

## CHAPTER 17

### SUBDIVISION

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**17.01 INTRODUCTION.** (1) **AUTHORITY.** These regulations are adopted under the authority granted by §236.45, Stats. Therefore, the City of Lancaster, Wisconsin, does ordain as follows:

(2) **PURPOSE.** The purpose of this chapter is to regulate and control the division of land within the corporate limits and extraterritorial plat approval jurisdiction of the City of Lancaster in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the community.

(3) **INTENT.** It is the general intent of this chapter to regulate the division of land so as to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this chapter; to provide penalties for its violation and in general to facilitate enforcement of community development standards as set forth in the comprehensive plan, comprehensive plan components, zoning ordinance, building code and official map of the City of Lancaster.

(4) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to laws. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

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

(6) **SEVERABILITY.** If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(7) **REPEAL.** All other Ordinances or parts of Ordinances of the City inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are hereby repealed.

(8) **TITLE.** This chapter shall be known as, referred to, or cited as the "Subdivision Ordinance, City of Lancaster, Wisconsin".

(9) **EFFECTIVE DATE.** This chapter shall be effective after a public hearing, adoption by the City Council, and publication or posting as provided by law.

**17.02 GENERAL PROVISIONS. (1) SCOPE AND JURISDICTION.**

(a) Any division of land within the City or within its extraterritorial plat approval jurisdiction, which results in a subdivision or a minor subdivision as defined herein, shall be, and any other division may be, surveyed and a plat thereof approved and recorded as required by this chapter and Chapter 236 of the Wisconsin Statutes.

(b) The jurisdiction of these regulations shall include all lands within the corporate limits of the City of Lancaster, as well as the unincorporated area within the extraterritorial plat approval limits and any such division of land shall require the prior approval of the Plan Commission and a map or plat thereof shall be recorded with the Register of Deeds as provided in Section 236.45 of the Wisconsin Statutes. The provisions of this ordinance as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:

1. Transfers of Interest in land by will or pursuant to court order.
2. Leases for a term not to exceed ten years, mortgages or easements.
3. Sale or Exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the zoning ordinance, or other applicable laws or ordinances.

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

- (a) The provisions of Chapter 236, and §80.08, Stats.
- (b) The rules of the Division of Health contained in H65 Wisconsin Administrative Code for Subdivisions not served by public sewer.
- (c) The rules of the Division of Highways, Wisconsin Department of Transportation contained in the Wisconsin Administrative Codes.
- (d) The rules of the Wisconsin Department of Natural Resources contained in the Wisconsin Administrative Codes for Flood Plain Management Program and Shorelands Management.
- (e) Duly approved master plan, the zoning ordinance, official map and all other applicable ordinances of the City of Lancaster.

(f) Applicable town and county ordinances.

(3) DEDICATION AND RESERVATION OF LANDS. Whenever a tract of land to be subdivided embraces all or any part of any arterial street, drainage way or other public way which has been designated in the master plan or official map of the City of Lancaster, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in Section 17.07 of this chapter.

(4) IMPROVEMENTS.

(a) The subdivider shall, before the recording of the plat or certified survey map, enter into a contract with the City agreeing to install the required improvements that such improvements will be completed by the subdivider or his subcontractors not later than two years from the date of recording of the plat unless otherwise agreed to by the City Council and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. In addition:

1. Financial Participation.

- a. The developer must obtain approval from the City prior to the start of construction if the developer desires the City to participate financially in the development of a subdivision, with the City free to withhold or limit financial participation at its discretion after consideration of the city's available funding, the financial stability of the developer, the financial stability of the contractor and the current and future benefit to the City. City financial participation in improvement costs will conform to the City Council Subdivision Financing Policy. Unless otherwise agreed, the developer is responsible for 100% of the cost of the development.
- b. The developer must also sign a Waiver of Special Assessment Notice and Public Hearing for items assessed by the City. This waiver eliminates the need for the City to hold a public hearing on the assessable items.
- c. The developer must also execute a personal or corporate guarantee to the City for repayment of all City expenditures on behalf of the developer, which guarantee shall be secured by sufficient surety or letter of credit, as approved by the City. This can be done by the developer providing an Irrevocable Letter of Credit containing the following conditions:

- 1) Purpose of project.
  - 2) Amount involved.
  - 3) A time element.
  - 4) Title of City agent authorized to draw on demand.
2. Construction Implementation. Projects are coordinated and administered through the Department of Public Works. The developer must retain a contractor, prequalified by the City to install sanitary sewer, storm sewer, laterals, water main, water services, grade and gravel and internal grading and drainage.
  3. Survey monuments. Before final approval of any plat within the City, the subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the City Council.
  4. The televising of sanitary and storm sewers will be done by the City and assessed to the developer. Televising normally takes place in the spring following installation.
  5. Construction Financing.
    - a. The developer retains his own contractor who must be prequalified by the City or, if he is a developer/contractor and is approved by the City, then the developer may install all utilities. Financing through the City must be arranged prior to the start of construction.
    - b. No final plat for the subdivision of land in the City of Lancaster shall be approved by the Common Council until the subdivider has made arrangements to install required improvements as hereinafter provided.
    - c. The contractor must furnish the developer the following:  
(Copy to the City)
      - i. A performance bond in the amount of the contract, meeting the approval of the City Council, with the City of Lancaster listed as a co-obligee, or if the developer is the contractor, then the developer/contractor shall furnish the City with an Irrevocable Letter of Credit or a certified check in an amount equal to the estimate of cost of said improvements as prepared by the Director of Public Works. Such bond, check, or letter of credit shall constitute a guarantee that such improvements will be completed by the subdivider or his contractors not later than one (1) year from the

date of recording of the plat; however, sidewalks may be completed at a later date as agreed to between the developer and the City. Such bond, check, or letter of credit shall also constitute a further guarantee that all obligations to subcontractors for work on the development are satisfied. Such bond, check or letter of credit shall also be prepared in such a way so as to allow the City to draw upon them if the developer/contractor fails to pay his suppliers, subcontractors, or employees.

- ii. An affidavit or written statement that wages have been paid to all employees.
  - iii. Lien waivers from subcontractors and suppliers.
  - iv. A certificate of insurance equal to that required for City public works construction.
- d. The developer/contractor shall furnish the City with a tabulation of final quantities and costs upon completion of construction.

(c) Subdivisions and Land Division Outside the Corporate Limits. Before final approval by the City of any plat or certified survey map for land located outside the corporate limits of the City, but within the plat approval jurisdiction of the City, the subdivider shall give evidence that he has complied with all street and utility improvement requirements of the town in which the land being platted is located as well as meeting the requirements of this chapter.

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

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

chapter or the applicable Wisconsin Statutes.

(7) PENALTIES AND ENFORCEMENT.

(a) Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.

(b) Enforcement.

1. Whenever it shall come to the knowledge of the City Engineer, Director of Public Works, Building Inspector, or any member of City government, that this ordinance or state statutes governing plats have been violated, such violation shall be reported to the City Attorney and/or City Council for appropriate action.
2. No building permit shall be issued for any subdivision or plat thereof, until the provisions of this ordinance have been complied with and no occupancy permit shall be issued until all required improvements, except those specifically deferred, have been completed and approved by the City Engineer and/or Director of Public Works.
3. The City Assessor is hereby instructed not to divide for assessment or taxing purposes any properties that are being subdivided contrary to these regulations until the reviewing authority and the City Attorney have been notified and their recommendation submitted to the City Council.

(8) APPEALS. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom to the Board of Appeals, as provided in §§236.13(5) and 62.23(7)(e), Stats.

**17.03 PROCEDURE.** (1) PRE-APPLICATION. It is recommended that, prior to the filing of an application for the approval of a certified survey or preliminary plat, the subdivider consult with the City Zoning Administrator in order to obtain their advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of duly adopted ordinances, rules, regulation and plans of the City and to other wise assist the subdivider in planning the development.

(2) PRELIMINARY PLAT REVIEW WITHIN THE CITY.

(a) Before submitting a final plat for approval, the subdivider shall

prepare a preliminary plat and submit a preliminary plat application in accordance with Section 17.04 of this chapter. The subdivider shall file ten (10) copies of the preliminary plat with the City Clerk.

(b) The City Clerk shall, within two (2) days after filing, transmit two (2) copies to Grant county; two (2) copies for each of the state agencies required to review the plat as specified in §236.12, Stats. The City Clerk shall also submit an adequate number of copies to the City Plan Commission and City Council.

(c) The City Clerk shall schedule a public hearing before the City Plan Commission and shall mail notices of the public hearing to the owners of all properties within 200 feet of all exterior boundaries of the proposed subdivision within the City limits.

(d) The City Plan Commission, hereby designated as principal review and advisory commission for all preliminary plats, shall conduct a public hearing and shall examine the preliminary plat for conformance with this chapter and all ordinances, rules, regulations, master plans and master plan components which affect it. The City Plan Commission shall submit its recommendation to the City Council.

(3) PRELIMINARY PLAT APPROVAL WITHIN THE CITY.

(a) The City Council, within ninety (90) days of the date of filing of the preliminary plat with the City Clerk, shall approve, approve conditionally, or reject such plat. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the City Plan Commission's and City Council's permanent files.

(b) Failure of the City Council to act within ninety (90) days shall constitute an approval.

(c) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six (6) months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in §236.11(1)(b), Stats., the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the City Plan Commission and City Council at the time of its submission.

(4) FINAL PLAT REVIEW WITHIN THE CITY.

(a) The subdivider shall prepare a final plat and submit a final plat

application in accordance with Section 17.05 of this chapter. The subdivider shall file ten (10) copies of the final plat with the City Clerk.

(b) The City Clerk shall, within two (2) days after filing, transmit two (2) copies to Grant County; two (2) copies for each of the state agencies required to review the plat as specified in §236.12, Stats. The City Clerk shall also submit an adequate number of copies to the City Plan Commission and the City Council.

(c) The City Clerk shall schedule a public hearing before the City Plan Commission and shall mail notices of the public hearing to the owners of all properties within 200 feet of all exterior boundaries of the proposed subdivision within the City limits.

(d) The City Plan commission hereby designated as principal review and advisory commission for all final plats, shall conduct a public hearing and shall examine the final plat for conformance with the approved preliminary plat, any conditions of approval of the preliminary plat; this chapter and all ordinances, rules, regulations, master plan and master plan components which affect it. The City Plan Commission shall submit its recommendation to the City Council.

(5) FINAL PLAT APPROVAL WITHIN THE CITY.

(a) The City Council, within sixty (60) days of the date of filing the final plat with the City Clerk, shall approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The City Council may not inscribe its approval on the final plat unless the City Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within twenty (20) days or, if filed, have been met.

(b) Failure of the City Council to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

(c) After the final plat has been approved by the City Council and required improvements either installed or a contract and sureties insuring their installation is filed, the City Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the Grant County Register of Deeds as indicated in §236.25, Stats.

(6) REPLAT. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in §§236.40 through 236.44, Stats. The subdivider, or person wishing to replat, shall

then proceed as specified in subsections 1 through 5 of this section.

(7) CERTIFIED SURVEY MAPS.

(a) When it is proposed to divide land into less than five (5) parcels or building sites, the subdivider shall subdivide by use of a certified survey map. The subdivider shall prepare the certified survey map and submit an application in accordance with Section 17.06 of this chapter and shall file six (6) copies of the Map with the City Clerk.

(b) The City Clerk shall, within five (5) days after filing, transmit the copies of the certified survey map to the City Plan Commission and City Council.

(c) The City Clerk shall also schedule a public hearing before the City Plan Commission and shall mail notices of the public hearing to the owners of all properties within 200 feet of the exterior boundaries of the proposed land division within the City limits.

(d) The City Plan Commission shall review the certified survey map for conformance with this chapter and all ordinances, rules, regulations, master plan, and master plan components which affect it. The City Plan Commission shall recommend approval, conditional approval or rejection of the Map, and shall transmit the Map along with its recommendations to the City Council.

(e) The City Council shall approve or reject the certified survey map within sixty (60) days from the date of filing of the Map. If the Map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the Map is approved, the City Council shall cause the City Clerk to so certify on the face of the original Map and return the Map to the subdivider.

(f) Recordation. The subdivider shall record the Map with the Grant County Register of Deeds as indicated in §236.34, Stats.

(8) PLATS AND CERTIFIED SURVEY MAPS WITHIN THE EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. When land to be divided lies within one and one-half (1 1/2) miles of the corporate limits of the City, the subdivider shall proceed as specified in paragraphs 1 through 7; except:

The subdivider may submit only two (2) copies of the preliminary plat, final plat or certified survey map to the City Clerk, providing the clerk or secretary of another approval authority is transmitting copies to state and county agencies as specified in §236.12, Stats.

**17.04 PRELIMINARY PLAT.** (1) GENERAL. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat legibly prepared at a scale of not more than 100 feet to the inch

and shall show correctly on its fact the following information:

- (a) Title under which the proposed subdivision is to be recorded.
- (b) Location of proposed subdivision by: government lot, quarter section, township, range, county and state.
- (c) Date, scale and north point.
- (d) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- (e) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The City Council may waive this requirement where it is unnecessary to fulfill the purposed and intent of this chapter and undue hardship would result from strict application thereof.

(2) PLAT DATA. All preliminary plats shall show the following:

- (a) Total area of the land included in the plat expressed in acres and any portion of an acre in square feet.
- (b) Proposed use.
- (c) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.
- (d) Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of not more than five (5) feet where the slope of the ground surface is ten (10) percent or more. Elevations shall be marked on such contours based on USGS datum.
- (e) Location, right-of-way width and names of all existing streets, pedestrian ways, alleys or other public ways, easements, railroad and utility right-of-ways and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (f) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- (g) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all referred to USGS datum.
- (h) Location, size and invert elevation of any existing sanitary or storm

sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.

(i) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.

(j) Location, width and names of all proposed streets and public right-of-ways such as alleys, pedestrian ways and easements.

(k) Approximate dimensions of all lots together with proposed lot and block numbers.

(l) Location, size and approximate dimensions of any sites to be reversed or dedicated for parks, playgrounds, drainage ways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.

(m) Approximate radii of all curves.

(n) Existing zoning on and adjacent to the proposed subdivision.

(o) Corporate limit lines.

(p) Any proposed lake, stream or drainage way access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

(q) Any proposed lake, stream or drainage way improvement or relocation.

(3) **STREET PLANS AND PROFILES.** The City Council may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All plans and profiles shall meet the approval of the City Council.

(4) **TESTING.** The City Council may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table.

(5) COVENANTS. The City Council may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

(6) PROPERTY-OWNERS ASSOCIATION. The City Council may require submission of a draft of the legal instruments and rules for proposed property-owners associations where the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners.

(7) AFFIDAVIT. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this chapter.

**17.05 FINAL PLAT.** (1) GENERAL. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of §236.20, Stats.

(a) Partial Platting. The final plat may, if permitted by the City Council, constitute only that portion of the approved preliminary plat which the subdivider proposed to record at that time.

(b) Submission. If the final plat is not submitted within six (6) months of the last required approval of the preliminary plat, the City Council may refuse to approve the final plat.

(2) PLAT DATA. The plat shall show correctly on its face, in addition to the information required by §236.20, Stats., the following:

(a) Exact length and bearing of right-of-way lines of all streets.

(b) Exact street width along the line of any obliquely intersecting street.

(c) Exact location and description of street lighting and lighting utility easements.

(d) Railroad right-of-ways within and abutting the plat.

(e) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

(f) Special restrictions required by the City Council relating to access control along public ways or to the provision of planting strips and screening.

(3) DEED RESTRICTIONS. The City Council shall require that all deed restrictions and covenants be filed with the final plat.

(4) PROPERTY-OWNERS ASSOCIATION. The City Council shall require

the legal instruments creating a property-owners association for the ownership and/or maintenance of common lands be filed with the final plat.

(5) **SURVEYING AND MONUMENTING.** All final plats shall meet all the surveying and monumenting requirements of §236.15, Stats.

(6) **CERTIFICATION.** All final plats shall provide all the certificates required by §236.21, Stats.; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter.

**17.06 CERTIFIED SURVEY MAP.** (1) **GENERAL.** A certified survey map prepared by a registered land surveyor shall be required for all land divisions. It shall comply in all respects with the requirements of §236.34, Stats.

(2) **CERTIFIED SURVEY MAP DATA.** The map shall show correctly on its face, in addition to the information required by §236.34, Stats., the following:

(a) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.

(b) Existing zoning on and adjacent to the proposed land division.

(c) All lands reserved for future acquisition.

(d) Date of the map.

(e) Graphic scale.

(f) Name and address of the owner, subdivider and surveyor.

(3) **CERTIFICATES.** The surveyor shall certify on the face of the map that the land division fully complies with all the provisions of this chapter. The City Council, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

**17.07 DESIGN STANDARDS.** (1) **STREET ARRANGEMENT.**

(a) In any new subdivision or land division, the street layout shall conform to the arrangement, width and location indicated on the master plan and official map of the City of Lancaster. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

(b) Collector streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.

(c) Minor streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

(d) Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the City Council, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.

(e) Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the City under conditions approved by the City Council.

(f) Street names shall not duplicate or be similar to existing street names, and existing street names shall be continued wherever possible.

(2) LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT. Whenever the proposed subdivision or land division contains or is adjacent to a limited access highway, the design shall provide the following treatment:

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

(b) Streets parallel to a limited access highway when intersecting a collector street which crosses said highway, shall be located at a minimum distance of two-hundred and fifty (250) feet from said highway.

(3) STREET DESIGN STANDARDS.

(a) The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the master plan, master plan component, or official map; or if no width is specified therein, the minimum widths shall be as follows:

<u>Type of Street</u>	<u>R.O.W. Width to be Dedicated</u>	<u>Pavement Width (Face of Curb to Face of Curb)</u>
Collector Streets	66 feet	40 feet
Minor Streets	50 feet	32 feet
Alleys	20 feet	20 feet
Pedestrian Ways	10 feet	5 feet

(b) Cul-de-sac streets designed to have one end permanently closed shall generally not exceed 500 feet in length. Permanent cul-de-sac streets up to 1,000 feet in length may be approved by the Plan Commission and Council when the subdivider can show that there are unique features of the site that warrant the greater length. In making its findings, the Commission and 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 in the proposed subdivision and the probably effect of the proposed subdivision upon traffic conditions in the vicinity. The greater length shall not be granted unless the Commission and Council find that connection to other streets is not possible due to:

1. Existing development or incompatible land uses;
2. Topography or steep slopes;
3. Drainage or floodplain issues; or
4. Highway access restrictions.

All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of forty-five (45) feet.

(c) Temporary Dead-ends or Cul-de-sacs: All temporary dead ends shall have a maximum length of 1,000 feet and a temporary cul-de-sac having a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of forty-five (45) feet.

(d) Street Grades: Unless necessitated by exceptional topography subject to the approval of the Council, the maximum centerline grade of any street or public way shall not exceed the following:

Collector Streets:	Six (6) percent
Minor Streets and Alleys:	Ten (10) percent
Pedestrian Ways:	Twelve (12) percent unless steps of acceptable design are provided

The grade of any street shall in no case exceed twelve (12) percent or be

less than one-half of one (0.5) percent.

Street grades shall be established wherever practicable so as to avoid excessive grading, the excessive removal of ground cover and tree growth, and general leveling of the topography.

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

Collector Streets:	300 feet
Minor Streets:	100 feet

A tangent at least 100 feet in length shall be provided between reverse curves on collector streets.

(f) Half-Street: Where an existing dedicated or platted half-street is adjacent to the tract being divided, the other half of the street shall be dedicated by the subdivider. The platting of half-streets should be avoided where possible.

#### (4) STREET INTERSECTIONS.

(a) Streets shall intersect with each other at as nearly right angles as topography and other limiting factors of good design permit. At any intersection determined by the Director of Public Works or City Engineer, restricted development easements or additional street right-of-way shall be platted to provide for adequate sight distances in every direction of travel. At a minimum, the subdivider shall grade, clear or otherwise provide for an unobstructed sight triangle at all intersections incorporating the area within a triangle formed by the intersection of the street right-of-way lines and a point on each right-of-way line being not less than 30 feet from the intersection point.

(b) Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.

(c) Number of intersections along arterials shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than six hundred (600) feet.

(d) Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or a of greater radius when required by the City council, or shall be cut off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.

(e) Minor streets shall not necessarily continue across arterial or collector streets; but if the center lines of such minor streets approach the major streets from opposite sides within one hundred-

fifty (150) feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous; and a jog is avoided.

(5) BLOCKS.

(a) The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control and safety of street traffic; and the limitation and opportunities of topography.

(b) Length: Blocks in residential areas shall not as a general rule be less than six hundred (600) feet nor more than fifteen hundred (1500) feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

(c) Pedestrian ways of not less than ten (10) feet right-of-way width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the City Council to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.

(d) Width: Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

(6) LOTS.

(a) The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

(b) Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(c) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome special disadvantages of topography and orientation.

(d) Access: Every lot shall front or abut on a public street as specified in the zoning ordinance.

(e) Area and dimensions of lots shall conform to the requirements of the zoning ordinance. Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned so as to allow resubdivision of any such parcels into normal lots in accordance with the provisions of this chapter and the zoning ordinance.

(f) Depth: Lots shall be a minimum average depth of one-hundred (100) feet. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

(g) Width of lots shall conform to the requirements of the zoning ordinance.

(h) Corner lots shall have an extra width of ten (10) feet to permit adequate building setbacks from side streets.

(i) No lots shall be platted so as to constitute "flag" lots such that there frontage along a street is only of a sufficient width for driveway purposes and which then open up to a larger lot behind or adjacent to other normally platted and sized building lots.

#### (7) UTILITY EASEMENTS.

(a) The City Council shall require utility easements of widths deemed adequate for the intended purpose where necessary or advisable for electric power and communication poles, wires, conduits; storm and sanitary sewers; and gas, water and other utility lines.

(b) Drainage easements: Where a subdivision or land division is traversed by a watercourse, drainage way channel or stream, or low area, and adequate drainage way or easement shall be provided as may be required by the City Council. The location, width, alignment and improvement of such drainage way or easement shall be subject to the approval of the City Council; and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the City Council.

(8) PUBLIC SITES AND OPEN SPACES. In the design of the plat or certified survey map, due consideration shall be given to the reservation of suitable sites of

adequate area for future schools, parks, playground, drainage ways and other public purposes. If designated on the master plan, master plan component, or official map, such areas shall be made a part of the plat as stipulated in §17.09 of these regulations. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

(9) **PLANNED UNIT DEVELOPMENT.** The requirements and standards of §§17.07 through 17.08 of this chapter may be modified by the City Council for planned unit developments providing such proposed developments are zoned planned unit development (PUD), and shall not conflict with other laws or requirements or with the purpose or intent of this chapter, and is approved by the City Council. In addition, continued provision, maintenance, and use of open space, recreation areas, services, and amenities shall be assured per a recordable developer's agreement acceptable to the City Council.

**17.08 REQUIRED IMPROVEMENTS.** (1) **SURVEY MONUMENTS.** The subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes.

(2) **GRADING.** After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the City Council, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the City Engineer. The subdivider shall grade the roadbeds in the street right-of-ways to subgrade.

(3) **SURFACING.** After the installation of all utility and stormwater drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations. Said surfacing shall be done in accordance with plans and standard specifications approved by the City Engineer and Grant County Highway Department where County approval is required.

(4) **CURB AND GUTTER.** The subdivider shall construct concrete curbs and gutters on all streets in accordance with plans and specifications approved by the City Engineer. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

(5) **SIDEWALKS.** The subdivider shall construct a concrete sidewalk, a minimum of five (5') feet in width, on both sides of all public streets. Sidewalks may be located on only one side of a street terminating in a cul-de-sac provided that the distance between the center of the cul-de-sac and the entrance to the street does not exceed 300 feet. The City Council reserves the right to waive the construction of sidewalks.

(6) **PUBLIC SANITARY SEWERAGE AND PRIVATE SEWAGE DISPOSAL SYSTEMS.**

(a) The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the City Engineer. Developer shall mark the location of all sewer laterals in a manner approved by the Director of Public Works, and shall be solely responsible to locate laterals at the time lots are developed.

(b) If greater than eight (8) inch diameter sewers are required to handle the contemplated sewage flows, the cost of such larger sewers shall be prorated in proportion to the ratio of the estimated service demand of the proposed plat to the service demand of the total drainage area to be served by such larger sewer and the excess cost either borne by the City or assessed against the total tributary drainage area.

(7) STORMWATER DRAINAGE FACILITIES.

(a) The subdivider shall construct stormwater drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate the 10-year storm. Storm drainage facilities shall be so designated as to present no hazard to life or property; and the size, type, and installation of all stormwater drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the City Engineer.

(b) If greater than 24-inch diameter sewers are required to handle the contemplated flows, the cost of such larger sewers shall be prorated in proportion to the ratio of the total area of the proposed plat to the total drainage area to be served by such larger sewer, and the excess cost either borne by the City or assessed against the total tributary drainage area.

(8) PUBLIC WATER SUPPLY FACILITIES.

(a) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the City Engineer.

(b) If greater than eight (8) inch diameter water mains are required, the excess cost of such mains shall be prorated in proportion to the ratio of the estimated water service demand of the proposed subdivision to the estimated demand of the total water main service area.

(9) OTHER UTILITIES.

(a) No electrical or telephone service shall be located on overhead poles unless otherwise allowed due to exceptional topography or other physical barrier.

(b) Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the City Engineer and such map shall be filed with the City Clerk before final plat approval.

(10) **STREET LAMPS.** The subdivider shall install street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the City Engineer. Plans and specifications shall be approved by the City Engineer. All such street lamps shall be installed within 12 months of completion.

(11) **STREET NAME SIGNS AND POSTS.** The City shall install street name signs at all street intersections. Plans and specifications shall be approved by the City Council. The cost of installation to be assessed by the City to the subdivider.

(12) **DEVELOPERS AGREEMENT.** Each and every developer and/or subdivider developing property within the municipal boundaries of the City of Lancaster shall further agree, if required by the City, to execute a development agreement with the City as approved by the City Council prior to the commencement of construction.

**17.09 CONSTRUCTION.** (1) **COMMENCEMENT.** No construction or installation of improvements shall commence in a proposed subdivision or land division until the final plat or certified survey map has been approved by the City Council and recorded with the Grant County Register of Deeds.

(2) **BUILDING PERMITS.** No building permits shall be issued for erection of a structure on any lot not of record until the final plat or certified survey map has been approved by the City Council and recorded with the Grant County Register of Deeds.

(3) **PLANS.** The following plans and accompanying construction specifications may be required by the City Council before authorization of construction or installation of improvements:

(a) Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.

(b) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.

(c) Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.

(d) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.

(e) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.

(f) Additional special plans or information as required.

(4) **CONSTRUCTION SITE EROSION CONTROL.** The subdivider agrees to abide by all of the terms and provisions of any and all applicable rules, orders, laws, and provisions of the Wisconsin Statutes, the Wisconsin Administrative Code, the Municipal Code of the City of Lancaster and any other governing or administrative agency having authority over site erosion.

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

(6) **INSPECTION.** The subdivider, prior to commencing any work within the subdivision or land division, shall make arrangements with the City Engineer to provide for adequate inspection. The City Engineer shall approve all completed work prior to release of sureties.

**17.10 FEES.** (1) **GENERAL.** All fees related to subdividing property within the City, preliminary plat and certified survey map reviews, reapplication fees, engineering fees, administrative fees as required by the City shall be as established under the general fee schedule ordinance. A copy of which is located in the Office of the City Clerk.

(a) The subdivider shall pay the City all fees as hereinafter required and at the times specified before a plat or certified survey map shall be approved by the City Council.

(b) The City Council may waive all or a portion of the fee requirements for subdivisions outside the City limits but within the extraterritorial plat review jurisdiction.

(2) **PRELIMINARY PLAT AND CERTIFIED SURVEY MAP REVIEW FEE.**

(a) The subdivider shall pay a fee as established under the general fee schedule ordinance for each lot or parcel within the preliminary plat or certified survey map to the City Treasurer at the time of first application for approval of

any preliminary plats or certified survey maps to assist in defraying the cost of review.

(b) Reapplication Fee in an amount as established under the general fee schedule ordinance shall be paid to the City Treasurer at the time of reapplication for approval of any preliminary plat or certified survey map which has previously been reviewed.

(3) FINAL PLAT REVIEW FEE

(a) The subdivider shall pay a fee as established under the general fee schedule ordinance for each lot or parcel within the final plat to the City Treasurer at the time of first application for final plat approval of said plat to assist in defraying the cost of review.

(b) Reapplication Fee in an amount as established under the general fee schedule ordinance shall be paid to the City Treasurer at the time of a reapplication for approval of any final plat which has previously been reviewed.

(4) **ENGINEERING FEE.** The subdivider shall pay a fee equal to the actual cost to the City for all engineering work incurred by the City in connection with the plat or certified survey map. Engineering work shall include the preparation of construction plans and specifications, review costs, and inspection fees. The City Council may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

(5) **ADMINISTRATIVE FEE.** The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work, which may be undertaken by the City in connection with the plat or certified survey map. Legal work shall include the drafting of contracts between the City and the subdivider.

**17.11 DEFINITIONS.** For purposes of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

Alley - A public way providing secondary vehicular access to abutting properties.

Arterial Streets - All highways under the County, State or Federal jurisdiction including USH 61, STH 35, STH 81, STH 129, CTH A, CTN N, and CTH K.

Building Setback Line - A line parallel to a lot line and at a distance from the lot line to comply with the City zoning ordinance's yard and setback requirements.

Certified Survey Map - A map of a land division, prepared in accordance with §236.34, Stats., and in full compliance with the applicable provisions of this chapter. A certified survey map has the same legal force and effect as a subdivision plat.

Collector Street - A street used, or intended to be used, to carry traffic from minor streets to an arterial street. At the time of preliminary plat or certified survey map application submittal the City Engineer shall determine whether a proposed street is a collector street or a minor street.

Cul-de-Sac Street - Minor streets closed at one end with a turn-around provided for vehicles.

Extraterritorial Plat Approval Jurisdiction - The unincorporated area within one and one-half (1 1/2) miles of the corporate limits of the City of Lancaster.

Frontage Street - A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

Land Division (Also referred to as a Minor Subdivision) - A subdivision of a parcel of land by certified survey map where the act of division creates not more than four (4) parcels of land.

Lot - A parcel of land occupied or intended to be occupied by a principal structure and accessory building or use and being of sufficient size to meet minimum zoning requirements for use coverage and area to provide such yards and other open spaces as are required. Such lots shall have frontage on an improved public street.

Lot Area - The horizontal area within the lot lines of a lot.

Lot Corner - A lot abutting upon two or more streets at their intersection.

Lot Depth - The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot Frontage - That portion of a lot lying along and abutting a public street.

Lot Lines - The lines bounding a lot as defined below:

- (a) Street Lot Line - in the case of an interior lot, means that line separating such lot from the street. In case of a corner lot or through lot, the street lot line means that line separating such lot from either street.
- (b) Rear Lot Line - means that lot line opposite the street lot line along the street on which the property is addressed. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the street lot line along the street on which the property is addressed, not less than ten feet long, lying farthest from the front line and wholly within the lot.

- (c) Side Lot Line - means any lot line other than the street lot or rear lot line separating one lot from another lot.

Lot of Record (Also referred to as a Parcel of Record) - A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by City or County officials and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot Through - An interior lot having frontage on two parallel, approximately parallel diverging, diverging, or converging streets.

Lot Width - Width of a parcel of land measured at the rear of the specified street yard.

Master Plan (Also referred to as a Comprehensive Plan) - The plan adopted by the City of Lancaster, pursuant to §§62.32(2) and 62.23(3), Stats., setting forth community goals, objectives, and policies for growth and development, including proposals for future land use, transportation, urban redevelopment and public facilities. The master plan may be adopted in components applying to specific areas of the City or specific aspects of development such as transportation or parks.

Minor Streets (Also referred to as a Local Street) - A street used, or intended to be used, primarily for access to abutting properties.

Minor Subdivisions - The division of land by the owner or subdivider resulting in the creation of two (2) parcels or building sites, any one of which is four (4) acres in size or less, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites.

Official Map - A map adopted by the City Council pursuant to §62.23(6), Stats., showing existing and proposed streets, highways, parkways, parks and playgrounds.

Outlot - An outlying parcel of land other than a lot and so designated on a plat.

Pedestrian Way - A publicway designated for pedestrian usage. Standard right-of-way for a pedestrian way is 10 feet with at least a 5-foot pavement or other all-weather surface width.

Planned Unit Development (PUD) - A form of development characterized by a unified site design for a number of units. The concept may involve clustering more than one principal building on a single lot.

Plat - A map of a subdivision.

Publicway - Any dedicated public road, street, highway, pedestrian way, alley, or part thereof.

Replat - The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.

Subdivider - Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision or land division.

Subdivision - A division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where:

- (a) The act of division creates 5 or more parcels or building sites of 1 1/2 acres each or less in area; or
- (b) Five or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions within a period of 5 years.

Vision/Sight Triangle - Area at roadway intersections or vehicular access points wherein no plant material with a mature height greater than 30 inches shall be planted within sight triangle measuring 30 feet along the boundary of each of the intersecting roadways, measured from the point of intersecting curve lines, except where engineering standards indicate otherwise.