



SUBDIVISION  
CODE  
CITY OF  
FORT ATKINSON

Adopted September 7, 1993

Section 26.09 (D) (8) Storm Sewer Systems amended by Council on 09-03-96.

Section 26.08(B) (1) (a), (b) and (c) Land Dedications amended by Council on 10-07-97.

Section 26.09(D) (6), Sidewalks, (c) Deed Restrictions Where Sidewalks Not Constructed, amended by Council on 10-07-97.

Section 26.08 (D) (3), Lots, General Consideration amended by Council on 03-17-98.

THIS CODE WAS PREPARED DURING 1993 BY THE CITY OF FORT ATKINSON PLAN COMMISSION WITH TECHNICAL ASSISTANCE FROM CITY STAFF AND RUST ENVIRONMENTAL & INFRASTRUCTURE.

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Subdivision Code

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SUBDIVISION CODE  
CITY OF FORT ATKINSON, WISCONSIN

26.01        **PURPOSE:**

This Code regulates the subdividing of lands and the installation of public improvements within the corporate area for the City of Fort Atkinson, Jefferson County, Wisconsin.

The purpose of this Code is to promote the public health, safety, convenience and general welfare. These regulations are intended to lessen congestion in the streets; to foster the orderly layout and use of the land; to insure safety from fire, panic and other dangers; to provide optimum light and air; to discourage overcrowding of the land; to lessen concentration of population; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds, and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. These regulations are made with reasonable consideration, but not limited to, the present character of the city and its environs, with the objective of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, and providing for the most appropriate use of land in the City.

26.02        **AUTHORITY:**

This Code is adopted pursuant to Section 236.45, Wisconsin Statutes, which permits the adoption of regulations more restrictive than those contained in the State Platting Statute.

26.03        **DEFINITIONS:**

(A)    Butt lot: Is a lot the rear lot line of which abuts the side lot line of another lot or lots in the same block but not separated by an open space.

(B) Certified Survey Map: Is a map intending to create not more than four parcels of land as provided in Section 236.34, Wis. Stats. Certified Survey Maps shall, in addition to the provisions of Sec. 236.34, bear a certificate of the Common Council, certified by the City Clerk.

(C) Division of Land: Means any splitting up of a recorded tract of land, except as provided in Sec. 26.04(D) of this Ordinance.

(D) Final Plat: Is a map of a subdivision with all necessary text, certificates and affidavits to qualify it for recording in the office of the Register of Deeds.

(E) Lot Width: Is the width of a lot measured at setback line.

(F) Owner: Includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation or combination of these.

(G) Plan Commission: Is the City Plan Commission established in conformity with Sec. 62.23, Wis. Stats.

(H) Preliminary Plat: Is a map or sketch of a proposed subdivision or division of land.

(I) Street: Is a public thoroughfare providing primary access to abutting property.

(1) Major Street: Is one designed for fast or dense and heavy traffic.

(2) Collector Street: Is one which carries traffic from minor streets to the system or major streets, including the principal entrance streets of a residential development and provides for circulation with such development.

(3) Minor Street: Is one which is used primarily for access to abutting properties.

(4) Frontage street: Is one which is parallel to and adjacent to major streets, and which provides access to abutting properties and protection from traffic on the major street.

(5) Alley: Is a public thoroughfare which provides secondary access to abutting properties.

(6) Pedestrian Pathway: Is a public thoroughfare, usually running at right angles to streets, which is intended for

the convenience of pedestrian only; it may also provide public right-of-way utilities.

(7) Easement: Is the area of land set aside or over or through which a liberty, privilege or advantage in land distinct from ownership of the land, is granted to the public or some particular person or part of the public.

(J) Subdivision: Is as defined in Sec. 236.02(8), Wis. Stats.

(K) Tentative Approval: Is an approval with or without recommended alterations given to the preliminary plat by the Plan Commission. It shall constitute the necessary authority to proceed with the preparation and presentation of the final plat or certified survey map for the consideration of the Common Council.

26.04            **JURISDICTION AND APPROVAL:**

(A) No land within the corporate limits of the City or within the extra territorial plat approval jurisdiction shall, after the adoption of this Code, be divided by a subdivision plat or certified survey map, nor may such document be entitled to be recorded in the Office of the Register of Deeds, nor may any street be laid out, nor may any improvements be made to the land, until the provisions of this Code and Chapter 236, Wis. Stats., are met and the plat or certified survey map and the plan or plans of the subdivision shall have been approved by the Plan Commission and the Common Council and certified thereto by the City Clerk.

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

(C) No building permit shall be issued by the City authorizing the building on or improvement of any parcel of land not on record as of the effective date of this Code until the provisions and requirements of this Code have been met.

(D) The provision of this Code shall not apply to:

(1) Transfer of interest in land by Will or pursuant to Court order.

(2) Leases for a term not exceeding ten years, mortgages or easements.

- (3) The sale or exchange of parcels of land between owners of adjoining property, if additional lots are not thereby created and if the resulting lots are not reduced below the minimum sizes required by Chapter 236, Wis. Stats., or any other Ordinance of the City.

26.05      **PROCEDURE**

Any owner of land or his agent who wishes to divide such land shall comply with the general principles of design and minimum layout requirements as set forth in Sec. 26.08 and the procedure shall in every case be as follows:

(A) Pre-Application Conference: The owner of land located within the corporate limits of the City (or his agent) shall first submit to the Plan Commission or City staff, such information as may be required by the Plan Commission to describe or outline the existing conditions of the site and the proposed development thereof.

(B) Preliminary Plat or Certified Survey Map:

- (1) Before submitting the final plat or certified survey map for approval, the owner shall prepare a preliminary plat or map which shall conform to the provisions set forth in the Sec. 26.08 and 26.09 of this Code, and shall file with the City Clerk, a dated letter requesting approval of said plat or map, accompanied by such copies as shall be required by the City to comply with Chapter 236, Wis. Stats.
- (2) The preliminary plat or map shall be checked and reviewed as to its conformity to the Official Map and the principal standards and requirements set forth in this Code, and copies of plats shall be submitted for review and recommendations to the State agencies and departments required to review the plat.
- (3) After review of the preliminary plat or map and conferences with the owner on any changes deemed advisable and the kind and extent of public improvements which will be required, the Plan Commission shall, within 30 days of

submission, approve, conditionally approve or reject the plat or map.

- (4) If the Plan Commission rejects the plat or map, it shall return it to the owner. If it approves or conditionally approves the plat or map, it shall so notify the Common Council.
- (5) If the Plan Commission approves the preliminary plat, the City Council shall, within 30 days of the date the plat was filed with the City Clerk, approve conditionally or reject such plat and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement by the subdivider. Failure of the City Council to act within 30 days or extension thereof shall constitute an approval of the preliminary plat. The Clerk shall communicate to the owner, the action of the Council. If the plat or map is approved, the Clerk shall endorse it for the Council.
- (6) Upon filing the preliminary plat or map with the City, the owner shall pay a fee to the City Clerk as specified in the fee schedule incorporated in this Code as Section 26.12.

(C) Public Improvements, Plans and Specifications: Simultaneously with the filing of the preliminary plat or map, the owner shall file with the City Clerk, five complete sets of preliminary plans and specifications for the construction of any public improvements required by Sec. 26.09 of this Code, unless special arrangements are made with the City Council to have the public improvements made by the City under special assessment procedures.

(D) Final Plat or Certified Survey Map:

- (1) Simultaneously with the filing of the final plat or survey map, the owner shall file with the City Clerk, four copies of the final plans and specifications for public improvements required by Sec. 26.09 of this Code. If the plat has not been certified by the State agencies in accordance with Sec. 236.12, Wis. Stats., then copies as required by Sec. 236.12(2), Wis. Stats., shall also be

provided. Upon filing the final plat or map with the City, the owner shall pay the required fees to the City Clerk as specified in the fee schedule incorporated in this code.

- (2) The City Clerk shall forward the plat or map and plans and specifications of public improvements to the Plan Commission. Copies of the plat shall be forwarded to the State agencies for review.
- (3) The Plan Commission shall refer the final plat or map and final plans and specifications for public improvements to the City Engineer for review.
- (4) The City Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify in writing to the Plan Commission.
- (5) If the plat or map or the plans and specifications are not satisfactory, the City Engineer shall return them to the owner and so advise the Plan Commission.
- (6) If the plat or map and the plans and specifications of public improvements are not satisfactory to the Plan Commission, it shall so certify in writing to the Common Council; if they are not satisfactory to the Commission, they shall be rejected in writing and returned to the owner.
- (7) When the Common Council receives the approved plat or map, and plans and specifications from the Plan Commission, it shall signify its action by motion or resolution. If the plat is rejected, the Clerk shall so notify the owner in writing. If the plat is approved, the Clerk shall sign the plat or map as required by Chapter 236, Wis. Stats., after the Development Agreement has been signed and financial guarantees have been obtained, and all fees and outstanding assessments have been paid in full. After signing the plat, the Clerk shall return it to the owner for recording. Recording fees shall be paid by the owner.

- (8) The approval of the final plat or map by the Common Council shall constitute acceptance of the dedication of any public street, open space or other public areas show thereon.
- (9) If recommended by the Plan Commission, and if permitted by the Common Council, the final plat may constitute only a portion or phase of the approved preliminary plat which the owner proposes to subdivide, construct and record at that time.
- (10) If the final plat conforms substantially to the layout shown in the preliminary plat as approved, including any conditions of that approval, it shall be approved by the Common Council. A final plat for a portion or phase of the approved preliminary plat shall be submitted within six (6) months from the last approval date of the preliminary plat. If the final plat is not submitted within six (6) months of the last approval date of the preliminary plat, the Plan Commission and the Common Council may refuse to approve the final plat.

26.06

**CONSTRUCTION OF PUBLIC IMPROVEMENTS:**

(A) After the final plat or certified survey map has been approved by the Common Council, the owner shall construct and install the required public improvements.

(B) Prior to signing and recording the final plat or survey map as indicated in Section 26.05(D)(7), the owner shall provide the City with a financial guarantee and surety for the cost of constructing and installing the required improvements. The financial guarantee or surety shall be in an amount estimated by the City Engineer to cover the cost of the required improvements as outlined in Sec. 26.09 of this Code.

(C) The type of financial guarantee or surety may include either of the following types, as determined by the City Engineer.

- (1) Surety Bond - Obtained from a bank or bonding company authorized to do business in the State.

- (2) Letter of Credit - Provided in irrevocable format from a bank or other reputable institute.
- (3) Escrow Account - The Owner shall deposit cash or other instruments readily convertible into cash at face value with a bank.

26.07

**TECHNICAL DETAILS:**

(A) A preliminary plat or certified survey map shall be a legible print made from a drawing that shows correctly the following:

- (1) Date, scale and North point.
- (2) Proposed name of the subdivision, if a plat.
- (3) Name and post office address of owner or his agent.
- (4) Small drawings showing the location of the land to be divided.
- (5) Location and names of adjoining subdivision and the owners of undivided lands.
- (6) Present zoning of land to be divided and adjoining lands.
- (7) Location, and names of all existing and platted streets, alleys or other public ways and easements, railroad and public utility right-of-way, parks, cemeteries, water courses, drainage ditches, existing wetlands, permanent buildings, bridges and other pertinent data, as required by the Plan Commission within 300 feet of the proposed division of land or of property owned or controlled by the owner.
- (8) Water elevations of adjoining lands or streams at the date of survey and the approximate high and low water levels thereof. Floodplain limits showing the 100 year floodplain shall be shown. Shoreland limits shall be shown where appropriate. All elevations shall be referred to City datum.
- (9) Layout, width and approximate grades of all streets and rights-of-way such as alleys, highways, easements for sewers, water mains and other public utilities.

- (10) Direction and distance to nearest water mains and sewer mains.
- (11) Approximate dimensions of and areas in square feet of all lots and parcels.
- (12) Proposed building setback lines, if different from that required by the City Zoning Ordinance.
- (13) Existing contour lines at an interval of not more than five feet, with reference to City datum.

(B) Construction Plans: As required by Secs. 26.08 and 26.09 of this Code, the owner shall furnish with the preliminary plat or map, necessary construction plans of public improvements. If the owner so chooses, he may obtain approvals of a preliminary plat as to layout only. If only a portion of the preliminary plat is to be improved and submitted for final approval, construction plans and specifications need be prepared for only such portion. However, the design of public improvements shall be based on the needs of the whole area and such additional area as in the judgment of the Plan Commission is necessary.

(C) Final Plat: A final plat of a subdivision shall comply in all aspects with the requirements of Ch. 236, Wis. Stats.

26.08        **DESIGN OF SUBDIVISION:**

(A) General: In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable ordinances of the City. In cases where the requirements of this Code are different from the requirements of Chapter 236, the more restrictive provision shall apply. In addition, all subdivision shall comply with the Master Plan, Official Map, public utilities plans and capital improvement programs of the City, including all streets, drainage or utility system and parks or public sites shown on the Master Plan or Official Map.

(B) Public Parks and Sites for Other Public Areas:

- (1) Suitable sites for public areas shall be provided in conjunction with new subdivisions. These sites may be designated on the Master Plan, and include sites such as, but not limited to, parks, recreational areas, parkways, public building sites or other public uses, but excluding

schools. These public sites shall be provided for using one or more of the following methods as determined by the City Plan Commission.

(a) Land Dedication:

1. Dedication Calculation: All subdividers shall be required to dedicate to the City, developable land suitable for park purposes equal to 1,000 square feet per dwelling unit for detached single family dwelling units and 750 square feet per duplex dwelling unit or multi-family dwelling units. The City Council, upon recommendation of the Plan Commission and Park & Recreation Advisory Board shall have sole authority to determine the suitability and adequacy of lands proposed for dedication. Drainageways, detention basins, floodplains, wetlands, or areas reserved for streets shall not be considered as satisfying land dedication requirements.
2. Unknown Number of Dwelling Units: Where the plat, certified survey map, or condominium plat does not specify the number of residential dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the City Zoning Ordinance.
3. Deeded to the City: Land dedicated for public purposes shall be deeded to the City at the time the final plat, certified survey map, or condominium plat is approved.
4. Access to Dedicated Land: All dedicated land shall have frontage on a public street and shall have unrestricted public access.
5. Utility Extensions: The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

(b) Deed Transfer of Equivalent Land.

Transfer of ownership by deed to the City of lands equivalent to the requirements of subsection (a) above, may be accepted by the City Council with the recommendation of the Park & Recreation Advisory Board where dedication of such lands would be consistent with the City's Master Plan and would be in the City's interests.

(c) Payment in Lieu of Land.

1. Amount of Payment: Where, in the opinion of the City Council, with the recommendation of the Park & Recreation Advisory Board, there is no land suitable for parks or other public open space or recreation uses within the proposed land division or the dedication of land would not be compatible with the City's Master Plan, the City Council may require the subdivider to contribute a payment of four hundred fifty dollars (\$450) per single, duplex, or multi-family dwelling unit within the plat, certified survey map, or condominium development. If the number and type of dwelling units is not specified in the final plat or certified survey map, the total fee shall be computed on the basis of the maximum residential use of each parcel permitted in the particular zoning district under the Zoning Ordinance.
2. Exemptions: Where a lot or parcel for which payment has once been made is further divided, payment shall be required only for the additional lots or parcels created.
3. Time of Payment: Payment shall be made before certification of approval is affixed to the final

plat, certified survey map, or condominium plat or as an alternative, payment of fifty percent (50%) of the fee may be made prior to certification, if the portion which is deferred is guaranteed by surety bond or other financial guarantee satisfactory to the City.

4. Park Fund for Fees Collection: Funds paid to the City under the payment of fees in lieu of land dedication provisions are to be placed in a separate account designated for park and public land acquisition and improvement. Said account shall be a continuing account and shall not lapse at the end of a budget period.

(d) Amount of Payments Made in Lieu of Land: The amount of payments made in lieu of land shall be as specified in the fee schedule incorporated in this code as Section 26.12.

(2) When public parks and sites for other public areas as shown on the Official Map or Master Plan lie within the area proposed for development are greater in area than required by (1)(a) above, the owner shall reserve for acquisition by the City, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year from the date of final plat approval.

(C) Streets:

(1) Streets shall be provided for convenient access to all parcels of land to be created by the subdivision. All streets shall be dedicated to the public, except in areas outside the corporate limits the Town Board may permit private streets. Design of private streets shall be in full conformity with this Code.

(2) The layout of streets shall conform to the Official Map or Master Plan.

- (3) In areas not covered by the Official Map or Master Plan, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes, and in their appropriate relation to the proposed use of the land to be served by such streets.
- (4) Street Classification:
- (a) Major Streets: Are streets which are intended to carry high volumes of traffic, and typically have a right-of-way width of not less than 100 feet.
  - (b) Collector Streets: Are streets intended to carry traffic from minor streets to major streets, and typically have a right-of-way width of not less than 80 feet.
  - (c) Minor Streets: Are streets intended primarily for access to abutting property. They shall have a minimum right-of-way width of 60 feet, and shall be provided with a turn-around of not less than 120 feet in diameter.
  - (d) Cul-de-Sacs: Are minor streets used where through streets are not desirable or practical. They shall have a minimum right-of-way width of 60 feet along the stem, and shall have a maximum length of 500 feet measured to the center of the turn-around, and shall be provided with a turn-around of not less than 120 feet in diameter.
  - (e) Frontage Streets: (As defined in Section 26.03 of this Code) May not be less than 50 feet wide.
- (5) Alignment: All proposed streets shall have a direct connection with, or be continuous and aligned with, planned or platted streets with which they are to connect.
- (6) Limits: Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or

unless in the opinion of the Plan Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over 500 feet in length will be approved when necessitated by the topography.

- (7) Grades: The grade of major and collector streets shall not exceed 6% unless necessitated by exceptional topography and approved by the Plan Commission. Grades of minor streets shall not exceed 10%. The minimum grade of all streets shall be 0.4%.
- (8) Horizontal Curves: A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least 500 feet on major streets, 200 feet on collector streets, and 120 feet on all other streets.
- (9) Vertical Curves: All changes in street grades shall be connected by vertical curves of a minimum length equivalent to 30 times the algebraic difference in the rate of grade for major streets and 20 times this algebraic difference for all other streets.
- (10) Tangents: A tangent of at least 100 feet long shall be introduced between reverse curves and between curves and street intersection on major and collector streets.
- (11) Street Names: New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be approved by the Plan Commission.
- (12) Access Control: Access control along major streets may be required by the Plan Commission to prevent vehicular access in areas where traffic conflicts may affect public safety.
- (13) Half Streets: Where a half street is adjacent to the subdivision, the other half street shall be dedicated by the subdivider.

(14) Intersections:

(a) Property lines at street intersections of major streets shall be rounded with a radius of 15 feet or of a greater radius where the City Engineer considers it necessary.

(b) Street jogs with centerline offsets of less than 125 feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

(15) Alleys:

(a) Alleys shall be provided in all commercial and industrial districts, except that the Plan Commission may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed. No alley shall connect with a major street.

(b) Width of alleys shall not be less than 20 feet.

(c) Dead-end alleys are prohibited.

(D) Block and Lot Layout:

(1) Blocks: The length, width and shape of blocks shall be such as are appropriate to the locality and the type of development contemplated, but block length in residential areas shall not exceed 1,500 feet nor have less than sufficient width to provide for two tiers of appropriate depth between street lines. As a general rule, blocks shall not be less than 600 feet in length.

(2) Pedestrian Walks: Pedestrian walks not less than 10 feet wide may be required by the Plan Commission through the center of a block more than 900 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping center, transportation and other community facilities.

(3) Lots, General Consideration:

(a) The size, shape and orientation of lots shall be appropriate for the location of the type of

development contemplated, provided that no single-family residential lot be less than 8,250 square feet in area, no two-family residential lot be less than 10,000 square feet in area, and no multi-family lot be less than 12,000 square feet in area.

- (b) Residential lots shall conform to the requirements of the Zoning Ordinance, but in no case shall have a width of less than 75 feet for one and two family residential lots, and a width of not less than 80 feet for multi-family residential, at the building setback line and shall have a depth not less than 110 feet.
- (c) Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the Zoning Ordinance.
- (d) Residential lots which front on major streets and highways shall be platted with extra depth or designed to alleviate the effect of major street traffic on residential occupancy.
- (e) Corner lots for residential use shall have extra width to permit full building setback from both streets, as required by the Zoning Ordinance.
- (f) Every lot shall abut or face a publicly dedicated and accepted street, for a minimum of twenty (20) feet in width in which can be placed vehicular access, and/or sewer and water service for said lot if needed.
- (g) Butt lots shall be permitted by the Plan Commission only in exceptional cases.
- (h) Side lot lines shall be substantially at right angles to or radial to abutting street lines.
- (i) In case a tract is divided into parcels of more than 1-1/2 acres in area, such parcels shall be so

arranged to permit redividing into parcels in accordance with this Code and the Zoning Ordinance.

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

(E) Easements:

- (1) Utility easements shall be provided at the rear of all residential lots and along the side lot lines where required. Such utility easements shall be at least 12 feet wide and normally centered upon the rear or side lot line. Evidence shall be furnished the Plan Commission that easements and any provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved. The City Engineer may require utility easements or rights-of-way be dedicated or reserved for future utilities which may pass through a subdivision.
- (2) Where a subdivision is traversed by a water course, drainageway, channel or stream:
  - (a) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course and such further width or construction or both as will be adequate for the purpose and as may be necessary to comply with this section; or
  - (b) The water course, drainageway, channel or stream may be located in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated water course, and such further width or construction both as will be adequate for the purpose and may be necessary to comply with this section. Whenever

possible, it is desirable that the drainage be maintained by closed conduit as described in Section 26.09(D) (8).

(F) Master Site Grading Plan: When deemed necessary by the City Engineer, a Master Site Grading Plan shall be prepared for the entire subdivision or area included in a Certified Survey Map. This plan shall show existing and proposed elevations at all lot corners and shall show proposed elevations at proposed building locations. The building location elevations shall indicate the proposed grade of the top of the foundation wall, and the finished grade of the garage floor. The plan shall also indicate the direction of flow of surface drainage, and shall show proposed grades along swales and ridges. The master site grading plan may incorporate on the same drawing(s) the erosion control plan for the subdivision or Certified Survey Map.

26.09 **DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS:**

(A) Improvement Completed: All improvements required under this Code shall be constructed and completed in accordance with the provisions of the Development Agreement approved by the Common Council.

(B) Guarantee of Materials and Workmanship: The owner shall provide a surety bond running to the City for a period of one year after completion of construction, in the amount of twenty percent (20%) of the cost of the improvements to guarantee workmanship and material of construction and to save the City harmless from the cost to repair or replace the improvements.

(C) Procedure:

(1) Simultaneously with the filing of the preliminary plat with the City Clerk, or as soon thereafter as practicable, four copies of the construction plans and specifications shall be furnished for the following improvements:

- (a) Street grading and surfacing.
- (b) Sanitary sewerage.
- (c) Water mains and laterals.
- (d) Curb, gutters and sidewalk.
- (e) Underground electric and telephone systems including street lighting laterals.

- (f) Master Site Grading Plan.
- (2) Action by the City Engineer: The City Engineer shall review or cause to be reviewed, the plans and specifications for conformance with the requirements of this Code. If he rejects the plans and specifications, he shall notify the owner who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the City Engineer shall approve the plans and specifications before improvements are installed.
- (3) Construction inspection:
- (a) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the City Engineer upon receipt of all necessary permits and in accordance with the construction methods of paragraph F of this section.
- (b) Construction of all improvements required by this Code shall be completed within two years from the date of the approval of the final plat by the Plan Commission or as may be specified in the Development Agreement.
- (c) During the course of construction, the City Engineer shall make such inspections as he deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the City for such inspections. This fee shall be the actual cost to the City of inspectors, engineers, and other parties necessary to insure satisfactory work.
- (4) "As Built" Plans: After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made, a plan sheet(s) showing the actual location of all valves, manholes, stubs, sewer and water mains, and such other facilities as the City Engineer shall require. Such

plan sheet(s) shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the "as built" plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

(D) Design Standards:

(1) Streets:

- (a) Major Streets: Shall have a right-of-way width as established on the Official Map or of not less than 100 feet, and a pavement width to be specified by the City Engineer, but not less than 49 feet wide measured between the backs of the curbs. If a major street is adjacent to or within the tract being subdivided, the owner shall construct the major street to these standards or may request a variance from these standards. If a variance is granted from standards required for this class of street, the owner shall pay the City a sum of money equal to the cost of improving the street to standards established in (c) for Minor Streets.
- (b) Collector Streets: Shall have a right-of-way width as established on the Official Map or of not less than 80 feet, and a pavement width of 49 feet wide measured between the backs of the curbs. If a collector street is adjacent to or within the tract being subdivided, the owner shall construct the collector street to these standards or may request a variance from these standards. If a variance is granted from standards required for this class of street, the owner shall pay to the City a sum of money equal to the cost of improving the street to standards established in (c) for Minor Streets.
- (c) Minor Streets: Shall have a minimum right-of-way width of 60 feet. They shall be

constructed with a 37-foot wide pavement measured between the backs of the curbs. The pavement shall be as specified by the City Engineer.

(d) Cul-de-Sac Streets: Cul-de-sac streets shall have a minimum right-of-way width of 60 feet along the stem with a minimum pavement width of 37-feet measured between the backs of the curbs.

(e) Turn-Arounds: The end of cul-de-sac streets shall be paved with an outside diameter of the pavement of 97 feet, and be connected by smooth curves to the pavement of the main portion of the street.

(f) Commercial and Industrial Streets: In commercial and industrial subdivisions, the street design standards noted above may be modified by the City Engineer to provide increased street capacity for truck and commercial traffic needs.

(2) Alleys: Alleys provided to serve businesses, commercial, or industrial areas shall be provided with a pavement of not less than 16 feet in width. The pavement shall consist of an 8-inch Portland cement concrete pavement; or an 8-inch waterbound macadam base with a 3-inch plant mix bituminous concrete wearing surface.

(3) Curb and Gutter: All major, collector, and minor streets shall be provided with curb and gutter in accordance with the standard specification for the City. Curb type shall be vertical face with integral gutter.

(4) Sanitary Sewerage System: There shall be provided a sanitary sewerage system in conformity with the Master Plan of sewers as approved by the Common Council. The cost of providing and installing sewer pipe of sizes larger than required to serve the area shall be borne by the City as agreed upon between the land

owner and the Common Council prior to approval of the final plat or certified survey map.

- (5) Water Supply System: There shall be provided, a water supply system in conformity with the Master Plan for the water system as approved by the Common Council. The cost of providing and installing water pipe of sizes larger than required to serve the area, shall be borne by the City as agreed upon prior to the approval of the final plat or certified survey map. Hydrants and valves shall be installed and paid for by the owner.
- (6) Sidewalks: Shall be provided to serve the following areas:
- (a) Commercial Areas: Shall be provided with concrete sidewalks at least 8-feet wide and 4-inches thick, located along both sides of all streets, placed one (1) foot inside the public right-of-way.
- (b) Residential Areas: Shall be provided with concrete sidewalk 4-feet wide and 4-inches thick. Sidewalks shall be provided along both sides of all streets, and be placed one (1) foot inside the public right-of-way along minor streets. Sidewalk locations along major and collector streets shall be determined by the City Engineer.
- (c) Deed Restrictions Where Sidewalks Not Constructed: Lots subdivided after the date of adoption of this Code where sidewalks are not installed by the subdivider or owner as required above in paragraphs (a) and (b), shall include a deed restriction which notifies all subsequent property owners that said lots may be subject to future sidewalk installation by the City, and the Developer shall pay a fee in lieu of installing these sidewalks. The fee shall represent the current sidewalk construction cost as developed by the City Engineer, for sidewalks required per Ordinance.
- (7) Underground Electric and Telephone Systems: Facilities for distribution of electric, telephone and gas utility service located within a subdivision shall be installed underground except where the City Council, upon recommendation of the Plan Commission, finds that adverse soil conditions or problems of

utility distribution make such installation prohibitively expensive or impractical. Transformers, junction boxes, meter points or similar equipment may be installed upon the ground surface if the location and utility-approved landscape screening plan therefore have been approved by the Plan Commission.

- (8) Storm Sewer Systems: There shall be provided a storm sewer system in conformity with the Master Plan of sewers as provided by the Common Council or as required by the City Engineer. The system shall be closed conduit with inlets and inlet leads.

The cost of designing, providing and installing a storm sewer system, shall be the responsibility of the owner/subdivider prior to the approval of the final plat or certified survey map. The owner/subdivider will be responsible for all costs involved with the installation of the storm sewer up to and including 24" pipe. The additional cost of providing and installing storm sewer above the 24" diameter size, if required to serve the area, shall be borne by the City as agreed upon prior to the approval of the final plat. If it is determined that no closed conduit system is needed within the proposed plat or certified survey, then the owner/subdivider will be assessed an amount determined on a per acre basis and calculated using the net land area within the subdivision excluding public right-of-way and other public lands and excluding parklands. The storm sewer assessment fee for the above described situation shall be \$1,000 per net acre.

- (E) Final Construction Plans: Shall be legible prints of a size acceptable to the City Engineer and shall include the following:

- (1) Map of Plat or subdivision of lands, including title of plat or map.
- (2) Layout of streets.
- (3) Layout of sanitary sewers.
- (4) Layout of water supply system.
- (5) Plans and profiles of streets and sewers at a scale of not more than 40-feet per inch horizontal and 4-feet per inch vertical.

- (6) Master site grading plan.
- (7) Erosion control plan.
- (8) All necessary details.

(F) Material Standards: All improvements constructed under this Code shall be to the standards, where applicable, established by the State Highway Commission's Specifications, "Standard Specifications for Road and Bridges Construction" and the current edition of the "Standard Specifications for Sewer and Water Construction in Wisconsin". Where various specifications do not apply, the standards shall be as approved by the City Engineer.

26.10 **PUBLIC IMPROVEMENTS UNDER SPECIAL ASSESSMENT PROCEDURE:**

(A) Pre-Application Conference: The owner of the land (or his agent) which is located within the corporate limits of the City, shall first submit to the Plan Commission or its representative such information as may be required by the Plan Commission to describe or outline the existing conditions of the site and the proposed development thereof. Following the Pre-Application Conference, the Plan Commission shall submit to the Common Council at its next regular meeting their recommendations for approval or disapproval of the Special Assessment Procedure in this case. The Common Council shall then approve or disapprove the request for a Special Assessment Procedure. If the Common Council approves the request, they shall instruct the owner to prepare a Preliminary Plat or Certified Survey Map all in accordance with the provisions of Section 26.05, Para. (B), sub-para. (1), (2), (3), (4), (5) and (6).

(B) Simultaneously with the filing of the final plat or map, the owner shall file with the City, cash, negotiable securities or a surety bond running to the City, in value sufficient to cover the full estimated cost as certified to by the City Engineer to assure the payment of the Special Assessments for the installation by the City or its Contractor of sanitary sewer main and laterals, watermain and appurtenances and laterals, and all street improvements.

(C) If the plat or map and the surety of public improvements are satisfactory to the Plan Commission, it shall so certify in writing to the

Common Council; if they are not satisfactory to the Commission, they shall be rejected in writing and returned to the owner.

- (1) When the Common Council receives the approved plat or map, and surety from the Plan Commission, it shall signify its action by motion or resolution; if rejected, the Clerk shall so notify the owner in writing; if approved, the Clerk shall endorse the plat or map as required by Chapter 236, Wis. Stats., and return it to the owner for recording.
- (2) The approval of the final plat or map by the Common Council shall constitute acceptance of the dedication of any public street, open space or other public areas shown thereon.
- (3) If the final plat conforms substantially to the layout shown in the preliminary plat as approved, including the conditions of that approval, it shall be approved by the Common Council. If the final plat is not submitted within six (6) months of the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat. If recommended by the Plan Commission, and if permitted by the Common Council, the final plat may constitute only that portion of the approved preliminary plat which the owner shall propose to record at that time.
- (4) Payment of the Special Assessments for the improvements installed under this section shall be paid in accord with a payment schedule as determined by the Common Council.

26.11 **VARIANCES:**

(A) Procedure: In exceptional cases, where topography or other physical conditions would cause unnecessary hardship to the owner and not provide the City substantial benefit, the Plan Commission may recommend to the Common Council that a variance or modification to the requirements of this Code be granted to relieve such hardship. Any variance needed shall be requested in writing by the owner clearly stating the reasons for the

variance. If recommended by the Plan Commission, it shall be so endorsed by the Secretary and transmitted to the Common Council. The Common Council, if it approves, shall do so by motion or resolution and instruct the City Clerk to notify the Plan Commission and the owner.

(B) Basis for Variance: No variance or modification to the provisions of this Code shall be granted unless the Plan Commission finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- (1) Exceptional Circumstances: There are exceptional, extraordinary or unusual circumstances or conditions where a literal enforcement of the requirements of this Code would result in severe hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this Code should be changed.
- (2) Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- (3) Absence of Detriment: That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Code or the public interest.

(C) Town Land Divisions: The Plan Commission may, with respect to any division of land outside of the corporate limits of the City, waive or modify any requirement imposed by this Code if the Commission finds that such variance will not impair the sound and orderly future growth of the City. The Commission may require, as a condition of granting any such variance, that the property owner delivery to the City, in accordance with Paragraph 66.60(18), Wis. Stats., a recordable consent and wavier for the levying of special assessments by the City for the future installation of such improvements.

(D) Vote Required: A vote of five members of the Plan Commission shall be required to grant a variance to the provision of this Code.

(E) Variance for Monument Placement Granted by the Council: The Council may waive the placing of monuments, required under Paragraph

236.15(1)(b), (c), and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond or irrevocable letter of credit to insure the placing of such monuments within the required time limits established by the City.

26.12            **FEE SCHEDULE FOR SUBDIVISIONS AND CERTIFIED SURVEY MAPS:**

- (A) Application and review fee for preliminary plat or certified survey map: \$10.00 per lot.
- (B) Application and review fee for final plat: \$10.00 per lot.
- (C) Park and public site fee in lieu of land:
  - (1) \$450.00 per lot for single-family lots.
  - (2) \$450.00 per residential dwelling unit constructed on two-family and multi-family lots (excluding housing for the elderly).
  - (3) If a larger fee than indicated in the per lot or per unit fees noted above would result, the fee shall be an amount equivalent to the fair market value of 8% of the land area of the subdivision, based on unimproved land.
- (D) Storm Sewer Assessment:
  - (1) An amount determined on a per acre basis and calculated using the net land area within the subdivision excluding public rights-of-way and other public lands, and excluding parklands.
  - (2) The storm sewer assessment fee shall be \$1,000.00 per net acre as described above.
- (E) Watermain Connection Fee:
  - (1) For connections to watermains installed by a subdivider, such fee shall be determined by the actual cost of all work and materials to make the connection.
  - (2) For connections to other existing watermain not covered in paragraph (E) (1) above, the fee shall be as determined by the Fort Atkinson Water Department.

26.13        **PENALTY:**

Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, may be required upon conviction, to forfeit no less than \$25.00 nor more than \$500.00 for each offense, together with the cost of prosecution, and in default of such forfeiture and cost of prosecution, shall be imprisoned in the County Jail of Jefferson County, Wisconsin, until said forfeiture and costs are paid, but not to exceed thirty (30) days for each violation.

26.14        **VALIDITY:**

Should any section, clause or provision of this Code be declared by the courts to be invalid, the same should not affect the validity of the Code as a whole or any part thereof, other than the part so declared to be invalid.