

## ORDINANCE NO. 21 - 02

### AN ORDINANCE REPEALING AND RECREATING OR CREATING PORTIONS OF CHAPTER 21 SUBDIVISIONS

The Common Council of the City of Platteville do ordain as follows:

**Section 1.** Section 21.03 is hereby amended to add or change certain definitions as follows:

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

**Collector Street:** A street used or intended to be used to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments. Also, a street designated a Collector Street on the Wisconsin DOT Functional Classification Map.

**Common Open Space.** Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures but may contain such recreational facilities for residents as indicated on the approved development plan.

**Condominium.** A community association combining individual unit ownership with shared use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes. A condominium is a legal form of ownership of real estate and not a specific building type or style.

**Conservation Easement.** The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development. See s. 700.40, Wis. Stats.

**Conservation Subdivision.** A housing development that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible.

**Frontage Street:** A minor street auxiliary to and located on the side of a Major street for control of access and for service to the abutting development.

**Homeowners Association.** A community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.

**Major Street:** A street used, or intended to be used, primarily for fast or heavy traffic. Also a street designated either a Principal or Minor Arterial on the Wisconsin DOT Functional Classification Map.

**Minor Street:** A street used, or intended to be used, primarily for access to abutting properties. Also a street designated as a Local Street on the Wisconsin DOT Functional Classification Map.

**New Water and /or Sewer Mains:** The installation of water mains or sewer mains for supply of potable water or collection of sanitary sewerage in an area that, prior to the installation, did not have access to the water and/or sewer utility. This does not include installation of water and/or sewer lines that have been relocated at the convenience of the water and sewer utility.

**Nonprofit Conservation Organization.** Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

**Parent Parcel.** The existing parcel of record, as identified by individual tax parcel numbers, as of the effective date of this ordinance.

**Section 2.** Section 21.04(A) is hereby repealed and recreated as follows:

**21.04 PROCEDURE.** (A) Pre-Application. It is recommended that, prior to the filing of an application for approval of a preliminary plat, the subdivider consult the Community Development Director for advice and assistance. This step does not require formal application, fee, or filing of a plat, but is intended to explain to the subdivider the purpose and objectives of these regulations, the comprehensive plan, official map and zoning ordinance and to informally reach mutual conclusions regarding the general program and objectives of the proposed development.

**Section 3.** Section 21.04(B)(1) is hereby repealed and recreated as follows:

(B) Preliminary Plat. (1) Before submitting a final plat for approval, the subdivider shall submit a preliminary plat, supplemental data and such copies thereof as shall be required, to the Director of Community Planning and Development at least twenty-five (25) days prior to the Plan Commission meeting at which action is desired.

**Section 4.** Section 21.04(C)(2) is hereby repealed and recreated as follows:

(2) The Community Planning and Development Department shall refer the final plat with its recommendations to the Council within 30 days of its submission, unless

the time is extended by the Council. The Council shall approve or reject the final plat within 60 days of its submission, unless time is extended by agreement with the subdivider. Reasons for rejection shall be stated in writing in the minutes of the Council meeting and a copy thereof or other written statement of such reasons supplied to the subdivider.

**Section 5.** Section 21.04(D) is hereby repealed and recreated as follows:

- (D) Plats Outside the Corporate Limits. When the land to be subdivided lies within the extraterritorial plat approval jurisdiction of the City, the subdivider shall proceed as specified in Section 21.04(a) through 21.04(c) of this chapter, except as provided in the City of Platteville and Town of Platteville Intergovernmental Planning Agreement;
  - (1) Transmittal responsibility lies with the City Clerk, the Town Clerk or whomever the plat is first submitted, and the subdivider shall indicate which one in his application for plat approval.
  - (2) Approval agencies include the City Plan Commission and City Council and, if applicable, the Town of Platteville Plan Commission and Town Board. The Subdivider shall comply with the land division laws and ordinances of these agencies.
  - (3) All requirements for improvements as specified by the Town Board or by any special improvement district in matters over which they have jurisdiction, shall be met before approval and filing of the final plat.
  - (4) After approval by the governing bodies and recording of the plat, the subdivider may proceed with the installation of such improvements and under such regulations as the Town Board of the town within whose limits the plat lies, may require.

**Section 6.** Section 21.04(E)(2) is hereby repealed and recreated as follows:

- (2) Filing a Certified Survey Map or a Final Plat as specified in Section 21.08 or 21.04(a) through 21.04(d) of this chapter, depending on whether said replat constitutes a subdivision or minor subdivision as defined herein.

The Community Development Director shall schedule a public hearing before the City Plan Commission when a proposed replat of lands within the City is filed, and shall cause notice of the proposed replat and public hearing to be mailed to the owners of all properties within the extended boundaries or within two-hundred (200) feet of the exterior boundaries of the proposed replat.

**Section 7.** Section 21.04(F)(1) is hereby repealed and recreated as follows:

- (1) The owner or subdivider shall file an adequate number of copies of the Map and the letter of application with the Community Development Director at least twenty (20) days prior to the meeting of the Plan Commission at which action is desired.

**Section 8.** Section 21.04(F)(2) is hereby repealed and recreated as follows:

- (2) The Community Development Director shall, within seven (7) days after filing, transmit copies of the Map and letter of application to the Plan Commission and to all affected City boards, commissions, committees, or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within fifteen (15) days from the date the Map is filed. The time limits set forth may be extended provided the applicant consents thereto.

**Section 9.** Section 21.04(F)(4) is hereby repealed and recreated as follows:

- (4) The owner or subdivider shall record the Certified Survey Map with the County Register of Deeds within thirty (30) days of its approval by the Plan Commission and shall file three (3) true copies of said Map with the City.

**Section 10.** Section 21.04(H) is hereby repealed and recreated as follows:

- (H) Sale or Exchange of Land Between Adjoining Owners. Whenever a sale or exchange of land between adjoining owners is contemplated, the parties to the transaction shall furnish, prior to such sale or exchange occurring, the following information to the Community Development Director.
  - (1) If the sale or exchange does not result in a change to the recorded boundaries of the lots in question, the following shall be submitted:
    - (a) The legal description of all parcels of property involved in the transaction.
    - (b) A description of the transaction proposed and the legal description of all lots after the transaction is completed.
    - (c) A certification that the sale or exchange of land as proposed will not result in the creation of additional lots, and that all applicable ordinances related to lot area, lot width and setbacks are and will continue to be met after recording of the sale or exchange.
  - (2) If the sale or exchange will result in a change to the recorded boundaries of the lots, a certified survey map shall be submitted in accordance with Section 21.08 below, subject to the following:
    - (a) No certification of approval by the Plan Commission is required.

- (b) The Map shall include a certification that the sale or exchange of land as proposed will not result in the creation of additional lots, and that all applicable ordinances related to lot area, lot width and setbacks are and will continue to be met after recording of the Map.

The Community Development Director shall review the information provided and shall determine if the transaction is within the provisions of Section 21.02(b)3. The transactions found to be within Section 21.02(b)3 shall not be required to submit an application for lot redivision before the Planning Commission. A copy of the instrument(s) used in the conveyance shall be submitted to the City after the transfer has been recorded with the Grant County Register of Deeds.

**Section 11.** Section 21.05 is hereby repealed and recreated as follows:

**21.05 GENERAL REQUIREMENTS.** No person shall divide, convey, quit claim to, or combine any land located within the jurisdictional limits of this Ordinance so that such division or combination would result in a Subdivision, Certified Survey Map, Lot Line Adjustment Survey, Parcel Combination or Replat, as defined herein; no such Subdivision, Certified Survey Map, Lot Line Adjustment Survey, Parcel Combination or Replat shall be entitled to recording; and, no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance and the following::

- (A) The Comprehensive Plan, Zoning Ordinance, Official Map, this Chapter and all other pertinent ordinances, regulations, resolutions or plans which have been or may be henceforth adopted by this City or by other appropriate jurisdictions.
- (B) The provisions of Chapter 236 of the Wisconsin Statutes, except that this ordinance shall prevail where it imposes higher standards.
- (C) The rules of the State Board of Health relating to lot size and lot elevation, if the subdivision is not served by a public sewer and provision for such service has not been made.
- (D) The rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment on the streets, if the subdivision on any lot contained therein abuts on a state trunk highway or connecting street.
- (E) The topography, drainage and other natural features of the site and shall be laid out so as to preserve, enhance and promote a safe, pleasant environment for family living.
- (F) The recommendations or conditions imposed by the Plan Commission so as to control the premature development of lands which lack the essential public services and facilities; and the platting of land which is subject to flooding or which if developed would in any way endanger the health, life or property of the City's residents.

**Section 12.** Section 21.06(A) is hereby repealed and recreated as follows:

**21.06 PRELIMINARY PLATS AND DATA.** (A) General. A preliminary plat shall be required for all subdivisions and shall be based on a boundary survey by a registered Land Surveyor. The plat shall be prepared on paper of good quality and shall show correctly on its face:

**Section 13.** Section 21.06(B)(9) is hereby repealed and recreated as follows:

- (9) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use.

**Section 14.** Section 21.06(E) is hereby repealed and recreated as follows:

- (E) Subsurface Tests. The City Engineer may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, subdivision will not be served by public sanitary sewer service, the provisions of Chapter SPS 385 of the Wisconsin Administration Code shall be complied with; and the appropriate data submitted with the preliminary plat.

**Section 15.** Section 21.07(G) is hereby added as follows:

- (G) Recordation. The Final Plat shall only be recorded with the County Register of Deeds after the certificates of the Wisconsin Department of Administration, of the Common Council, of the surveyor, and those certificates required by Section 236.21, Wisconsin Statutes, are placed on the face of the Plat and executed by all parties. Upon recordation of the Plat, Subdivider shall submit copies of the Plat and all engineering drawings to the Department of Community Development in digital formats approved by said Department.

**Section 16.** Section 21.08(B) is hereby repealed and recreated as follows:

- (B) Additional Information. The map shall be prepared on paper of good quality of a size and to the scale prescribed by the recording agency and in addition to the information required by Section 236.34 of the Wisconsin Statutes, shall show correctly on its face:
  - (1) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
  - (2) Setbacks of all existing and proposed buildings from any existing or proposed lot line(s).
  - (3) All lands reserved for future acquisition.

- (4) Date and graphic scale of the map.
- (5) Name and address of the owner, subdivider and surveyor.

**Section 17.** Section 21.09 is hereby repealed and recreated as follows:

**21.09 STATE PLANE COORDINATES.** Where a tract of land is located within a U.S. Public Land Survey quarter section, the corners at which have been relocated, monumented and coordinated by the City, the plat thereof shall be tied directly to one of the section or quarter section corner so located, monumented and coordinated.

The exact grid bearing and distance of such tie shall be determined by field measurement; referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the City's central survey.

The material and plane coordinate of the monument marking the relocated section or quarter section corner to which the plat is tied, shall be shown correctly on the plat map.

**Section 18.** Section 21.10 is hereby repealed and recreated as follows:

#### **21.10 CONSERVATION SUBDIVISIONS**

- (A) **General Description.** A conservation subdivision shall mean a residential development in which the buildings and accessory uses are clustered together into one or more groups and leaving part of the site undeveloped. The land not included in the building site area shall be permanently preserved as open space. The use of this ordinance is voluntary on the part of the applicant and represents an alternative approach to conventional subdivision development. A conservation subdivision may be allowed in the R-1, R-2, R-3, and PUD districts.
- (B) **Purpose.** A Conservation Subdivision as approved allows an alternative pattern of land development to the conventional subdivision. It is intended to encourage the conservation of more significant open space, while at the same time providing for a greater mixture of housing types in the City. Dwelling units shall be constructed in appropriate clusters which are harmonious with neighborhood development and will enhance the ecological and visual qualities of the environment. The overall site design and amenities should improve the quality of living for residents of the development and the City in general. The following benefits are expected to be gained by the alternative pattern of development which a Conservation Subdivision allows:
  - (1) Economical and efficient street, utility and public facility installation, construction, and maintenance.
  - (2) Efficient allocation, distribution and maintenance of open space, and the preservation of common land for conservation, agriculture, recreation, and general open space use.

- (3) Protection of waterbodies, existing and potential municipal water supplies, wetlands, floodplains, agricultural lands, wildlife, and other natural resources.
- (4) Compatibility with the character of the surrounding residential areas and the protection of real property values.
- (5) Housing development which allows for an integration of a variety of housing types in one project, and efficient use of the land to increase the options for affordable housing.
- (6) More sensitive siting of buildings and overall site planning; and a better utilization of land in harmony with its natural features and with the general intent of the zoning ordinance through a greater flexibility in design.
- (7) Uses less land per dwelling unit than permitted under normal development regulations.

(C) Objectives. The following objectives are important in the development of a conservation subdivision.

- (1) It is desirable to decrease municipal costs and environmental impacts through reduction in the length of streets, utilities, and drainage systems per dwelling units served.
- (2) It is desirable to increase the amount of contiguous area preserved in a natural state, and to allow for off-street pathways and trails, recreation areas open to all residents of the city, and wilderness areas.
- (3) It is desirable that all existing scenic vistas be respected and preserved and that new scenic vistas be created.
- (4) It is desirable to increase vehicular safety by having fewer, better located, and better designed egresses onto existing streets.
- (5) It is desirable to preserve environmental quality by reduction of the total area over which vegetation is disturbed by cut or fill or displacement; by reduction in critical lands (slopes in excess of 12%, land within 100 feet by a water body, wetland, or stream having outstanding or rare vegetation) disturbed by construction; reduction of the extent of waterways altered or relocated; reduction in the volume of cut and fill for roads and construction sites.
- (6) It is desirable to have positive benefits to the City in some important respects, such as reduction of environmental damage, better controlled traffic, preservation of current character through location of reserved open space, meeting affordable housing needs, and so on.



(D) Application and Submittal Requirements. The application, submittal requirements and review standards including administration, fees, powers, hearings, and time limits shall be as provided for in other sections of the subdivision rules and regulations.

(E) Allowable Uses and Application of Zoning Regulations.

- (1) Allowable uses are as identified in the zoning district which contains the Conservation Subdivision.
- (2) All dimensional requirements of the zoning district which contains the Conservation Subdivision shall be followed, unless modified by this section or through a PUD approval.
- (3) The use of this section supersedes the individual lot size requirements found in Chapter 22 Zoning.
- (4) Single family, duplex and multifamily clusters may be constructed with each structure on a separate lot or as condominiums with all structures on a single lot under common ownership.
- (5) Zero lot line development is permitted.

(F) General Dimensional Requirements

- (1) The minimum acreage of a subdivision shall be five (5) acres.
- (2) The following minimum dimensional requirements shall apply to each lot within the development:

	<u>Single-family</u>	<u>Two-family</u>	<u>Multi-family</u>
Minimum Lot Frontage (at R.O.W.)	40 feet	50 feet	60 feet
Minimum Lot Width (at building setback)	60 feet	70 feet	80 feet
Minimum Lot Area	5,000 sq. ft.	7,000 sq. t.	8,000 sq. ft.

- (3) Any lot with frontage on a street not within the subdivision shall meet the frontage requirement of the district in which the lot is located.
- (4) No dwelling shall be located less than twenty-five (25) feet from a boundary of the subdivision.
- (5) Modifications or variances to the dimensional standards may be requested following the procedures in Section 21.13 of the Subdivision Ordinance.

(G) Streets and Utilities. All streets, sewers, drainage facilities, utilities, sidewalks, and other improvements shall be designed in compliance with provisions of this Chapter, unless specifically modified as part of the approval or as part of a PUD approval. In general, waivers may be granted when the following conditions are present:

- (1) The reduction in standards for construction of roads and other improvements will minimize environmental disruption and maintenance of open space. An example of this is minimizing pavement and street width.
- (2) Private streets serving dwellings in a condominium form of ownership are permitted. Ownership and maintenance will be the responsibility of the Condominium Association.

(H) Common Open Space

(1) Purpose. The location and layout of the Common Open Space shall take into account, preserve, and where appropriate promote such features of the parcel as rivers, ponds, wetlands, historic sites, wildlife habitats, unique geological or botanical areas or features, existing or potential trails, paths and open space links, and sites for active recreation. The Common Open Space shall have restrictions placed on it to ensure that no buildings or roadways can be built on it in the future.

(2) Minimum Common Open Space

- (a) The total area of the open space parcel(s) shall comprise at least thirty percent (30%) of the total area of the tract or parent parcel.
- (b) Each dwelling in the tract shall have direct access to one or more portions of the open space, unless the City finds that, due to topography or other conditions, this requirement is not feasible.
- (c) A minimum of fifty percent (50%) of the required open space shall be contained in one (1) continuous undivided part.
- (d) The open space land shall be identified as an outlot our outlots on the subdivision plat and shall include a notation that it is not intended for the construction of dwellings or habitable buildings.

(3) Use of Common Open Space

- (a) The Common Open Space shall be used for open space, conservation, gardens, recreation, or park purposes. The Common Open Space shall be in one or more parcels of a size, shape, and location appropriate for its intended use.
- (b) Stormwater ponds or detention facilities shall occupy a maximum of fifty percent (50%) of the open space. Rain gardens and smaller individual stormwater detention facilities near each lot are preferred over larger stormwater ponds for the entire subdivision. The requirements of Chapter 47 – Post Construction Storm Water Management shall be met.

- (c) Open space areas shall not be used as a building site. For purposes of this section, picnic areas or shelters, ball fields, walking or jogging trails, or other similar recreational facilities may be allowed.
- (d) Such areas shall not be devoted to any public street right-of-way or private street easement, private driveway, or parking area.

(4) Ownership and Maintenance of Open Space. The designated common open space and common facilities may be owned and managed by one or a combination of the following:

- (a) Homeowners' Association. A homeowner's association shall be established if the common open space is proposed to be owned by a homeowner's association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval to the City as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowner's association shall contain the following information:
  1. The legal description of the common land.
  2. A description of common facilities.
  3. The restrictions placed upon the use and enjoyment of the lands or facilities.
  4. Persons or entities entitled to enforce the restrictions.
  5. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums.
  6. A mechanism for resolving disputes among the owners or association members.
  7. The conditions and timing of the transfer of ownership and control of land facilities to the association.
  8. Any other matter the developer deems appropriate.
- (b) Condominium Associations. If the common open space and facilities is to be held under the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common open

space. All common open space shall be held as a “common element” as defined in section 703.02 of the Wisconsin Statutes.

- (c) A Nonprofit Conservation Organization. If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the City. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion if the organization becomes unwilling or unable to uphold the terms of the conveyance.
- (d) Public Dedication of Open Space. The City may accept the dedication of fee title or dedication of a conservation easement to the common open space. The City may accept the common open space provided:
  - 1. The common open space is accessible to the residents of the City.
  - 2. The City agrees to and has access to maintain the common open space.
- (e) Individual Ownership. An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement uses for the common open space.

(5) Maintenance Plan. Every conservation subdivision must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be approved by the City prior to final plat approval.

- (a) The plan shall do the following:
  - 1. Designate the ownership of the open space and common facilities.
  - 2. Establish necessary regular and periodic operation and maintenance responsibilities.
- (b) In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition in accordance with the maintenance plan and all applicable laws, rules, and regulations, the City may serve written notice upon such organization and upon the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation this Ordinance, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The City may enter the premises and take corrective action.

The costs of corrective action by the City shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The City, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.

- (c) Management plans can be amended by the owner with the approval of the City.

**Section 19.** Section 21.11(A) is hereby repealed and recreated as follows:

**21.11 IMPROVEMENTS.** (A) Public Improvements to be Installed at the Developer's Expense. The developer shall be required to install, at his/her own expense, all public improvements related to the subdivision, unless the City approves a Special Assessment project as outlined below. At minimum, the subdivider shall be responsible for the following:

- (1) Streets, including pavement, curb and gutter;
- (2) Water system, including mains, valves, hydrants and appurtenances;
- (3) Sanitary sewer system, including mains, manholes, and other required structures;
- (4) Stormwater management facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, infiltration facilities, storage facilities, and settling basins, including bioretention basins with underdrains, infiltration trenches, and other green stormwater infrastructure as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate potential volumes of flow. The type of facilities required, and the design criteria, shall be determined by the City Engineer while considering the nature of the topography and discharge location within and adjacent to the land division. Stormwater management facilities shall be so designed as to prevent and control soil erosion and sedimentation and present no hazard to life or property. The size, type, and installation of all stormwater management facilities proposed to be constructed shall be in accordance with the requirements of Chapter 47 and the plans and specifications approved by the City Engineer.
- (5) Sidewalks.
- (6) Public utilities. The developer is responsible for working with the public utility companies for installation of electric and gas service, telecommunications, street lighting and other public utilities.
- (7) Other public improvements that are deemed necessary by the City Engineer to serve the subdivision and local utility networks.

- (8) The subdivider shall prepare an erosion and sedimentation control plan addressing the installation and maintenance of soil erosion and sedimentation control measures. Such plans shall meet the requirements set forth in Chapter 46, the site erosion and sedimentation control ordinance.

**Section 20.** Section 21.11(E) is hereby repealed and recreated as follows:

- (E) Improvement Plans. The City Engineer may require the following plans and accompanying construction specifications and that such plans be prepared by an engineer, before and as a basis for authorizing the construction or installation of improvements:
  - (1) A complete grading plan of the entire subdivision, including grading of right-of-way areas to accommodate sidewalk construction.
  - (2) Water main plans and profiles showing the location, sizes, elevations and materials for the required facilities.
  - (3) Sanitary sewer plans and profiles showing the location, sizes, grades, elevations and materials of required facilities.
  - (4) Street plans and profiles showing existing and proposed grades, elevations, and cross-sections of required improvements.
  - (5) Storm sewer plans and profiles showing the location, grades, sizes, cross-sections, elevations and materials of required facilities.
  - (6) Plans for drainage structures and flood control devices.
  - (7) Planting plans showing the location, age and species of any required street trees.
  - (8) Lighting plans showing the location of overhead street lights at all intersections and at locations not exceeding 500 feet between lights.
  - (9) Electric, natural gas, and telecommunications utilities shall be placed underground in new subdivisions.
  - (10) Additional special plans or information as required.

**Section 21.** Section 21.11(G) is hereby added as follows:

- (G) Development Agreement. Before or as a condition of receiving final approval from the Common Council of any final subdivision plat or certified survey map for which public improvements are required by this Ordinance, or for which public improvements, dedications, or fees are being deferred under this Ordinance, the subdivider shall sign and file with the City a development agreement. The development agreement shall be

subject to approval by the Common Council prior to approval of the final subdivision plat or certified survey map.

**Section 22.** Section 21.12(B)(2) is hereby repealed and recreated as follows:

- (2) Proposed streets, and all improvements or utility services required by this Ordinance, 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 Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent tracts.

**Section 23.** Section 21.12(C)(1) is hereby repealed and recreated as follows:

- (C) Streets – Specific Standards. (1) The minimum right-of-way and roadway width of all proposed streets and alleys shall be specified by the comprehensive plan, comprehensive plan components, official map, or other officially adopted standards; or if no width is specified therein, the minimum widths shall be as follows:

**MINIMUM STREET WIDTHS**

Urban Section:

<u>Type of Street</u>	<u>Minimum R.O.W. Width</u>	<u>Minimum Pavement Width (a)</u>	
		<u>Desirable</u>	<u>Absolute</u>
Major Street	80 feet	52 feet (b)	44 feet
Collector Street	70 feet	40 feet (b)	36 feet
Minor Street	60 feet	36 feet	28 feet
Cul-de-Sac Street	60 feet	36 feet	28 feet
Frontage Street	50 feet	30 feet	20 feet
Alleys	24 feet	20 feet	20 feet
Pedestrian Ways	10 feet	5 feet	5 feet

General guidelines:

1. Major Street shall have a minimum of 2 each 12-foot travel lanes. If there is a Two-Way Left Turn Lane, the TWLTL shall be a minimum of 13 feet. If there are parking lanes or right turn only lanes, these shall be added.
2. Collector Street: A Collector Street in a commercial or industrial area shall be a minimum of 40 feet wide: 2 each 12-foot travel lanes and 2 each 8-foot parking lanes. If bicycle lanes are included, the bicycle lanes shall be a minimum of 4-foot lanes, not including the road gutter. A Collector Street in a residential area may have street widths reduced to eliminate parking lanes on one or both sides as recommended by the City Engineer and approved by the Common Council.
3. Minor Street, Cul-de-Sac Street, or Frontage Street: The widths of these streets is based on the parking lanes required. There shall be 2 each 10-foot travel lanes and up to 2

each 8-foot parking lanes. Bicycle lanes (2 each 4-foot lanes) may be substituted for one of the parking lanes as approved by the Common Council. If traffic speeds are reduced and/or vehicle traffic counts are low enough, these streets may also be considered for sharrows.

Rural Section: (c)

<u>Type of Street</u>	<u>Minimum R.O.W. Width</u>	<u>Minimum Pavement Width</u>
Major Streets	120 feet (d)	Dual 24 ft. pavement with 10 ft. outside & 4 ft. inside and a 24 ft. median
Collector Streets	80 feet	22 ft. pavement with a 10 ft. outside shoulder on both sides
Minor Streets	66 feet	22 ft. pavement with a 8 ft. shoulder on both sides

- (a) Pavement widths shall be measured from face of curb to face of curb.
- (b) The Plan Commission, upon recommendation by the City Engineer, shall establish definite widths to best accommodate anticipated traffic.
- (c) The minimum requirements expressed in this table generally exceed the minimum town road design standards set forth in Section 82.50 of the Wisconsin Statutes.
- (d) 80 feet to be dedicated and 40 feet to be reserved for acquisition by the City.

**Section 24.** Section 21.12(E) is hereby repealed and recreated as follows:

(E) Sidewalks. (1) Where Required.

- (a) Residential Subdivisions. Sidewalks are required in all new residential subdivisions. Sidewalks shall be located on both sides of public streets, except as provided in Section 21.13(C). 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.
- (b) Non-Residential Subdivisions. Sidewalks are required in all new non-residential subdivisions, except as provided in Section 21.13(C). The Platteville Area Industrial Development Corporation shall provide a recommendation regarding the installation of sidewalks within the City's Industry Park.
- (c) Planned Unit Developments. The location and installation of sidewalks for subdivisions located within Planned Unit Developments shall be determined by the approved site plan and/or development agreement.



- (2) Timing of Installation. Sidewalks shall be installed when any one of the following conditions has been met:
- (a) Sidewalks shall be constructed along the frontage of each lot within the subdivision prior to the occupancy permit being issued for the structure on the lot.
  - (b) All sidewalks within the subdivision shall be completed within three (3) years of the streets being installed or the date included in an approved development agreement. If the sidewalks are not installed by this date, the City may have the sidewalks installed and recover said costs from the bond or letter of credit provided as required by the development agreement.
- (3) Standards. All sidewalks constructed within the City of Platteville street right-of-way shall be constructed to the most current ADA accessibility guidelines, the applicable requirements of the Wisconsin Department of Transportation, the current standards of the City of Platteville, and the following
- (a) Sidewalks shall be a minimum of five (5) feet in width. When a sidewalk is combined with a recreation trail or other public way, the Public Works Director shall determine an adequate width. If topography or right-of-way width will not allow a five (5) foot sidewalk, the sidewalk shall meet current PROWAG guidance.
  - (b) Sidewalks shall be constructed of concrete.
  - (c) Sidewalks shall be a minimum of four (4) inches thick. Sidewalks shall be installed through driveway sections to provide a uniform walking section and appearance. The thickness of the sidewalk through the driveway section shall be a minimum of six (6) inches thick.
  - (d) Sidewalks shall meet current Pedestrian Right-of-Way Accessibility Guidelines (PROWAG).
  - (e) Sidewalks shall be installed so that the side furthest from the curb is located on the right-of-way line. The Director of Public Works may allow a variance from this requirement when it is in the public interest. The following criteria will help guide location decisions:
    - 1. A number of large healthy trees would be injured or require removal.
    - 2. Sidewalk alignment within a block would be different from existing walks within said block.
    - 3. Severe grade problems would result.
    - 4. Construction of a sidewalk would impact stormwater management.
    - 5. If the installation of the sidewalk at the right-of-way line would violate PROWAG standards.
  - (f) Sidewalk locations shall be determined at the time of subdivision approval by the Council. Specific details and grades shall be approved by the

Directory of Public Works prior to development of the subdivision. It is the responsibility of the property owner to install a driveway with a section for a public sidewalk

**Section 25.** Section 21.12(F)(4) is hereby repealed and recreated as follows:

- (4) Easements. Easements across lots or centered on rear or side lot lines shall be provided for the installation of utilities where necessary and shall be at least 10 feet wide and such easements shall be continuous from block to block. When an easement is centered on a rear or side lot line the width of the easement in each lot can be added together to meet the width requirement. Electric and telecommunications in new subdivisions shall be located underground and may use the right-of-way or easements as described above.

**Section 26.** Section 21.12(G) is hereby repealed and recreated as follows:

- (G) Lots. (1) In General. The size, shape and facing of lots and the minimum building setback lines shall be appropriate for the topography of the subdivision and for the type of development and use contemplated.
- (2) Lot Dimensions. Residential lots shall have a minimum area of 6,000 feet and a minimum width of 60 feet at the building line provided, however, that the requirements of the zoning regulations insofar as it may specify greater areas or distance shall be complied with.
- (3) Extra Width or Area. Residential lots to be served by private sewage disposal facilities shall comply with the rules of the State of Wisconsin. Corner lots for residential use including lots abutting pedestrian way, shall have a width sufficient to provide the required setback from each right-of-way.
- (4) Access. Every lot shall front or abut on a public street for a distance of at least forty (40) feet.
- (5) Double Frontage. Not permitted except where desirable to provide separation from major streets or incompatible uses. Access restriction and screen plantings may be required across the rear 20 feet of double frontage lots.
- (6) Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines whenever possible.
- (7) Large Lots. A tract subdivided into parcels containing one or more acres shall be arranged to allow the resubdivision of any such parcels into smaller lots in accordance with the provisions of these subdivision standards.
- (8) Municipal Boundaries. Lots shall follow municipal boundary lines.

**Section 27.** Section 21.12(H) is hereby repealed and recreated as follows:

(H) Easements.

- (1) Utility Easements. The City may require utility easements of widths deemed adequate for the intended purpose as determined by the City Engineer. Such easements shall be located as determined by the applicable utility company and subject to approval by the City Engineer, but preferably should be located along rear and side lot lines or in midblock easements and should be designed to avoid the location of such facilities as electric power transformers in the flow lines of drainage swales and ditches. All lines, pipes, cables and similar equipment shall be installed underground unless the City finds that the topography, soils, depth to bedrock, woodlands, wetlands, or other physical barriers would make underground installation impractical, or that the lots to be served by said facilities can be served directly from existing overhead facilities and requiring underground installation would constitute an undue hardship upon the subdivider. Associated equipment and facilities that are appurtenant to underground electric power, communications, and gas facility systems, including but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches, above-grade pedestal-mounted terminal boxes, junction boxes, meter points, and similar equipment may be installed at ground level. Such aboveground equipment shall be placed in a visually unobtrusive location from public view or a landscape screening plan shall be submitted by the subdivider to the affected utility and the City for approval. All utility easements shall be noted on the final plat or certified survey map followed by reference to the use or uses for which they are intended.
- (2) Drainage Easements. Where a land division is traversed by a drainageway or stream, an adequate easement shall be provided as required by the City. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the City Engineer; 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 Engineer.
- (3) Vision Clearance Easements and Access Easements. The City may require vision corner or clearance easements, cross-access easements, non- or controlled-access easements, and shared-access easements as a condition of plat or certified survey map approval to minimize potential traffic hazards. Access provisions shall be evaluated on case-by-case basis to determine the safety and practicability of cross- and shared-access (i.e. shared entryway or driveway entrance).

**Section 28.** Section 21.13(A) is hereby repealed and recreated as follows:

### **21.13 MODIFICATIONS.**

- (A) Variances. When in the judgment of the Plan Commission and the Council it would be inappropriate to apply literally a provision of this chapter because the subdivision is located outside the corporate limits, or because extraordinary hardship would result, the terms of the provision may be waived provided that in no event shall the requirement of securing prior approval or of filing and recording the plat be waived. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the community in accordance with an adopted comprehensive plan or component thereof. No exception or modification shall be granted unless the Common Council 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 Ordinance 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 Ordinance should be changed.
  - (2) Preservation of Property Rights. That such exception or modification 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 exception or modification will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
  - (4) A Majority Vote of the quorum of the Common Council shall be required to grant any exception or modification of this Ordinance, and the reasons shall be entered into the minutes of the meeting.

**Section 29.** Section 21.13(C) is hereby repealed and recreated as follows:

- (C) Sidewalk Installation Exceptions. In situations where the installation of sidewalks would be significantly more difficult due to a physical characteristic of the proposed sidewalk location, an appeal may be made for an exception to the sidewalk installation requirements. Application for an exception shall be made on a form provided by the City and shall be accompanied by the applicable fee. The request shall be submitted to the Director of Public Works and shall be accompanied by an explanation of the characteristics present that impact the ability to install the sidewalk, and a cost estimate of the proposed installation. The Director of Public Works shall present the request to the Community Safe Routes Committee and Plan Commission for input, and then make a recommendation to the Common Council. The Council shall determine if the sidewalk shall be installed.
- (1) The following criteria shall be used to guide decisions regarding exceptions to the sidewalk installation requirements.

- a. Lack of available space in the public right-of-way, or other physical constriction does not allow for the construction of sidewalks to the current accessibility requirements or guidelines.
  - b. High construction costs due to technical challenges associated with topography, water drainage patterns, or obstructions.
  - c. The area is a low-priority sidewalk area as identified by the Sidewalk Plan and Map.
- (2) The Common Council, after receiving input from the Director of Public Works, the Community Safe Routes Committee, and the Plan Commission, may take the following action regarding :
- a. Deny the exception and require sidewalks to be installed.
  - b. Allow the sidewalks to be installed on one side of the street only.
  - c. Approve the exception.
  - d. Allow for a delayed sidewalk installation as part of a development agreement.
  - e. Allow for the payment of a fee-in-lieu-of sidewalk installation as part of a development agreement. The fee will be used for the future installation of sidewalks in the vicinity of the subdivision.
- (3) If an exception is approved, the developer of the subdivision shall still maintain the terrace area free of landscaping or other improvements that would inhibit the future installation of sidewalks.

**Section 30.** Section 21.14(A) is hereby repealed and recreated as follows:

**21.14 SPECIAL ASSESSMENT POLICY.** (A) Findings and Declaration of Policy. The City of Platteville finds that special assessments are sometimes necessary for the payment of certain municipal work or improvement. The City of Platteville may apply special assessments to the following categories of work or improvement: construction of new sidewalk, construction of new curb and gutter, new pavement, installation of new Water and/or Sewer mains, and new Water and/or Sewer services or laterals. The policy of the City of Platteville with respect to subdivision development is found in Chapter 21.11. The City of Platteville shall impose special assessments as an exercise of Police Power, unless otherwise directed by law.

**Section 31.** Section 21.14(F)(3)(d) is hereby created as follows:

- (d) New Water or Sewer service or lateral. The Director of Public Works will determine the installation cost for Water Service per lot or Sewer Service lateral per lot.

**Section 32.** Section 21.16 is hereby repealed and recreated as follows:

**21.16 PENALTIES AND ENFORCEMENT.** It shall be a violation of this Ordinance for any person to divide, convey, record, build upon, combine or place monuments on any land contrary to the provisions of this Ordinance or the Wisconsin Statutes; and no Subdivider shall be issued a Building Permit by the City authorizing the building on, or improvement of, and Subdivision, Certified Survey Map, Lot Line Adjustment Survey, Parcel Combination or Replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met.

- (A) Penalties. Any person who fails to comply with any provision of this Chapter, shall, upon conviction thereof, forfeit not less than \$25 nor more than \$200, together with the cost of prosecution for each violation and in default of payment thereof, shall be imprisoned in the county jail until payment of such forfeiture and costs, but not exceeding 30 days. In addition, the remedies provided by Sections 236.30 and 236.31 of the Wisconsin Statutes shall be available to the City.
- (B) Enforcement. (1) Whenever it shall come to the knowledge of the City Engineer, the Building Inspector, any member of the reviewing authority or City police force, that this ordinance or the state statutes governing plats have been violated, such violations shall be reported to the City Attorney for appropriate action.
  - (2) No building permit shall be issued for any subdivision or part 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.
  - (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 recommendations submitted to the City Council.

**Section 33.** All other provisions of Chapter 21 shall be renumbered as needed but shall remain in full force and effect unless specifically modified herein.

**Section 34.** This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Approved and adopted by the Common Council of the City of Platteville, on a vote of 6 to 0 this 25<sup>th</sup> day of May, 2021.

CITY OF PLATTEVILLE,



By: Eileen Nickels, Pro-Tem

Attest:



By: Candace Klaas, City Clerk