natural Resources and the Public Service Commission.
- E. Planning Commission Criteria: The Planning Commission shall report its findings and make its recommendations to the City Council no later than thirty (30) days after the close of public hearing described in b. above. If the Planning Commission has not acted upon the preliminary plat within thirty (30) days following the close of the public hearing on such and in compliance with this Chapter, the council may act on the preliminary plat without the Planning Commission's recommendation. The Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors:
  - 1. The proposed subdivision or lot combination shall be consistent with the Fort Atkinson Comprehensive Plan.
  - 2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
  - 3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.
  - 4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
  - 5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.

6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria as required in the Fort Atkinson Zoning Ordinance.
10. The proposed lot layout and building pads shall conform with all performance standards contained herein.
11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

F. City Council Action:

1. The Council shall approve or disapprove the preliminary plat within one hundred twenty (120) days following delivery of an application completed in compliance with this Chapter unless an extension of the review period has been agreed to by the applicant.
2. If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the Council and shall be transmitted to the subdivider. If the preliminary plat is approved, such approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this Chapter to be indicated on the final plat. The City Council may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the preliminary plat or final plat as it deems necessary to protect the health, safety, comfort, general welfare, long term sustainability and convenience of the City.

3. The City Council reserves the right to decline approval of a subdivision or lot combination if it does not comply with all the criteria found in Section 70.14.e of this Ordinance.
4. Following City Council approval of a preliminary plat, the applicant must submit a final plat to the City Manager within one hundred (100) days of preliminary approval unless otherwise specified as part of a development agreement. If this procedure is not followed, then approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council.
5. Should the applicant desire to amend a preliminary plat as approved, he may submit an amended preliminary plat. The applicant shall follow the same procedure as a new preliminary plat. No public hearing or fee will be required unless the amendment, in the opinion of the City Council, is of such scope as to constitute a new preliminary plat.

**70.15: Final Plat.**

- A. Filing: After the preliminary plat has been approved, the final plat shall be submitted for review as set forth in the subsections which follow. The City may agree to review the preliminary and final plat simultaneously. The final plat shall incorporate all changes, modifications and revisions required by the City. Otherwise, it shall conform to the approved preliminary plat.
- B. Except as provided as specified as part of a Development Contract, the submission of a final plat application shall be no later than one hundred (100) days after the date of approval of the preliminary plat for distribution to the City Council and appropriate City staff. Seven (7) copies of the final plat and one (1) reduced copy no larger than eleven by seventeen (11 x 17) inches shall be submitted to the City Manager for City review.
- C. All final plats shall comply with the provisions of Minnesota State Statutes and requirements of this Chapter.
- D. An applicant shall submit with the final plat a current Abstract of Title or a Registered Property Certificate, along with any unrecorded documents, and an Opinion of Title.
- E. Review of a Final Plat:
  1. Upon receipt of a final plat, the City Manager shall refer one copy each to the City Council, appropriate City staff, the County Surveyor, and the Watershed District Board, if applicable, and to all applicable utility companies, and one copy, with Abstract of Title or Registered Property Certificate and Opinion Title, to the City Attorney.
  2. The City Council may refer the final plat to the Planning Commission for recommendation if they feel the proposed final plat is substantially different

from the approved preliminary plat. The Planning Commission shall submit a report thereon to the City Council within forty-five (45) days.

3. The City staff receiving final plat copies shall submit reports through the City Manager to the City Council within fifteen (15) days, expressing their recommendation on the final plat.
4. The County Surveyor shall review the final plat and notify the subdivider's surveyor or final plat preparer of corrections that are to be made to the final plat.
5. Prior to approval of a final plat, the applicant shall have executed an agreement with the City controlling the installation of all required improvements. Said agreement will require all improvements to comply with approved engineering standards and applicable regulations.
6. The City Council shall take action on final plat not more than sixty (60) days after the plat application is filed with the City Manager. If the final plat is not approved, the reasons for such action shall be recorded in the official proceedings of the city and shall be transmitted to the subdivider. The City Council's approval of the final plat shall be subject to its conformance with all the criteria found in Section 70.14.e of this Ordinance.
7. Upon receiving an approved final plat in conformance with the requirements of the County Surveyor, representatives of the City shall sign the plat and the applicant, as a condition of approval, shall record it with the County Registrar of Titles within one hundred twenty (120) days, or the approved final plat shall be considered void.
8. The applicant, immediately upon recording, shall furnish the City Manager with a reproducible copy of the recorded final plat, either chronoflex or its equivalent, and two (2) prints. Failure to furnish such copies shall be grounds for refusal to issue building permits for the lots within a plat.
9. Upon receiving approval of a final plat for a portion of an approved preliminary plat, a continuation of the recognition of the preliminary plat is not required to maintain its approval. In the event a Zoning Ordinance amendment is adopted which required a larger minimum lot size for land not yet platted and recorded, the larger minimum lot size may be required for any additional platting. If the applicant is unable to file a final plat application within the required one hundred (100) days, such person shall file a written request for an extension of the preliminary plat approval with the City Manager and receive City Council approval prior to the end of the one hundred (100) days. Said request shall specify and the City shall approve the length of time the preliminary plat shall remain in full force and effect.



## **PREMATURE SUBDIVISIONS**

### **SECTION:**

- 70.16: Qualification**  
**70.17: Condition Establishing Premature Subdivisions**  
**70.18: Burden of Establishing**

#### **70.16: Qualification:**

Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council.

#### **70.17: Condition Establishing Premature Subdivisions:**

A subdivision may be deemed premature should any of the conditions set forth in the following provisions exist:

- A. **Lack of Adequate Drainage:** A condition of inadequate drainage shall be deemed to exist if:
1. Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures.
  2. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
  3. The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downstream land.

Factors to be considered in making these determinations may include: average rainfall for the area; the relation of the land to flood plains; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.

- B. **Lack of Adequate Water Supply:** A proposed subdivision shall be deemed to lack an adequate water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.
- C. **Lack of Adequate Roads or Highways to Serve the Subdivision:** A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:
1. Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or

aggravate an already hazardous condition, and when, with due regard to the advice of Jefferson County and/or the Wisconsin Department of Transportation, said roads are inadequate for the intended use, or

2. The traffic volume generated by the proposed subdivision would create unreasonable highway congestion or unsafe conditions on highways existing at the time of the application or proposed for completion within the next two (2) years.
- D. Lack of Adequate Waste Disposal Systems: A proposed subdivision shall be deemed to lack adequate waste disposal systems if in subdivisions for which sewer lines are proposed, there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density indicated in the Fort Atkinson Comprehensive Plan, as may be amended.
  - E. Inconsistency with Comprehensive Plan: The proposed subdivision is inconsistent with the purposes, objectives and recommendations of the duly adopted Comprehensive Plan of Fort Atkinson, as may be amended.
  - F. Providing Public Improvements: If public improvements, such as recreational facilities, streets and utilities, reasonably necessitated by the subdivision, which must be provided at public expense, cannot be provided for within the next two (2) fiscal years.
  - G. The subdivision could adversely impact critical environmental areas or potentially disrupt or destroy historic areas which are designated or officially recognized by the City Council in violation of Federal and State historical preservation laws.

**70.18: Burden of Establishing:**

The burden shall be upon the applicant to show that the proposed subdivision is not premature.

## **PLAT AND DATA REQUIREMENTS**

### **SECTION:**

<b>70.19:</b>	<b>Sketch Plan</b>
<b>70.20:</b>	<b>Preliminary Plat</b>
<b>70.21:</b>	<b>Final Plat</b>
<b>70.22:</b>	<b>Certification Required</b>

### **70.19: Sketch Plan:**

Sketch plans shall contain, at a minimum, the following information:

- A. Plat boundary.
- B. North arrow.
- C. Scale.
- D. Street layout on and adjacent to plat.
- E. Designation of land use and current and proposed zoning.
- F. Significant topographical or physical features.
- G. General lot locations and layout.
- H. Preliminary evaluation by the applicant that the subdivision is not classified as premature based upon criteria established in 70.17 of this Chapter.

### **70.20: Preliminary Plat:**

The applicant shall prepare and submit a preliminary plat, together with any necessary supplementary information. The preliminary plat shall contain the information set forth in the subsections which follow:

- A. General Requirements:
  - 1. The proposed name of subdivision; names shall not duplicate or be alike in pronunciation to the name of any plat theretofore recorded in the County.
  - 2. Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.
  - 3. Name, address and phone number of the record owner, any agent having control of the land, the applicant, land surveyor, engineer and designer of the plan.
  - 4. Graphic scale not less than one (1) inch to one hundred (100) feet.
  - 5. North point and key map of the area, showing well-known geographical points for orientation within a one-half (1/2) mile radius.
  - 6. Date of preparation.

B. Existing Conditions:

1. Boundary line and total acreage of proposed plat clearly indicated.
2. Existing zoning classifications for land in and abutting the subdivision.
3. Approximate total acreage.
4. Location, right-of-way width and names of existing or platted streets or other public ways, parks and other public lands, permanent buildings and structures, easements and section, corporate and school district lines within the plan, to a distance one hundred (100) feet beyond the plat.
5. Location and size of existing sewers, water mains, culverts or other underground facilities within the preliminary plat area and to a distance of one hundred (100) feet beyond. Such data as grades and locations of catch basins, manholes, hydrants and street pavement width and type also shall be shown.
6. Boundary lines of adjoining unsubdivided or subdivided land, within one hundred (100) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
7. Topographic data, including contours at vertical intervals of not more than two (2) feet. Water courses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features also shall be shown. U.S.G.S. datum shall be used for all topographic mapping where feasible.
8. A statement certifying the environmental condition of the site including the presence of any hazardous substance as defined in Minnesota Statutes 115B.02, Subd. 8. Such statement may be required to be based upon an environmental audit of the site by an environmental engineering firm acceptable to the City.

C. Proposed Design Features:

1. Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross-sections, and proposed names of streets in conformance with City and County street identification policies. The name of any street heretofore used in the City or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.
2. Locations and widths of proposed pedestrian ways.
3. Locations and size of proposed sewer lines and water mains.
4. Gradients of proposed streets, sewer lines and water mains, as requested.

5. Location, dimension and purpose of all easements.
  6. Layout, numbers, lot areas and preliminary dimensions of lots and blocks.
  7. Minimum front and side street building setback line.
  8. When lots are located on a curve, the width of the lot at the building setback line.
  9. Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
  10. Water Supply. Water mains shall be provided to serve the subdivision by extension of the existing City water system. Service connections shall be stubbed to the property line and all necessary fire hydrants shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the standards of the City.
  11. Sewage Disposal. Sanitary sewer mains and service connections shall be installed in accordance with the standards of the City.
  12. Grading plan which shall include the proposed grading and drainage of the site. Also to be stipulated are the garage floor and basement elevations of all structures.
  13. Provisions for surface water ponding, drainage and flood control.
- D. The items listed in this section shall be in conformance with all other applicable sections of this Chapter.
- E. Supplementary Information: Any or all of the supplementary information requirements set forth in this subsection shall be submitted when deemed necessary by the City staff, consultants, advisory bodies and/or City Council.
1. Proposed protective covenants or private restrictions.
  2. A survey prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density and spacing. A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted may also be required.
  3. Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population. The City may require the applicant or developer to have formal traffic or other studies performed to the City's satisfaction which show the effect of the proposed development on

traffic, fire hazards and congestion.

4. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant.
5. Where the applicant owns property adjacent to that which is being proposed for the subdivision, it shall be required that the applicant submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivisions and land uses.
6. Where structures are to be placed on large or excessively deep lots which are subject to potential replat, the preliminary plat shall indicate a logical way in which the lots could possibly be resubdivided in the future.
7. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, design of sediment control measures, and landscaping of the erosion and sediment control system. Such plans are to be in accordance with the technical standards and BMP's of the Soil Conservation Service, as provided by the State of Wisconsin Department of Safety and Professional Services and the Department of Natural Resources.
8. When the City has agreed to install improvements in a development, the developer may be required to furnish a financial statement satisfactory to the City indicating the developer's ability to develop the plat.
9. An environmental assessment worksheet shall be submitted if the City, City consultants, Wisconsin Department of Natural Resources or other groups or agencies determine that one is required by law.
10. Statements and supporting documentation and plans for variances, conditional use permits or planned unit development approvals being sought for the subdivision.
11. Such other information as may be required by City staff.

**70.21: Final Plat:**

The owner or applicant shall submit a final plat together with any necessary supplementary information. The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of Wisconsin State Statutes<sup>1</sup> (1) and Jefferson County regulations, and such final plat shall contain the following information:

- A. Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing plat theretofore recorded in the County.
- B. Location by section, township, range, County and State, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions.
- C. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.
- D. Location of lots, outlots, streets, public highways, and parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.
- E. Lots shall be numbered clearly; blocks are to be numbered, with numbers shown clearly in the center of the block.
- F. The exact locations, widths and names of all streets to be dedicated.
- G. Location, purpose and width of all easements to be dedicated.
- H. Name and address of surveyor preparing the plat.
- I. Scale of plat (the scale to be shown graphically on a bar scale), date and north arrow.
- J. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility" easements.
- K. Statement dedicating all streets, and other public areas not previously dedicated as follows: Streets and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

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<sup>1</sup> See State law provisions WI Stats

**70.22: Certification Required:**

- A. Certification by registered surveyor in the form required by Section ??, Wisconsin Statutes, as amended.
- B. Execution of all owners of any interest in the land and holders of a mortgage thereon of the certificates required by Section ?? Wisconsin Statutes, as amended, and which certificate shall include a dedication of the utility easements and other public areas in such form as approved by the City Council.
- C. Space for certificates of approval and review to be filled in by the signatures of the City Manager in the form:

For Approval of the City:

This plat of (name of plat) was approved and accepted by the City Council of Fort Atkinson, Wisconsin, at a regular meeting thereof held this \_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

CITY COUNCIL OF FORT ATKINSON, WISCONSIN

By: \_\_\_\_\_ City Manager



## **DESIGN STANDARDS**

### **SECTION:**

<b>70.23</b>	<b>Conformity with the Comprehensive Plan and Zoning Ordinance</b>
<b>70.24</b>	<b>Land Requirements</b>
<b>70.25</b>	<b>Blocks</b>
<b>70.26</b>	<b>Lots</b>
<b>70.27</b>	<b>Streets and Alleys</b>
<b>70.28</b>	<b>Cul-De-Sac Streets</b>
<b>70.29</b>	<b>Street Design</b>
<b>70.30</b>	<b>Sidewalks</b>
<b>70.31</b>	<b>Public Utilities</b>
<b>70.32</b>	<b>Drainage</b>
<b>70.33</b>	<b>Easements</b>
<b>70.34</b>	<b>Street Names</b>
<b>70.35</b>	<b>Erosion and Sediment Control</b>
<b>70.36</b>	<b>Protected Areas</b>
<b>70.37</b>	<b>Park Land Dedication Requirements</b>
<b>70.38</b>	<b>Minimum Design Features</b>

#### **70.23: Conformity with the Comprehensive Plan and Zoning Ordinance:**

A proposed subdivision shall conform to the Comprehensive Plan and related policies adopted by the City and to the official Zoning Ordinance of the City.

#### **70.24: Land Requirements:**

- A. Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography or adverse soil or rock formation.
- B. Land subject to hazards to life, health or property shall not be subdivided until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.
- C. Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods, so that the City as a whole may develop efficiently and harmoniously.

#### **70.25: Blocks:**

- A. Block length and width or acreage within bounding streets shall be such as to accommodate the size of residential lots required in the area by the Zoning Ordinance and to provide for convenient access, circulation control and safety of street traffic.

- B. Block Length. In general, intersecting streets shall be provided at such intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions, other than those with lake frontage, should not exceed one thousand eight hundred (1,800') feet nor be less than six hundred (600') feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than nine hundred (900') feet, ten (10) foot-wide pedestrian rights-of-way and/or easements through the block may be required in locations deemed necessary for the public health, convenience and necessity. Suitable surfacing and fencing shall be provided in pedestrian ways.
- C. Block Width. The width of the block shall normally be sufficient to allow two (2) tiers of lots of minimum depth as required by the Zoning Ordinance except adjoining a lake, stream, railroad or arterial or where one tier or lot is necessary because of topographic conditions. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking, deliveries and loading. Such facilities shall be provided with safe and convenient limited access to the street system.

**70.26: Lots:**

- A. Area. The minimum lot area, width and depth shall not be less than that established by the City Zoning Ordinance in effect at the time of adoption of the final plat.
- B. Side Lot lines. Side lines of lots shall be at right angles to street lines, radial to curved street lines, or radial to lake or stream shores unless topographic conditions necessitate a different arrangement.
- C. Building Sites. Each lot shall provide an adequate building site at least one (1) foot above the street grade.
- D. Butt lots in any subdivision are to be discouraged. Where such lots must be used to fit a particular type of design, they shall be platted at least twenty (20) feet wider than the average width of interior lots in the block.
- E. Frontage. Every lot must have the minimum frontage on a City approved Public Street other than an alley, as required in the City Zoning Ordinance.
- F. Setback Lines. Setback or building lines shall be shown on all lots and shall not be less than the setback required by the City Zoning Ordinance, as may be amended.
- G. Watercourses. Lots abutting a watercourse, wetland, ponding area, drainage way, channel, or stream shall have additional depth and width, as required under the provisions of the City Zoning Ordinance to assure building sites that are not subject to flooding.

- H. Lots with river frontage shall be designed so that the lot lines extended shall maintain the closest approximation to riparian rights.
- I. Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- J. Lot Remnants. All remnants of lots below minimum size for the respective zoning district in which they are located must be added to abutting lots or lots immediately adjoining, separated only by a public right-of-way. In those cases where parcels are separated by a public right-of-way, the lot remnant shall be designated an outlot. Lot remnants may be allowed if a plan for future use is found acceptable by the City Council.
- K. Political Boundaries. No singular plat shall extend over a political boundary or school district line.
- L. Frontage on Two Streets. Double-frontage or lots with frontage on two (2) parallel or non-intersecting streets shall not be permitted except: where lots back on arterial streets or highways, or where topographic or other conditions render subdividing otherwise unreasonable. Such double-frontage lots shall have an additional depth of at least ten (10) feet in order to allow space for screen planting along the rear lot line.
- M. Turn-Around Access. Where proposed residential lots abut a collector street, they should be platted in such a manner as to encourage turn-around access and egress on each lot and discourage direct access onto such streets.
- N. Access to Arterial Streets. In the case where a proposed plat is adjacent to a limited access highway, other major highway, or other arterial street, there shall be no direct vehicular access from individual lots to such streets and roads. In the platting of small tracts of land fronting on limited access highways where there is no other alternative, a temporary entrance may be granted. As neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permits shall become void.
- O. Outlots. The creation of outlots is to be discouraged. In such cases where outlots are created or exist, their area shall not be utilized in calculating minimums for buildable lot area requirements. Said outlots are also prohibited from qualifying for building permits except for public uses and private recreational uses accessory to allowable uses within the respective zoning district and which are properties under common ownership. In those cases where outlots are located within the Shoreland Overlay District, they shall comply with the minimum Shoreland Overlay District requirements.
- P. Flag Lots. Flag Lots shall be prohibited unless a minimum lot frontage per zoning district standards is created. In addition, in those instances where future

subdivision of lots is feasible, a minimum public right-of-way pursuant to standards in the Ordinance shall be provided and dedicated to the City.

**70.27: Streets:**

- A. Proposed streets shall conform to State and County highway plans which have been prepared, adopted and/or filed as prescribed by law.
- B. Streets shall be logically related to the topography, so as to produce usable lots and reasonable grades.
- C. Access shall be given to all lots and portions of the tract in a subdivision and to adjacent unsubdivided parcels, unless the topography clearly indicates that such connection is not feasible. Reserved strips and land-locked areas shall not be created.
- D. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of existing streets in adjoining areas.
- E. Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. Temporary turn around facility may be required at the closed end, in conformance with cul-de sac requirements.
- F. Local streets shall be laid out to discourage their use by through traffic. The arrangement of arterial and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.
- G. Provisions for Resubdivision of Large Lots and Parcels. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
- H. Half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
- I. Wherever a tract to be subdivided adjoins an existing half or partial street, the part of the street within such tract shall be platted.
- J. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts with temporary cul-de-sacs, or when designed as cul-de-sac streets.
- K. Private streets and reserve strips, except in the case of planned unit

developments, shall be prohibited and no public improvements shall be approved for any private street. All streets shall be dedicated for public use. If any person applies to subdivide or replat any land or parcels adjoining an existing private street, the private street shall be required to be dedicated for public use and scheduled for improvement to public street standards at the time of final plat.

- L. Where a subdivision abuts or contains an existing or planned major arterial or a railroad right-of-way, a street approximately parallel to and on each side of such arterial and right-of-way may be required for adequate protection of residential properties and separation of through and local traffic. Such service streets shall be located at a distance from the major arterial or railroad right-of-way suitable for appropriate use of the intervening land, as for park purposes in residential districts, or for commercial and industrial purposes in appropriate districts. Such distances also shall be determined with due regard for the requirements of approach grades and future grade separations.
- M. The street design shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

**70.28: Cul-De-Sac Streets:**

- A. Cul-de-sac streets, permanently designed as such, shall not exceed six hundred (600) feet in length, including a terminal turn around which shall be provided at the closed end, with a right-of-way radius of not less than sixty (60) feet. The length shall be measured along the centerline from the nearest intersection to the center point of the cul-de-sac.
- B. Where a temporary cul-de-sac is required, the turnaround right-of-way shall be placed adjacent to a plat boundary line and a right-of-way of the same width as the street shall be carried to said property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround.

**70.29: Street Design:**

- A. Minimum right-of-way widths and pavement widths (face to face of curb) for each type of public street or road shall be as follows:

<u>Type of Street</u>	<u>Right-of-Way Width</u>	<u>Pavement Width</u>
Arterial	120 feet	44 feet, or as determined by traffic needs
Collector Street	80 feet	44 feet

Commercial or Industrial Service Street	80 feet	44 feet
Local Street	50 feet	26 feet
Marginal Access Street	50 feet	26 feet
Cul-de-sac	60 feet turnaround radius	48 feet turnaround radius

- B. Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the above standards.
- C. Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it.
- D. Restriction of Access. Access of local streets onto arterial and collector streets shall be discouraged at intervals of less than five hundred (500) feet.
- E. Street Jog. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.
- F. Deflection. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius of not less than one hundred (100) feet.
- G. Grades. Centerline gradients shall be at least 0.4 percent and shall not exceed the following:

<u>Classification</u>	<u>Gradient</u> <u>(In Percent)</u>
Arterial and Collector Streets	5
Local Streets and Marginal Access Streets	8

- H. Vertical Curves. Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be twenty (20) times the algebraic difference in the percent of grade of the two adjacent slopes.
- I. Angle of Intersection. The angle formed by intersecting streets shall not be less than sixty (60) degrees, with ninety (90) degree intersections preferred.
- J. Size of Intersection. Intersections of more than four (4) corners shall be prohibited.
- K. Corner Radii. Roadways of street intersections shall be rounded by a radius of not less than fifteen (15) feet. Corners at entrances to the turn-around portions of cul-de-sacs shall be rounded by a radius of not less than fifteen (15) feet.

- L. Curb and Gutter. Concrete curb and gutter shall be included as part of the required street surface improvement and shall be designed for installation along both sides of all roadways.

**70.30: Sidewalks:**

- A. Widths. In subdivisions or areas where sidewalks are deemed necessary by the City Council, the sidewalk widths shall conform to the following standards:

<u>Zoning District</u>	<u>Land Use</u>	<u>Sidewalk Width</u>
R-1, R-2,	Single and Two Family Residential	4 feet
R-3,	Multiple Family Residential and Public Buildings	6 feet
C-1, C-2, C-3, C-5	Commercial Areas	8 feet
M-1, M-2	Industrial Areas	6 feet

**70.31: Public Utilities:**

- A. Water Supply. Extensions of the public water supply system, when available, shall be designed so as to provide public water service to each lot.
- B. Sewage Disposal. Extension of the public sanitary sewer system, when available, shall be designed so as to provide public sewer service to each lot.

**70.32: Drainage:**

A complete and adequate drainage system design shall be required for the subdivision and may include a storm sewer system or system of open ditches, culverts, pipes, catch basins and ponding areas, or a combination thereof.

**70.33: Easements:**

- A. Provided for Utilities. Easements for drainage and utilities of at least ten (10) feet wide shall be provided on all lot lines. In the case of side or rear lot lines, these may be centered on the lot line.
- B. Provided for Drainage. Easements shall be provided along each side of the center line of any water course or drainage channel, whether or not shown on the Comprehensive Plan, to a sufficient width to provide proper maintenance and protection, to provide for storm water runoff and to provide for installation and maintenance of storm sewers.

- C. Continuous Utility Easement Locations. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council after a public hearing.
- D. Dedication. All easements shall be dedicated for the required use and shall be shown on the final plat.
- E. River Access Easements. The platting granting of private easements across private property or property lines for the purpose of providing private lakeshore access is prohibited.

**70.34: Street Names:**

Names of new streets shall not duplicate existing or platted street names, unless a new street is a continuation of or in alignment with the existing or platted street. In that event, it shall bear the same name of the existing or platted street. Street names shall conform to the City's Street Naming and Property Numbering System as applicable.

**70.35: Erosion and Sediment Control:**

- A. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- B. Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.
- C. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
- D. When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreement.
- E. Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. Top soil shall be restored or provided to a depth of four inches (4) and shall be of a quality at least equal to the soil quality prior to development.
- F. Natural vegetation shall be protected wherever possible.
- G. Runoff water shall be diverted to a sedimentation basin before being allowed to enter the natural drainage system. Stormwater runoff from the development site shall not, at any time, exceed the existing runoff level.



**70.36: Protected Areas:**

Where land proposed for subdivision is deemed environmentally sensitive by the City, due to the existence of wetlands, drainage ways, watercourses, floodable areas or steep slopes, the design of said subdivision shall clearly reflect all necessary measures of protection to ensure against adverse environmental impact. The City's Stormwater Management Plan shall be carefully referenced and adhered to when designing a subdivision.

Based upon the necessity to control and maintain certain sensitive areas, the City shall determine whether said protection will be accomplished through lot enlargement and redesign or dedication of those sensitive areas in the form of outlots.

In general, measures of protection shall include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the applicant shall be required to demonstrate that the proposed design will not require construction on slopes over eighteen (18) percent, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.

**70.37: Public Sites and Open Spaces (Parkland Dedication):**

- A. As a prerequisite to final plat approval, applicants for the subdivision of land shall dedicate land for parks, playgrounds, public open spaces or trails and/or shall make a cash contribution in lieu of as provided by this Section.
- B. Land to be dedicated shall be reasonably suitable for its intended use as determined by the City and shall be at a location convenient to the public to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location.
- C. The applicant shall consult with the Planning Commission, at the time his preliminary plat is under consideration, to secure their recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds or other public property. The preliminary plat shall show the location and dimensions of all areas to be dedicated in this manner. Such contribution requirement recommendations(s) will be sent to the City Council for their approval.
- D. When a proposed park, playground, recreational area, or other public ground has been indicated in the City's official map or Comprehensive Plan and is located in whole or in part within a proposed plat, it shall be designated as an outlot on the final plat and shall be dedicated to the appropriate governmental unit. If the applicant elects not to dedicate an area in excess of the land required hereunder for a proposed public site that the City feels is in the public interest to acquire, the City may consider acquiring the excess land through purchase or condemnation.
- E. Land area conveyed or dedicated to the City shall not be used in calculating

density requirements of the City Zoning Ordinance and shall be in addition to and not in lieu of open space requirements for planned unit developments.

- F. Where private open space for park and recreation purposes, is provided in a proposed subdivision, such areas may be used for credit, at the discretion of the City Council, against the requirement of dedication for park and recreation purposes, provided the City Council finds it is in the public interest to do so.
- G. The City, upon consideration of the particular type of development, may require larger or lesser parcels of land to be dedicated if the City determines that present or future residents would require greater or lesser land for park and playground purposes. In addition, the City Council may also require lots within the subdivision be held in escrow for future sale or development. The moneys derived from the sale of escrowed lots will be used to develop facilities or to purchase parkland in the future.
- H. In all new subdivisions, ten (10%) percent of the gross area subdivided, or a different percentage as the Council shall determine to be reasonably necessary as a result of the subdivision approval, shall be dedicated for public recreation space or other public use as established by City Council resolution. In all new commercial and industrial subdivisions, six percent (6%) of the gross area subdivided, or a different percentage as the Council shall determine to be reasonably necessary as a result of the subdivision approval, shall be dedicated for public and recreation space or other public use as established by City Council resolution. The dedicated percent of the gross area subdivided shall be in addition to property dedicated for streets, alleys, easements or other public ways. No areas may be dedicated for public use until such areas have been approved by the governing body as suitable and necessary for the health, safety, convenience and general welfare of the City.
- I. When a subdivision is too small for practical dedication of public land, or if no land in the subdivision is suitable for such use, the applicant may be required to pay an equivalent cash fee for all or part of the portion to be dedicated, based on the fair market value of the land on the day of final plat approval subject to the following:
  - 1. Each single-family lot is required to pay a minimum of two thousand five hundred dollars (\$2,500.00) or ten percent (10%) of the determined land value, whichever is greater.
  - 2. Each two-family lot is required to pay a minimum of two thousand five hundred dollars (\$2,500.00) per unit or ten percent (10%) of the determined land value, whichever is greater.
  - 3. All other residential construction is required to pay a minimum of two thousand five hundred dollars (\$2,500.00) per unit or ten percent (10%) of the determined land value, whichever is greater. The City Council may, at its discretion, grant a credit towards this fee if the proposed development provides, when completed, recreation facilities for its residents' use. Such facilities shall include, but are not limited to, swimming pools, tennis courts

and open spaces suitable for active pastimes. The amount of any such credit shall be based on recommendations of City staff.

4. Commercial and industrial land is required to pay six percent (6%) of the established fair market land value.
- J. The City may elect to receive a combination of cash, land and development of the land for park use. The fair market value of the land the City wants and the value of the development of land shall be calculated. That amount shall be subtracted from the cash contribution required by subsection 1 above.
- K. "Fair market value" shall be determined as of the time of the final plat approval in accordance with the following:
  1. The City and the applicant may agree as to the fair market value based upon a current appraisal.
  2. The market value of the property as determined by a recent selling price of the parcel(s) in question.
- L. Planned unit developments with mixed land uses shall make cash and/or land contributions in accordance with this Section based upon the percentage of land devoted to the various uses.
- M. Park cash contributions are to be calculated at the time of final plat approval. The Council may require the payment at the time of final plat approval or at a later time under terms agreed upon in the development agreement. Delayed payment may include interest at a rate set by the City.
- N. Park cash contributions shall be deposited in the City's Park and Recreation Development Fund and shall only be used for park acquisition or development.
- O. If an applicant is unable to make a commitment to the City as to the type of building that will be constructed on lots in the proposed plat, then the land and cash contribution requirement will be a reasonable amount as determined by the City Council.
- P. Wetlands, ponding areas and drainage ways accepted by the City may not be considered in the parkland and /or cash contribution to the City.
- Q. A cash contribution required by the City shall be made at the time of final plat approval by the City Council or as specified by the applicable development contract.
- R. Property being replatted with the same number of lots shall be exempt from all park land dedication requirements. If the number of lots is increased or if land outside the previously recorded plat is added, then the park land dedication and/or park cash contributions shall be based on the additional lots and on the additional land being added to the plat. If the additional land does not create additional lots,

then each one-third (1/3) acre added shall be considered a new lot for purposes of calculating the dedication requirements.

**70.38: Minimum Design Features:**

The design features set forth in this Chapter are minimum requirements. The City may impose additional or more stringent requirements concerning lot size, streets and overall design as deemed appropriate considering the property being subdivided based upon site considerations and the Fort Atkinson Comprehensive Plan.

## **CONSTRUCTION**

### **SECTION:**

<b>70.39</b>	<b>Streets</b>
<b>70.40</b>	<b>Sidewalks</b>
<b>70.41</b>	<b>Public Utilities</b>
<b>70.42</b>	<b>Sanitation</b>
<b>70.43</b>	<b>Water Supply</b>
<b>70.44</b>	<b>Drainage</b>
<b>70.45</b>	<b>Street Signs</b>
<b>70.46</b>	<b>Utilities Location</b>
<b>70.47</b>	<b>Street Lighting Requirements</b>
<b>70.48</b>	<b>Inspection</b>

### **70.39: Streets:**

- A. Street Grading. Streets shall be graded in accordance with a plan approved by the City Engineer. The grading shall include the entire width of the right-of-way and shall provide a boulevard section, in addition to the minimum pavement width.
- B. Street Pavement. The design of street pavement for all streets covered by this regulation shall be in accordance with the State of Wisconsin Department of Transportation Road Design Manual for flexible pavements. The designed thickness of the surfacing elements shall be in accordance with the flexible pavement design standard for road classifications as follows:

<u>Classification</u>	<u>Pavement Design:</u> <u>Axle Load</u>
Arterial, Collector Streets and Commercial or Industrial Service Streets	As determined by traffic needs
Local Streets	7 ton minimum

- C. Soil Tests. To determine subgrade soil classifications, soil samples shall be collected and analyzed by a reputable testing laboratory. Reports of the soil analysis shall be submitted to the City Engineer with the pavement plans. Soil samples shall be taken along the center line of the proposed road at intervals not exceeding three hundred (300) feet.
- D. Curb and Gutter. Concrete curb and gutter, in accordance with the following provisions, shall be constructed on both sides of all streets.
1. In single family residential districts, surmountable concrete curb and gutter of a City approved type and design shall be used.

2. In all other districts, concrete curb and gutter cross-sections shall be either WI D.O.T. Design
- E. Boulevards. All boulevards shall have four (4) inches of top soil (black dirt) placed on them and then shall be seeded or sodded.

**70.40: Sidewalks:**

- A. All required sidewalks shall be concrete, four (4) inches thick, placed on a four (4) inch gravel base.
- B. Sidewalks shall slope one-quarter (1/4) inch per foot away from the property line and the profile grade shall not exceed eight (8) percent. All grades shall be constructed as approved by the City Engineer.
- C. Sidewalks shall be placed in the public right-of-way.

**70.41: Public Utilities:**

- A. Water Main. A minimum water main of six (6) inch ductile iron pipe or other approved pipe shall be required. Mains over six (6) inches in size may be required, and the additional cost shall be allocated pursuant to established City Council policies.
- B. Sanitary Sewer. Unless otherwise required, a sanitary sewer of eight (8) inch pipe shall be installed as the minimum size, placed at grades approved by the City Engineer. Mains over eight (8) inches in size may be required, and the additional cost shall be allocated pursuant to established City Council policies. Service wyes shall be four (4) inches.
- C. House Services. Each house service shall be run from the main to the property line, where a cap or plug shall be placed until the service is extended to the structure. A one (1) inch Type K copper water service, or approved equal per WI Plumbing Code; corporation cock, curb box and stop; and four (4) inch extra heavy cast iron soil pipe, or approved equal, sewer service shall be the minimum requirements, and they may be placed in a common trench.
- D. Reproducible "as-built" drawings showing all utilities and improvements shall be furnished to the City by the applicant of all required improvements. Such "as-built" drawings shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements.

**70.42: Sanitation:**

Water and sewer lines shall be installed and connected to the public system to serve all lots within the proposed subdivision under the provisions of applicable statutes and ordinances. The City Council shall require the installation of water and sewer mains, at the applicant's expense or under the provisions of applicable statutes and ordinances.

**70.43: Water Supply:**

An individual well, if permitted by the City Council, shall be constructed in accordance with the Wisconsin State Well Code.

**70.44: Drainage:**

All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates on the developed property. All such systems shall provide complete removal and a permanent solution for the removal of drainage water.

**70.45: Street Signs:**

All street signs shall be provided and installed by the City, at the expense of the applicant.

**70.46: Utilities Location:**

When feasible, all utilities shall be placed underground. All underground work shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

**70.47: Street Lighting Requirements:**

The minimum requirement for street lighting facilities shall be one (1) two thousand five hundred (2,500) lumen light, or equal, at each street intersection within or abutting the subdivision. Light standards shall be approved by the City.

**70.48: Inspection:**

All required improvements shall be inspected by the City Engineer or City-approved consultant during construction, at the expense of the applicant.

## **REQUIRED IMPROVEMENTS AND FINANCIAL ARRANGEMENTS**

### **SECTION:**

<b>70.49</b>	<b>Improvements Required</b>
<b>70.50</b>	<b>Construction Plans</b>
<b>70.51</b>	<b>Payment for Installation of Improvements</b>
<b>70.52</b>	<b>Agreement Providing for the Installation of Improvements</b>
<b>70.53</b>	<b>Financial Guarantee</b>
<b>70.54</b>	<b>Improvements Completed Prior to Approval of the Final Plat</b>
<b>70.55</b>	<b>Truck Facilities</b>
<b>70.56</b>	<b>Alternate Installation</b>

### **70.49: Improvements Required:**

Prior to the approval of a plat by the City, the applicant shall have agreed, in the manner set forth below, to install the following improvements on the site, in conformity with approved construction plans and in conformity with all applicable standards and ordinances:

- A. Survey Monuments. All subdivision boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of State law. All U.S., State, County and other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position, unless a relocation is approved by the controlling agency. All lot corner pipes or iron rods shall be a minimum of one-half inch in diameter, eighteen (18) inches in length, and shall be inscribed with the registration number of the land surveyor making the survey as prescribed in Wisconsin Statutes, Chapter ??.
- B. Grading. The full width of the right-of-way of each street dedicated in the plat shall be graded as outlined in Section 70.39 (a) of this Ordinance.
- C. Pavement. All streets and alleys shall be improved with concrete or bituminous surface, except as may be approved by action of the City Council. Pavement standards are outlined in Section 70.39 (b) of this Ordinance.
- D. Curb and Gutter. There shall be concrete curb and gutter installed along both sides of all streets and alleys to the standards listed in Section 70.39 (d) of this Ordinance.
- E. Water Mains. In the case where mains from a public water system are available, the applicant shall be required to install water mains in the plat and connect the same to the public water system.
- F. Public Sanitary Sewer. In all cases where trunk line sanitary sewer facilities are available, the applicant shall be required to install sanitary sewers in the plat and connect the same to the trunk line sewers.



- G. Drainage Facilities. Such facilities and easements shall be installed as will adequately provide for the drainage of surface waters, and a storm sewer system may be required. Drainage way easements or land dedication may be required when such easements or land is needed in the public interest for purposes of flood plain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purpose.
- H. Miscellaneous Facilities. Tree planting, street name signs, traffic control signs, oversized utility trunk lines, pedestrian ways and other improvements may be required to be furnished and installed by the applicant.

**70.50: Construction Plans and Inspection:**

- A. Construction plans for the required improvements confirming in all respects with the standards and ordinances of the City shall be prepared at the applicant's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his certificate. Such plans together with the quantities of construction items shall be submitted to the City Engineer for his approval and for his estimate of the total costs of the required improvements. Upon approval, such plans shall become a part of the required contract. The tracings of the plans approved by the Engineer, plus two (2) prints, shall be furnished to the City to be filed as a public record.
- B. All required improvements on the site that are to be installed under the provisions of these regulations shall be inspected during the course of construction by the City Engineer at the applicants expense, and acceptance by the City shall be subject to the City Engineer's certificate of compliance with the contract.

**70.51: Payment for Installation of Improvements:**

The required improvements as listed elsewhere are to be furnished and installed at the sole expense of the applicant. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same. In such a situation the applicant will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.

**70.52: Agreement Providing for the Installation of Improvements:**

Prior to the installation of any required improvements by the applicant and prior to approval of the plat, the applicant shall enter into a contract in writing with the City requiring the applicant to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions. This shall include provision for supervision of details of construction by the City Engineer and shall grant to the City Engineer authority to coordinate the work and improvements to be done under said contract by any subcontractor authorized to proceed there under and with any other work being done or contracted by the City in the vicinity. The agreement shall require the applicant to make an escrow deposit or furnish an irrevocable letter of credit

or a certified check as is determined by the City Attorney, City Engineer and City Manager. The amount of the deposit or penal amount of the bond is to be equal to one hundred twenty-five (125%) percent of the Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. On request of the applicant, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event, and if evidence is presented that the described work and improvements have been paid for, the amount of the deposit or bond may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat. The time for completion of the work and the several parts thereof shall be determined by the City Council, upon recommendation of the Engineer after consultation with the applicant. It shall be reasonable with relation to the work to be done, the seasons of the year, and proper coordination with construction activities in the plat and subdivision.

No applicant shall be permitted to start work on any other subdivision without special approval of the City Council, if he has previously defaulted on work or commitments.

**70.53: Financial Guarantee:**

- A. The contract provided for in Section 70.52 shall require the applicant to make an escrow deposit or provide a certified check or irrevocable letter of credit as determined by the City Attorney, City Engineer and City Manager. The escrow deposit, certified check or irrevocable letter of credit shall conform to the requirements of this Section.
- B. Escrow Deposit, Certified Check. If an escrow deposit or certified check is required, the escrow deposit or certified check shall be made with the City Treasurer in a sum equal to one hundred twenty-five (125%) percent of the total cost, as estimated by the City Engineer, of all the improvements to be furnished and installed by the subdivider pursuant to the contract, which have not been completed prior to approval of the plat. The total costs shall include costs of inspection by the City. The City shall be entitled to reimburse itself out of said deposit or check for any cost and expense incurred by the City for completion of the work in case of default of the applicant under said contract, and for any damages sustained on account of any breach thereof. Upon completion of the work and termination of any liability, the balance remaining in said deposit or check shall be refunded to the applicant.
- C. Irrevocable Letter of Credit. If the applicant is required to furnish an Irrevocable Letter of Credit, the penal sum shall be equal to one hundred twenty-five (125%) percent of the total cost as estimated by the City Engineer of all the improvements to be furnished and installed by subdivider pursuant to the contract, which have not been completed prior to the approval of the plat. The total costs shall include costs of inspection by the City. The Irrevocable Letter of Credit shall be approved as to form by the City Attorney and filed with the City Manager.

**70.54: Improvements Completed Prior to Approval of the Final Plat:**

Improvements within a subdivision which have been completed prior to application for approval of the final plat, or execution of the contract for installation of the required

improvements, or execution of the contract for installation of the required improvements, shall be accepted as equivalent improvements in compliance with these requirements only if the City Engineer shall certify that he is satisfied that the existing improvements conform to applicable standards and if evidence of payment for the work that has been completed is presented in such form as the City reasonably requires.

**70.55: Trunk Facilities:**

Where a larger size water main, sanitary sewer, storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required shall be constructed. Additional costs shall be allocated pursuant to established City policies.

**70.56: Alternate Installation:**

The City Council may elect to install any or all of the required improvements pursuant to a cash escrow agreement or other financial arrangements with the applicant.

**ADMINISTRATION AND ENFORCEMENT**

**SECTION:**

- 70.57**            **Registered Land Surveys**
- 70.58**            **Metes and Bounds**
- 70.59**            **Unapproved Subdivisions**
- 70.60**            **Variances, City Council Approval, Standards**
- 70.60a**           **Findings**
- 70.60b**           **Procedures**
- 70.61**            **Building Permits**
- 70.62**            **Violations and Penalty**
- 70.62a**           **Sale of Lots from Unrecorded Plats**
- 70.62b**           **Receiving or Recording Unapproved Plats**
- 70.62c**           **Misrepresentations**
- 70.62d**           **Penalty**

**70.57:            Registered Land Surveys:**

All registered land surveys shall be filed subject to the same procedure as required for the filing of a preliminary plat for platting purposes. The standards and requirements set forth in these regulations shall apply to all registered land surveys. Unless the City Council approves, a registered land survey shall not be used to divide a parcel of land into lots for the purpose of transfer of ownership or building development, if any of the tracts do not have the required frontage on a dedicated public street.

**70.58:            Metes and Bounds:**

- A.    Conveyances by metes and bounds shall be prohibited where any lot or lots involved are less than five (5) acres in area or have a width of less than three hundred (300) feet at the building setback line.
- B.    No building permit shall be issued for any structure on any parcel of land less than five (5) acres in area or having a width of less than three hundred (300) feet on an improved public street, at a building setback line which is described by metes and bounds until a plat describing such parcel of land is filed with the Jefferson County Register of Deed's Office and proof thereof is furnished to the local City Manager.
- C.    When a conveyance by metes and bounds is made and the parcels involved are between five (5) acres and twenty (20) acres in size, a survey of the parcels involved shall be submitted to the City Manager before any building permits will be issued for those parcels, and a copy of the survey should be attached to the deed when it is submitted to the Jefferson County Reregister of Deed's Office for recording.

**70.59: Unapproved Subdivisions:**

- A.    No conveyance of land to which these regulations are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961, or

to an unapproved plat. The foregoing provision does not apply to a conveyance if the land described:

1. Was a separate parcel of record May 1, 1959.
2. Was the subject of a written agreement to convey entered into prior to such time.
3. Was a separate parcel of not less than two and one-half (2 1/2) acres in area and one hundred fifty (150) feet in width on January 1, 1966.
4. Was a separate parcel of not less than five (5) acres in area and three hundred (300) feet in width on July 1, 1980.
5. Is a single parcel of commercial or industrial land of not less than five (5) acres and has a width of not less than three (300) feet, and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than five (5) acres in area or three hundred (300) feet in width.
6. Is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of not less than five hundred (500) feet, and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than twenty (20) acres in area of five hundred (500) feet in width.

**70.60: Variances, City Council Approval, Standards:**

- A. Findings. The City Council may approve a variance from the minimum standards of this Chapter (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable for the public interest. In making its approval, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the City Council finds:
  1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his or her land.
  2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
  3. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.

4. Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.
5. That the hardship is not a result of an action or actions by the owner, applicant, developer or any agent thereof.

B. Procedures.

1. Requests for a variance or appeal shall be filed with the City Manager on an official application form. Such application shall be accompanied by a fee as established by City Council resolution. Such application shall also be accompanied by four (4) copies of detailed written and graphic materials including one plan no larger than eleven by seventeen (11 x 17) inches necessary for the explanation of the request.
2. Upon receiving said application, the City Manager shall refer the application, along with all related information, to the City Planning Commission for a report and recommendation to the City Council as outlined in Section 70.14.
3. The Planning Commission shall consider the variance at its next regular meeting unless the filing date falls within fifteen (15) days of said meeting, in which case the request would be placed on the agenda and considered at the regular meeting following the next regular meeting. The City Manager shall refer said application, along with all related information, to the City Planning Commission for consideration and a report and recommendation to the City Council.
4. The variance application shall be referred to the City staff for a report and recommendation to be presented to the Planning Commission.
5. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning the variance or to retain expert testimony at the expense of the applicant concerning said variance where said information is declared necessary to ensure preservation of health, safety and general welfare of the City.
6. The City Manager shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper at least ten (10) days prior to said hearing, and individual notices shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property within three hundred fifty (350) feet of the parcel included in the request.
7. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.

8. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed variance request.
9. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Chapter.
10. The City Council shall not grant a variance until they have received a report and recommendation from the Planning Commission and the City staff or until thirty (30) days after the first regular Planning Commission meeting at which the request was considered.
11. Upon receiving the report and recommendation of the Planning Commission and City staff, the City Council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
12. Upon receiving the report and recommendation of the Planning Commission and City staff, the City Council shall make a recorded finding of fact and impose any condition it considers necessary to protect the public health, safety and welfare of the City.
13. The City Council shall decide whether to approve or deny a request for a variance or an appeal within thirty (30) days after the public hearing on said request.
14. A variance of this Chapter or grant of an appeal shall be by a four-fifths (4/5) vote of the full City Council.

**70.61: Building Permits:**

No building permit shall be issued for any construction, enlargement, alteration, repair, demolition or moving of any building or structure on any lot or parcel until all the requirements of these regulations have been fully met.

**70.62: Violations and Penalty:**

- A. Sale of Lots from Unrecorded Plats. It shall be a misdemeanor to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision or area located within the jurisdiction of this Chapter unless said plan, plat or replat shall have first been recorded in the office of the Register of Deeds of Jefferson County.
- B. Receiving or Recording Unapproved Plats. It shall be unlawful for a private individual to receive or record in any public office any plans, plats of land laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Chapter,

unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.

- C. Misrepresentations. It shall be a misdemeanor for any person owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys or avenues of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the City, when such improvements have not been so constructed, supervised or inspected.
- D. Penalty. Anyone violating any of the provisions of this Chapter shall be guilty of a misdemeanor. Each month during which compliance is delayed shall constitute a separate offense.