

## TITLE 18

### SUBDIVISIONS AND LAND DIVISIONS

#### Chapters:

- 18.01 Adoption and Introduction.
- 18.02 Definitions.
- 18.03 General Provisions.
- 18.04 Guidelines For Reviewing Land Divisions.
- 18.05 Application Review and Administration Fees.
- 18.06 Preliminary Procedure.
- 18.07 Required Improvements and Design Requirements.
- 18.08 Park and Public Land Dedications.
  - Subchapter 1: General Park, Conservancy Area, Recreational Trail, and Public Land Dedication Requirements.
  - Subchapter 2: Parkland, Conservancy Areas and Recreational Trail Dedication.
  - Subchapter 3: Development of Park Area.
  - Subchapter 4: Development of Trails.
  - Subchapter 5: Preservation of Conservancy Areas.
- 18.09 Condominium Developments.
- 18.11 Plat Review and Approval.
- 18.12 Certified Survey Maps.
- 18.13 Alterations To Existing Lots.
- 18.14 Successive Divisions.
- 18.16 Variations and Exceptions.
- 18.17 Enforcement, Remedies and Penalties.
- 18.20 Extraterritorial Land Divisions.
- 18.21 Monuments.

(Note: Title 18 was repealed and replaced to remove storm water provisions from Title 18 and reference users to newly created Title 14, which addresses storm water in total and to renumber Title 18 consistent with other City of Altoona Titles, Ord. 12A-06, 12/14/06)

## Chapter 18.01

### ADOPTION AND INTRODUCTION

#### Sections:

<b>18.01.010</b>	<b>Introduction.</b>
<b>18.01.020</b>	<b>Purpose of Title.</b>
<b>18.01.030</b>	<b>Conformance with Policies.</b>
<b>18.01.040</b>	<b>Abrogation and Greater Restrictions.</b>
<b>18.01.050</b>	<b>Interpretation.</b>
<b>18.01.060</b>	<b>Severability.</b>
<b>18.01.070</b>	<b>Repeal.</b>
<b>18.01.080</b>	<b>Title.</b>
<b>18.01.090</b>	<b>Reserved for Future Use.</b>

#### **18.01.010 Introduction.**

Introduction. In accordance with the authority granted by Section 236.45 of the Wisconsin Statutes and for the purposes listed in Section 236.01 and 236.45 of the Wisconsin Statutes, the Common Council of the City of Altoona, Eau Claire County, Wisconsin, does hereby ordain as follows:

1. The provisions of this Title shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the City of Altoona. Nothing in this Title shall prevent the City Council from adopting and enforcing additional requirements beyond those contained in this Title.

2. This Title shall not repeal, impair or modify private covenants or public ordinances, except that it may apply whenever it imposes stricter restrictions on land use.

#### **18.01.020 Purpose of Title.**

This Title is intended to regulate and control the division and subdivision of land within the corporate limits and the extraterritorial plat approval jurisdiction area of the City of Altoona in order to promote the public health, safety and general welfare, to encourage the most appropriate use of land, to provide the best possible living environment for people and to conserve the value of buildings placed upon the land by: furthering the orderly layout and use of land; insuring proper legal description and proper monumenting of land; preventing overcrowding of land and avoiding undue concentration of population; lessening congestion in the streets and highways; securing safety from fire, flooding, water pollution and other hazards; providing adequate light and air; facilitating adequate provisions for transportation, water, sewerage, schools, parks, playgrounds, open space, storm water drainage, the conservation of land, natural resources, scenic and historic sites, energy and other public requirements; facilitating further resubdivision of larger parcels into smaller parcels of land; insuring enforcement of the development concepts, policies and standards delineated in the Master Plan and related components, the Official Map, the Parks and Open Space Plan and the building code of the City of Altoona.

The regulations are made with reasonable consideration of, but not limited to, the present character of the City and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing for the most appropriate environment for human habitation, encouraging commerce and industry, protecting environmentally sensitive areas, preserving community separation areas and open space, and providing for the most appropriate use of land in the City of Altoona.

#### **18.01.030 Conformance with Policies.**

It is the intent of the City of Altoona that land be developed in harmony with the following policies agreed to in the Master Plan, Plan for Parks and Open Space, Official Map, and the Eau Claire County Land Use Plans, as adopted by the City of Altoona.

- A. To plan the location and/or timing of new development to make it efficient, to reduce public costs and to encourage separation and distinction between municipalities;
- B. To direct and stage new growth only to those areas planned and programmed for development and capable of providing a full range of urban services, including transportation and schools;
- C. To discourage scattered development and urban sprawl;
- D. To insure that development complements rather than conflicts with natural features such as rolling topography, trees, creeks, ponds and rock formations;
- E. To develop a system of interior open spaces with existing environmental corridors to delineate neighborhoods, control storm water drainage and provide circulation for pedestrian and bicycle traffic;
- F. To insure that development locates and coordinates safely and efficiently with transportation facilities;
- G. To encourage preservation of open space and aesthetic quality in development through the use of planned development districts;
- H. To favor development intensities and patterns that are supportive of alternative modes of transportation;
- I. To promote and maintain balanced commercial activity that is viable and responsive to the needs of the community and the surrounding market area;
- J. To preserve the quality of the water and the air and to prevent extreme noise and visual blight;
- K. To preserve prime agricultural land through the design and location of development. Prime agricultural land may be determined based on soil types, the highest and best use of the land, and the existence of an economically viable agricultural entity on the land;
- L. To encourage development in the City with balanced residential, commercial, industrial and open space and public services.

**18.01.040 Abrogation and Greater Restrictions.**

It is not intended by this Title to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Title imposes greater restrictions, the provisions of this Title shall govern.

**18.01.050 Interpretation.**

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

**18.01.060 Severability.**

If any provision of this Title shall be found to be invalid or unconstitutional, or if the application of this Title to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Title which can be given effect without the invalid or unconstitutional provision or application.

**18.01.070 Repeal.**

All other ordinances or parts of ordinances of the City of Altoona inconsistent or conflicting with the provisions of this Title, to the extent of the inconsistency only, are hereby repealed.

**18.01.080 Title.**

This Title shall be known as, referred to, or cited as the “City of Altoona Subdivision Ordinance” or “City of Altoona Land Division and Subdivision Ordinance.”

**18.01.090 Reserved for Future Use.**

## CHAPTER 18.02

### DEFINITIONS

#### Sections:

- 18.02.010**      **Definitions.**  
**18.02.020**      **Reserved For Future Use.**

#### **18.02.010**      **Definitions.**

The following definitions shall be applicable to this Title:

“Alley” means a public right-of-way which normally affords a secondary means of vehicular access to abutting property.

“Arterial Street” means a street which provides for the movement of relatively heavy traffic to, from, and within the City. It has a secondary but also important function of providing access to abutting land.

“Bikeway” means a general term describing any or all of the following defined types of facilities used for bicycles. A network of bikeways constitutes a bike route system. Class designations are those in the Long Range Bikeway Program:

“Bike Path (Class I)” means a bike route completely apart from a street used by motor vehicles and restricted to bicycles unless designated otherwise.

“Bike Lane (Class II)” means a designated lane of a street, restricted to bicycle usage and separated from motor vehicles by a painted line, raised divider or curb.

“Mixed Traffic Route (Class III)” means a route, designated by signs, along streets used by motor vehicles and bicycles.

“Block” means an area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or bodies of water.

“Building Envelope” means the area within which structures are permitted to be built on a lot, as defined by the existing ground level, all applicable setback, side yard and rear yard requirements (notwithstanding any variances, special exceptions, or special or conditional uses in effect) and any Land Use Plan and City Ordinances adopted by the City.

“Building Line or Building Setback Line” means a line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the City Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line. The building setback line shall be substantially parallel to the right-of-way.

“Certified Survey” means a map or plan of record of a minor subdivision, meeting all the requirements of Section 236.34, Wisconsin Statutes, the Eau Claire County Land Division Ordinance and this Title.

“Certified Survey” means a map of one or more parcels of land, dividing the same into not more than four building sites or lots, any of which is less than a rectangular half of a government protracted quarter-quarter section (twenty acres), or the division of a lot, block or outlot within a recorded subdivision into not more than four building sites or lots, without changing the original exterior boundaries of the lot, block or outlot. Certified Survey Maps shall be prepared by a registered land surveyor and meet the requirements of Chapter 236.34 Wisconsin Statutes. (Ord 2C-14, part, Ord. 10D-95 (part), 1985).

“City” means the City of Altoona, Wisconsin.

“Collector Street” means a street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets.

“Commission” means the Plan Commission created by the Common Council pursuant to Section 62.23 of the Wisconsin Statutes.

“Common Council” means the Common Council of the City of Altoona, Wisconsin.

“Community Impact Statement” means a statement or evaluation which details the immediate, mid-range and long-term impact of a land division, certified survey map or plat on City and school district services, the costs of such services, and revenues derived from the proposed land division, Certified Survey Map or plat.

“Comprehensive Development Plan” means a total site plan for an area of land forty (40) acres or more in size under the control of a developer(s) at the time of submission for review. Said plan specifies and illustrates the location, relationship and nature of all uses, easements, streets, pedestrian paths and common open space.

“Concept Plan” means a preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.

“Condominium Development” means a real estate development in which a condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.

“Cul-de-sac” means a short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.

“Detention Area/Pond” means an area or impoundment within the boundaries of a proposed land division which is designed to permanently detain storm water run-off which is generated within the boundaries of the proposed land division.

“Division of Land/Land Division” means any action which creates a subdivision, plat, or certified survey, or which creates a new parcel or makes substandard an original parcel.

“Drainageway” means an open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Drainageway areas may serve multiple purposes in addition to their principal use including, but not limited to, maintenance, bicycle and pedestrian traffic, placement of sanitary sewers, water mains, storm sewers, storm water detention, park development, and other related uses. Drainageways may also be referred to as “greenways”.

“Easement” means the area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.

“Extraterritorial Plat Approval Area” means the unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities.

“Extraterritorial Plat Approval Jurisdiction” means the unincorporated area within one and one-half (1-1/2) miles of the corporate limits of the City of Altoona.

“Final Plat” means the final map, drawing or chart on which the subdivider/developer’s plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.

“Frontage Street” means a local street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

“Greenway” means an open area of land, the primary purpose of which is to carry storm water on the surface of the ground in lieu of an enclosed storm sewer. Greenways may serve the following multiple public purposes in addition to their principal use, including but not limited to, vehicular and/or pedestrian traffic, placement of sanitary sewers, water mains, storm sewers, storm water retention basins, and park development.

“Improvement, Public” means any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, curb, gutter, street light, traffic control sign, pedestrian way, planting strip or other facility for which the City may ultimately assume the responsibility for maintenance and operation.

“Land Division”. See definition for “Division of Land/Land Division.”

“Land Use Plan” also known, or referred to, as the “Comprehensive Plan” or “Master Plan,” as defined below.

“Local Street” means a street which has little or no continuity designed to provide access to abutting property and leading into collector streets.

“Lot” means a parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Title and any applicable zoning ordinance.

“Lot Area” means the area contained within the exterior boundaries of a lot, excluding streets and land under navigable bodies of water.

“Lot, Corner” means a lot abutting intersecting streets at their intersection.

“Lot Depth” means the average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.

“Lot Lines” means the peripheral boundaries of a lot as defined herein.

“Lot, Reversed Corner” means a corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.

“Lot, Through” means a lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a “through lot” both street lines shall be deemed front lot lines.

“Lot Width” means the width of a parcel of land measured along the front boundary line.

“Major Thoroughfare” means a street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.

“Master Plan” means a plan for guiding and shaping the growth and development of the City which has been adopted by the Plan Commission and the Common Council. Also known as, or referred to as the “Comprehensive Plan” and the “Land Use Plan.” Devices for the implementation of these plans, such as ordinances pertaining to zoning, Official Map, land division, and building and capital improvement plans shall be considered as planning documents within this definition. It is recognized that the Master Plan is an evolving document which may be amended or modified from time to time as circumstances warrant.

“Minor Street” means a street used, or intended to be used, primarily for access to abutting properties; also referred to as a “local street.”

“Native Canopy Trees”. The following tree species are considered native canopy trees:

<b>Botanical Name</b>	<b>Common Name</b>
Carya ovata	Shagbark Hickory
Quercus alba	White Oak
Quercus borealis	Red Oak
Quercus macrocarpa	Burr Oak
Quercus velutina	Black Oak
Populus tremuloides	Quaking Aspen
Prunus serotina	Black Cherry
Acer rubrum	Red Maple
Carya cordiformis	Bitternut Hickory
Celtis occidentalis	Hackberry
Ostrya virginiana	Ironwood
Tilia americana	Basswood
Ulmus americana	American Elm
Ulmus rubra	Slippery Elm

“Official Map” means the map indicating the location, width and/or extent of existing and proposed streets, highways, parkways, parks and playgrounds, as adopted by the Common Council pursuant to Section 62.23(6), Wisconsin Statutes.

“Outlot” means a parcel of land, other than a lot, so designated on a plat or certified survey and which is not intended for building or structure development in the proposed land division. The municipality may, however, develop an outlot if the development serves a public purpose. The decision of what constitutes a public purpose lies at the sole discretion of the Common Council. (Ord 8B-07)

“Owner”, includes the plural, as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or a combination of these.

“Parcel” means contiguous lands under the control of a subdivider/developer(s), not separated by streets, highways or railroad rights-of-way.

“Parks Committee” means the City of Altoona Parks and Recreation Committee.

“Pedestrian Pathway” means a public way, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.

“Plan Commission” means the City of Altoona Plan Commission.

“Planned Community Development or PCD” means a form of development usually characterized by a unified site design for a number of housing and/or commercial units. The concept usually involves clustering of buildings, providing common open space, and mixing different types of housing (single family, duplexes, and multi-family). Ordinances permitting planned community developments reflect planning a project and calculating densities for the entire development rather than on an individual lot by lot basis. Regulating planned community developments requires greater involvement of public officials in site plan review and development aspects of both zoning and land division regulation since such developments may require exceptions or deviations from both types of regulation.

“Plat” means the map, drawing or chart on which the subdivider/developer’s plat of subdivision is presented to the City for approval.

“Plat, Final” means the final map, drawing or chart on which the subdivider/ developer’s plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds for recordation.

“Plat, Preliminary” means the Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission and Common Council for their consideration as to compliance with the regulations contained in this Title, together with all required supporting data.

“Protective Covenants” means contracts entered into between private parties or between private parties and public bodies pursuant to Section 236.293 Wisconsin Statutes, which constitutes a restriction on the use of all private or platted property within a certified survey or subdivision for the benefit of the public or property owners and to provide mutual protection against the undesirable aspects of development which would tend to impair the stability of property values.

“Public Way” means a right of passage over or a servitude imposed upon land in favor of the City or another public body, including municipal utility lines, as well.

“Recreational Easement” means an easement to the City of Altoona to place, replace, maintain or operate recreational facilities according to the rules and regulations of the City.

“Recreational Trail, Primary” means an easement or dedication for a linear corridor, at least thirty (30) feet in width, that is proposed for development by the City of Altoona as part of a continuous public trail system linking neighborhoods with parks, schools, conservancy areas, historic sites, and other public facilities and public open spaces.

“Recreational Trail, Secondary” means an easement or dedication for a linear corridor, at least fifteen (15) feet in width, that is proposed for development by the City of Altoona as part of a public trail system within neighborhoods, parkland, conservancy areas and other public open spaces providing access to Primary Recreational Trails from neighborhoods and/or providing corridors within and throughout parkland, conservancy areas and other public open spaces.

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

“Residential Dwelling Unit or Dwelling Unit” means a single family dwelling or part of a duplex, apartment, or other multiple family dwelling occupied by one (1) family or one (1) distinct set of inhabitants or occupants.

“Retention Area/Pond” means an area or impoundment within the boundaries of a proposed land division which is designed to temporarily detain storm water run-off which is generated within the boundaries of the proposed land division.

“Right-of-Way” means a public way dedicated to the public for its intended use.

“Setbacks” means the standards for setbacks shall be as defined in the City Zoning Code.

“Shorelands” means those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

“Street” means a public way for pedestrians and vehicular traffic and utility access including but not limited to highways, thoroughfares, parkways, through highways, roads, avenues, boulevards, lanes, places, and courts; and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the right-of-way.

“Structure” means anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility fixtures and appurtenances.

“Subdivider/Developer” means any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a major subdivision, minor subdivision or replat.

“Subdivision, Cluster” means a major subdivision where the parcel to be divided is fifteen (15) acres or more in size and is designed in a manner to reduce site disturbances, preserve sensitive features and open space, yet maintain gross densities similar to those permitted under traditional subdivision controls.

Cluster development permits basically the same number of lots but clusters the development, which allows for natural drainage, reduced pavement, and less need for underground construction (i.e., water, sanitary sewer, storm sewer) if required in the future.

Such cluster subdivisions shall be developed in two general types, both having a gross density of one dwelling unit per thirty thousand (30,000) square feet of land area (inclusive of public streets and dedicated parkland). The two types shall be as follows:

a. Lots containing less than fifteen thousand (15,000) square feet with an additional twenty thousand (20,000) square feet of open space.

b. Lots containing fifteen thousand (15,000) square feet or more with associated open space of fifteen thousand (15,000) square feet.

These two types of clusters may be mixed within a plan.

It is intended that the open space be permanent and for the protection and preservation of sensitive sites, vistas and incorporating any City-wide trails or bikeways. Such open space shall be available to all City residents. Open space shall be in the form of nature preserves, parks, agricultural areas, golf courses, prairies, and other large expanses. The permanent open space shall be provided and protected through deed restrictions or protective covenants.

“Subdivision, Major” means a division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building development, where:

A. The act of division creates five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area.

B. This Title shall apply to condominiums.

“Subdivision, Minor” means the division of land by the owner or subdivider/developer resulting in the creation of not more than four (4) parcels or building sites through the use of a Certified Survey Map as defined by this Title.

“Subdivision, Traditional” means any major subdivision which does not meet the definition of a cluster subdivision.

“Urban Service Area” means that area in the City served by public water and sewer facilities, designated on a map adopted by the Common Council and the West Central Regional Planning Commission.



“Wetlands” means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (See Wis. Stat. § 23.32(1).)

“Wisconsin Administrative Code”. The rules of the administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Section 35.93 and Chapter 22 of the Wisconsin Statutes, including subsequent amendments to those rules.

**18.02.020      Reserved for Future Use.**

## Chapter 18.03

### GENERAL PROVISIONS

#### Sections:

<b>18.03.010</b>	<b>General Provisions.</b>
<b>18.03.020</b>	<b>Land Suitability.</b>
<b>18.03.030</b>	<b>Determination of Adequacy of Public Facilities and Services.</b>
<b>18.03.040</b>	<b>Lot Sizes.</b>
<b>18.03.050</b>	<b>Dedication and Reservation of Land.</b>
<b>18.03.060</b>	<b>Existing Flora.</b>
<b>18.03.070</b>	<b>Additional Consideration.</b>
<b>18.03.080</b>	<b>Exceptions.</b>

#### **18.03.010 General Provisions.**

a. Compliance. No person shall divide any land located within the jurisdictional limits of these regulations which results in a land division or a replat as defined herein; no such 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 the following:

1. The provisions of Chapter 236 of the Wisconsin Statutes.
2. The rules of the Department of Commerce and the Department of Administration contained in the Wisconsin Administrative Code for land divisions not served by public sewer.
3. The rules of the Department of Agriculture, Trade and Consumer Protection contained in the Wisconsin Administrative Code for land divisions not served by public sewer.
4. The rules of the Department of Transportation contained in the Wisconsin Administrative Code for subdivisions which abut a state trunk highway or connecting street.
5. The rules of the Department of Natural Resources contained in the Wisconsin Administrative Code for Floodplain Management Program.
6. Master Plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the City Council.
7. All applicable local and county regulations, including zoning, sanitary, building and Official Mapping ordinances.
8. The City of Altoona Land Use Plan, or components thereof.
9. Applicable provisions of the Eau Claire County Code of Ordinances.
10. All applicable rules contained in the Wisconsin Administrative Code not listed in this subsection.

b. Jurisdiction. Jurisdiction of these regulations shall include all lands within the corporate limits of the City of Altoona and all lands within the extraterritorial plat review and approval area of the City of Altoona, except as specifically provided otherwise.

c. Minor Subdivisions. Any minor subdivision of land other than a subdivision as defined in Section 236.02(12) Wisconsin Statutes, shall be surveyed and a Certified Survey Map prepared as provided in Section 236.34 Wisconsin Statutes.

d. Building Permits. The City of Altoona shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a major subdivision, minor subdivision or replat originally submitted to the City of Altoona on or after the effective date of this Title until the applicant has complied with all of the provisions and requirements of this Title.

e. Applicability to Condominiums. This Title is expressly applicable to condominium developments within the City's jurisdiction, pursuant to Section 703.27(1), Wis. Stats. For purposes of this Title, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of land division.

**18.03.020 Land Suitability.**

Suitability.

1. No land division shall be allowed for residential use, commercial use, industrial use or any other use which is held unsuitable for such use by the Plan Commission for reason of flooding or potential flooding, inadequate drainage, steep topography, unsuitable soil or rock formation, unfavorable topography, incompatibility with surrounding land use, inconsistency with the City's Master Plan, or for any other feature likely to be harmful to the health, safety, or welfare of current or future residents of the community.

The Plan Commission, 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, commercial use, industrial use, or any other use and afford the subdivider/developer an opportunity to present evidence regarding such land suitability if the subdivider/developer so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

2. Except as provided herein, the Plan Commission shall determine land suitability at the time of the preliminary consultation prior to the time the preliminary plat or Certified Survey Map is considered, following review and recommendation by the appropriate City Commission(s) and Committee(s). The subdivider/developer shall furnish such maps, data and information as may be requested by the Plan Commission, or as are necessary to make a determination of land suitability.

The Plan Commission may impose special conditions on the plat or Certified Survey Map deemed necessary to protect the health, safety or welfare of future residents of the area. Those areas that are found to be environmentally sensitive shall be considered for preservations and open space. The determination of land suitability will be evaluated through a site assessment procedure.

In addition to the data required to be submitted with the Preliminary Plat or Certified Survey, the subdivider/developer may be required to submit some or all of the following additional information for development located in an area where flooding or potential flooding may be a hazard:

a. Two (2) copies of an aerial photograph, or two (2) maps prepared by a registered land surveyor or engineer which accurately locate the proposed development with respect to the flood plain zoning limits, if present, channel or stream fill limits and elevations, and flood-proofing measures taken or proposed to be taken.

b. Two (2) copies of a valley cross-section showing the channel or stream, the flood plain adjoining each side of the channel or stream, cross-sectional area to be occupied by the proposed development and high-water information.

c. Two (2) copies of a profile showing the slope of the bottom of the channel or the flow line of the stream.

d. Such other data as may be requested or required.

3. When a proposed land division is located in an area where flooding or potential flooding may be a hazard, the Plan Commission may request the subdivider/developer to submit such additional information as necessary. The Plan Commission may also transmit to the Department of Natural Resources, information provided by the subdivider/developer and may request that the Department provide technical assistance in determining whether the land is suitable or unsuitable for the use proposed.

4. Where a proposed land division is located wholly or partly in an area where flooding or potential flooding may be a hazard, the applicable County Ordinances shall apply.

5. The subdivider/developer may, as part of the preliminary consultation procedures, request a determination of land suitability provided that the subdivider/developer shall provide all necessary maps, data and information necessary for such determination to be made.

**18.03.030 Determination of Adequacy of Public Facilities and Services.**

a. A Certified Survey Map, preliminary plat or final plat shall not be approved unless the Plan Commission and the Common Council determine that adequate public facilities and public services are available or will be available in the future to meet the needs of the proposed land division.

b. The applicant shall furnish any data requested by the Plan Commission or the Director of Public Works who shall transmit this information to appropriate City commissions, committees and boards for review and shall act as coordinator for their reports to the Plan Commission and Common Council on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, and transportation facilities.

c. Public facilities and public services for a proposed land division may be found to be adequate when the following conditions exist:

1. a. Where the proposed land division is located in an urban service area or planned future urban service area where mainline interceptor sewer service is available, presently under construction, or designated by the Common Council for extension of sewer service. The Plan Commission and the Common Council shall also consider the recommendations of the Director of Public Works and the Public Works Committee on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.

b. Where the proposed land division is not located in an urban service area or planned urban service area where mainline interceptor sewer service is available, presently under construction, or designated by the Common Council for extension of sewer service, the Plan Commission and the Common Council shall consider the site specific and overall impact of such development on the public health, safety and welfare of the immediate area and community as a whole.

2. a. Where the proposed land division is located in an urban service area or planned urban service area, serviced by an arterial transmission water main with adequate capacity for the proposed development, or the water distribution system that is needed is presently under construction, or designated by the Common Council for extension of water service, the Plan Commission and the Common Council shall consider the recommendations of the Director of Public Works and the Public Works Committee on line capacities, water sources and storage facilities as well as any other information presented.

b. Where the proposed land division is not located in an urban service area or planned urban service area serviced by an arterial transmission water main with adequate capacity for the proposed development, and the water distribution system that is needed is not under construction or scheduled for construction, the Plan Commission and Common Council shall consider this site specific and overall impact of such development on the public health, safety and welfare of the immediate area and community as a whole.

3. The Director of Public Works and Public Works Committee recommend to the Plan Commission and the Common Council that adequate facilities are available to insure the proper storm water management.

4. The Parks and Recreation Committee recommends that future residents of the proposed land division can be assured park, recreation and open space areas, facilities and services which meet the standards of the park and open space plan.

5. The Police Department and Fire Department verify that timely and adequate service can be provided to the residents.

6. The proposed land division is accessible by existing publicly maintained, all-weather roads adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division, or necessary additional roads and road improvements are budgeted for construction with public or private financing, or public transportation service sufficient to serve the land division in combination with the foregoing is available or programmed for the area. The Plan Commission and the Common Council shall consider the recommendations of other commenting agencies and jurisdictions, and such factors as level of service, average and peak use, and any other information presented.

7. Where the Plan Commission and the Common Council determine that one or more public facilities or services are not adequate under 18.03.30(1) through 18.03.30(6) above, for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.

**18.03.040 Lot Sizes.**

In the case of all subdivisions, including minor subdivisions, lot sizes shall conform to the minimum area and width requirements of the applicable zoning code, unless otherwise modified by the provisions of this Title. A subdivider/developer may, however, propose lot sizes which exceed the minimum area and width requirements of the applicable zoning code. This section shall not apply to land divisions located in areas subject to Chapter 18.20, Extraterritorial Land Divisions.

**18.03.050 Dedication and Reservation of Land.**

a. Whenever a tract of land to be divided within the jurisdiction of this Title encompasses all or any part of a street, highway, bikeway, pedestrian way, greenway, environmental corridor, waterway or a drainage or utility easement designated in the Master Plan or Official Map, the subdivider/developer shall plat such public way in the locations and dimensions indicated on such Master Plan or Official Map. The Plan Commission, in its sole discretion, shall determine whether such public way should be dedicated to the public, reserved by easement, transferred to a Homeowners' Association, if one is formed, or reserved by the subdivider/developer in the locations and dimensions indicated on such plans or map in accordance with the requirements of this title.

b. Whenever a tract of land to be divided within the jurisdiction of this ordinance encompasses all or part of a park site, walkway trail, bikeway, pedestrian trails, open space or other recreation area or school site designated in the Master Plan, Park and Open Space Plan, or Official Map, such public sites shall be platted and dedicated to the public, reserved by easement, transferred to a Homeowners' Association, if one is formed, or reserved by the subdivider/ developer at the sole discretion of the Plan Commission in the locations and dimensions indicated on such plans or map in accordance with the requirements of this title.

c. Once a preliminary plat or certified survey is approved, any lands proposed for public use above shall not be altered without the written approval of the Plan Commission, and other committees and commissions as appropriate.

**18.03.060 Existing Flora.**

The subdivider/developer shall make every reasonable effort to protect and retain as many existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails as feasible. Such trees and flora are to be protected and preserved during the construction of improvements, residential buildings, commercial buildings or industrial buildings in accordance with sound conservation plans and pursuant to a landscaping plan filed with the City by the subdivider/developer, or as may otherwise be required by the Plan Commission or Director of Public Works.

**18.03.070 Additional Consideration.**

- a. The subdivider/developer shall make every effort to preserve and protect:
1. Areas of archaeological and/or historical interest including, but not limited to, those areas designated by the State Historical Society.
  2. Areas of geological interest including, but not limited to, those areas designated by the State Geological and Natural History Survey.

In addition, the suitability of land for private sewerage systems shall be determined in accordance with the appropriate provisions of the Wisconsin Statutes and Wisconsin Administrative Code, and all land divisions shall satisfy the environmental assessment criteria of this Title.

**18.03.080 Exceptions.**

The provisions of this Title shall not apply to:

1. Transfers of interests in land by will or pursuant to court order;
2. Leases for a term not to exceed ten (10) years, mortgages or easements;
3. The 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 the applicable zoning code or other applicable laws or ordinances unless the parcels have been part of a prior land division or subdivision.
4. Where sale or exchange of parcels involves only a change of lot lines, that the land division may be approved by the person designated as the Zoning Administrator after a staff review to determine conformance with City of Altoona ordinances.

## Chapter 18.04

### GUIDELINES FOR REVIEWING LAND DIVISIONS

#### Sections:

#### 18.04.010 Guidelines.

#### 18.04.010 Guidelines.

The following guidelines for reviewing land divisions are nonbinding advisory guidelines and review criteria that the Plan Commission and Common Council may apply in reviewing land divisions. Nothing in this Title shall prevent the Common Council or Plan Commission from developing and applying such additional guidelines and review criteria as the Common Council or Plan Commission, in their sole discretion, determine appropriate.

- a. Land divisions should be consistent with the goals, objectives, and development standards set forth in the City's Master Plan or Comprehensive Plan.
- b. Land divisions should be compatible with the character, size, and quality of development on nearby and adjoining properties.
- c. Land divisions should be planned and designed to maintain the "distinct character" of the area included in the land division and consistent with the area surrounding the land division.
- d. Land divisions should be planned and designed to protect environmentally sensitive and historical sites.
- e. Land divisions should be planned and designed to minimize the disruption of groves of existing mature vegetation, particularly native canopy trees.
- f. Land divisions should be planned and designed to be sensitive to historic and archeological sites on both the parcel being divided and on adjoining and nearby properties.
- g. Land divisions should be planned and designed to minimize the disruption of distant vistas.
- h. The preferred locations for building envelopes are woodland fringes, at the edges of open areas and within new tree plantations where the aesthetic and visual impact of new structures will be minimized.
- i. Building envelopes should be located in such a manner as to make such structures as inconspicuous as possible.
- j. Building envelopes should be set back a minimum of forty (40) feet from all recreational trail easements and dedicated recreational trails.
- k. Building envelopes should be set back a minimum of thirty (30) feet from all public road rights-of-way.
- l. Where feasible in the sole judgment of the Plan Commission and Director of Public Works, utility lines serving land divisions should be placed underground in order to maintain the natural character of the area and preserve views and vistas. Where placement of underground utility lines is not feasible, easements for overhead utilities should be located within land divisions in such a manner as to minimize their visual impact.

## **Chapter 18.05**

### **APPLICATION REVIEW AND ADMINISTRATIVE FEES**

**Sections:**

**18.05.010      General.**

**18.05.020      Application Review Fee.**

**18.05.010      General.**

The subdivider/developer shall pay the City all fees as hereinafter required and at the times specified before being entitled to recording of a plat or Certified Survey Map.

**18.05.020      Application Review Fee.**

On an annual basis or at such intervals as it deems appropriate or necessary, the Common Council shall by resolution establish fee schedules for all land divisions including but not limited to preliminary plats, final plats, certified survey maps and replats. Such fees as are required shall be non refundable and must be received by the City Clerk at the time the Preliminary Plat is submitted to the City Clerk.



## Chapter 18.06

### PRELIMINARY PROCEDURE

#### Sections:

#### **18.06.010 Preliminary Consultation.**

#### **18.06.010 Preliminary Consultation.**

The subdivider/developer shall complete a preliminary consultation with the Plan Commission and the Director of Public Works regarding general subdivision requirements before filing a Preliminary Plat or Certified Survey Map. The subdivider/developer shall inform the City Clerk in writing of the impending land division at least thirty (30) days prior to preliminary consideration by the Plan Commission, and information regarding meeting dates, agenda deadlines and filing requirements shall be provided by the City Clerk. The Clerk shall provide the subdivider/developer with the Environmental Assessment Checklist prior to the preliminary consultation. An outline of the Community Impact Statement, Subdivision Ordinance, and information regarding meeting dates, agenda deadlines and filing requirements shall be provided to the subdivider/developer at least twenty (20) days prior to preliminary consultation with the Plan Commission.

The following additional information shall be provided at the time of the preliminary consultation:

Information including data on existing covenants, easements, flowage rights, land characteristics and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, business areas, playgrounds, park area, and other public areas, tree planting, proposed protective covenants and proposed utilities and street improvements.

The subdivider/developer shall, at the time of preliminary consultation, submit a concept map showing potential lot locations, a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. In addition, the subdivider/developer shall submit an Environmental Assessment Checklist (Appendix A) and Preliminary Community Impact Statement. In no case shall the Plan Commission conduct such a preliminary consultation unless all materials required and public notice of such consultation shall be made available at least ten (10) days prior to the consultation. The subdivider/developer shall provide ten (10) copies of such materials.

The Preliminary Consultation is intended to inform the subdivider/developer of the purpose and objectives of these regulations, the City Master Plan and duly adopted plan implementation devices of the City and to otherwise assist the subdivider/developer in planning the proposed development. The Preliminary Consultation is also designed to provide the Plan Commission with information regarding the potential impact of the contemplated land division.

The Plan Commission and the subdivider/developer may reach mutual conclusions regarding the general program and objectives of the proposed development and its potential impact and effects on the neighborhood and community during the Preliminary Consultation.

## Chapter 18.07

### REQUIRED IMPROVEMENTS AND DESIGN REQUIREMENTS

#### Sections:

18.07.010	Improvements Required.
18.07.020	Required Agreement Providing For Proper Installation of Improvements; Surety.
18.07.030	Required Construction Plans; City Review; Inspections.
18.07.040	Street Improvements.
18.07.050	Curb and Gutter; Drainage Facilities.
18.07.060	Sidewalks and Bikeways.
18.07.070	Sanitary Sewerage System.
18.07.080	Water Supply Facilities.
18.07.090	Storm Water Drainage Facilities.
18.07.100	Other Utilities.
18.07.110	Street Lamps; Street Trees.
18.07.120	Street Signs.
18.07.130	Erosion Control.
18.07.140	Partition Fences.
18.07.150	Easements.
18.07.160	Oversized Facilities.
18.07.170	Acceptance of Improvements and Dedications.
18.07.180	General Street Design Standards.
18.07.190	Specifications For Preparation, Construction and Dedication of Streets and Roads.
18.07.200	Block Design Standards.
18.07.210	Lot Design Standards.
18.07.220	Non-Residential Subdivision.
18.07.230	Grading.

#### 18.07.010 Improvements Required.

##### a. General Requirement.

1. In accordance with the authority granted by Sec. 236.13 of the Wisconsin Statutes, the City of Altoona hereby requires that, as a condition of Final Plat or Certified Survey Map approval, the subdivider/developer agrees to make and install all public improvements required by this Chapter and that the subdivider/developer shall provide the City with security to ensure that the subdivider/developer will make the required improvements. As a further condition of approval, the Common Council hereby requires that the subdivider/developer be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the platting or Certified Survey Map, fall within the public way. The Common Council shall evaluate the impact of such improvements on other affected properties and shall determine an equitable distribution of the costs of such improvements based on the benefits derived from such improvements.

2. As a condition for the acceptance of dedication of public rights-of-way, the City requires that the public ways have been previously provided with all necessary facilities constructed to City specifications, including, but not limited to, sewerage, storm drainage, water mains and services, grading and improvement of the streets and other public ways, sidewalks, street signing, street lighting and such other facilities required by the Common Council or that a specific portion of the costs be paid in advance as provided in Sec. 66.0709(2), Wis. Stats.

##### b. Options.

1. The required public improvements shall be installed by the subdivider/ developer at the subdivider/developer's cost; or

2. The City may enter into a recapture agreement with the subdivider/ developer agreeing to require payment of recapture costs of public improvements from those properties benefitting from the improvements. The City shall prohibit development on those properties until payment has been made. The subdivider/developer may contract directly with adjacent property owners and/or subdivider/developers of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.

3. Any workable combination of the above as determined by the Common Council to be acceptable.

4. If the City finds that City construction of such public improvements would not be warranted as a special assessment to the intervening properties, or as a governmental expense until some future time, the subdivider/developer shall be required, if the subdivider/developer wishes to proceed with the development, to obtain necessary easements or right-of-way and construct and pay for such public improvement extensions as provided under Subsections (b)(1) or (2) above.

c. General Standards. The required public improvements shall be installed in accordance with the engineering standards and specifications which have been adopted by the Common Council. Where standards and specifications have not been adopted, the improvements shall be made in accordance with established engineering practices, approved prior to the start of construction, by the Director of Public Works. When new or revised standards and/or specifications have been adopted by the City, work on public improvements not begun within four (4) years of the date of Final Plat adoption shall be made to the new or revised standards and/or specifications. The Director of Public Works shall review and approve the construction plans, specifications and calculations for the construction of the required public improvements.

d. Project Manager. The subdivider/developer shall designate a project manager who shall be readily available during the construction of the required public improvements. The project manager shall be granted authority on behalf of the subdivider/developer to make decisions related to the construction of the required public improvements as they may arise during the course of the construction. The project manager shall also be responsible for the scheduling and coordination of the required work to construct the required improvements. Correspondence with or verbal orders to the designated project manager shall have the same authority as with the subdivider/developer directly.

#### **18.07.020 Required Agreement Providing for Proper Installation of Improvements; Surety.**

a. Contract. At the time of approving a final plat, the subdivider/developer shall be required to enter into a contract with the City for land division improvements and shall agree to install improvements. The contract form shall be provided by the City and may provide for a phasing of public improvements construction, providing such phasing is approved by the Common Council. The City reserves the right to control the phasing through limits, sequence, and/or additional surety so as to provide for continuity of streets, sewers, water mains, and other necessary public improvements within and between the phases.

##### **b. Financial Guarantees.**

1. The subdivider/developer shall file with said contract an irrevocable letter of credit in an amount equal to one hundred twenty-five percent (125%) of the estimate of the cost prepared by the Director of Public Works as surety to guarantee that such improvements will be completed by the subdivider/developer or his/her contractors not later than eighteen (18) months from the date of recording the plat or Certified Survey Map. The City shall be the beneficiary of such letter of credit.

2. The subdivider may elect, with the approval of the City, to install improvements in construction phases. The anticipated completion date for each phase shall be included in the Developer Agreement. The subdivider shall have the right to request modification to the completion date for phased construction based on extenuating circumstances. Phased construction may be approved provided that:

a. The phases are specified in the contract with the City for land division improvements;

b. The subdivider/developer submits a surety in an amount equal to one hundred twenty-five percent (125%) of the estimated costs of improvements next required by the installation and construction schedules. Improvements constructed during the first stage and each successive stage of construction shall not be accepted nor shall any building permit be issued for construction within the completed area of the subdivision or comprehensive development until the security required for the next stage of construction has been posted with the City;

c. The subdivider/developer records deed restrictions approved by the City Attorney which specify that the lots which are included in future construction phases of the land division will not be transferred or sold unless the City's approval is obtained;

d. The subdivider/developer minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and

e. Erosion control plans and measures submitted and approved herein shall address the individual phases of construction.

3. The time limit for completion of a phased improvement program shall take into account the needs and desires of the City and adjacent property owners for street and other improvements to serve lands adjacent to and within the land division.

4. As work progresses on installation of improvements constructed as part of the contract, the Director of Public Works, upon written request from the subdivider/developer from time to time, is authorized to recommend a reduction in the amount of surety as hereinafter provided. When portions of construction (water, sanitary sewer, street, sidewalk, greenway or other improvements) are completed by the subdivider/developer and determined acceptable by the Director of Public Works, the City Clerk is authorized, upon submission of lien waivers by the subdivider/developer's contractors, to reduce the amount of surety. The amount of surety may be reduced at the time all underground utilities are installed, tested, and accepted by the City.

The amount of surety remaining shall be equal to one hundred twenty-five percent (125%) of the estimate of the Director of Public Works of costs of work remaining to be completed and accepted and to insure performance of the one (1) year guarantee as specified in Subsection (d) below against defects in workmanship and materials on work accepted. When the work on the major components of construction has been substantially completed, except for work which cannot be completed because of weather conditions or other reasons which, in the judgement of the Director of Public Works are valid for noncompletion, the City Clerk is authorized to accept a reduction in the amount of surety to an amount which, in the estimate of the Director of Public Works, is sufficient to cover the work remaining to be completed, including performance of the one (1) year guarantee period against defects in workmanship and materials. As a further guarantee that all obligations under contract for work on the development are satisfied, the Director of Public Works shall approve, prior to the commencement of construction, the contractor and subcontractors who are to be engaged in the construction of utilities or street improvements on the street right-of-way to be dedicated. The Common Council, at its option, may extend the surety period for additional periods not to exceed one (1) year each.

5. Governmental units to which these surety and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in their behalf, agreeing to comply with the provisions of this Section.

6. The subdivider/developer shall agree in the development contract to pay all street and sidewalk assessments and specifically all area charges for sanitary sewer mains and all water main assessments, including where the land division abuts existing streets which are not improved within the City. Such standard street improvements shall include but not be limited to curb and gutter, local storm sewer, sidewalks and a bituminous pavement.

7. Improvement Guarantee. The subdivider/developer shall include in said contract an instrument of public improvement guarantee by irrevocable letter of credit, certified check, or cash escrow deposit, to guarantee maintenance, repair, replacement by the developer of said public improvements which deteriorate or fail to meet performance or operating standards during the surety term

or any penalties which may be incurred as a result thereof, equal to fifteen percent (15%) of the Director of Public Works' estimate of the cost of the public improvements. If within one (1) year after the date of final acceptance of any public improvement by the Common Council (or such longer period of time as may be prescribed by laws or regulations or by the terms of any special guarantee required by the terms of said contract as may be necessary due to the phasing of the construction of public improvements), any work on any public improvement is found to be defective, the subdivider/developer shall remove it and replace it with nondefective work in accordance with written instructions given by the Director of Public Works. If the subdivider/developer does not promptly comply with the terms of such instructions, or in an emergency where delay would cause serious risk of loss or damage, the City may cause the removal and replacement of said defective work and charge all direct, indirect and consequential costs of such removal and replacement to the surety or improvement guarantee instrument.

**18.07.030 Required Construction Plans; City Review; Inspections.**

a. Engineering Reports, Construction Plans and Specifications. As required by this title, engineering reports, plans and proposed specifications shall be submitted by the subdivider/developer simultaneously with the filing of the Final Plat. At the Final Plat stage, construction plans for the required improvements, conforming in all respects with the standards of the Director of Public Works and the ordinances of the City, shall be prepared at the subdivider/developer's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the Director of Public Works for his approval and for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the Final Plat with the City Clerk, or as soon thereafter as practicable, the subdivider/developer shall furnish copies of the construction plans and specifications for the following public improvements:

1. Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.
2. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
3. Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
4. Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
5. Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the City's and State's erosion control requirements if applicable.
6. Planting plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
7. Master site grading plan showing existing and proposed lot corner elevations, top of curb elevations, building location and proposed garage floor building elevation, and shall show control and direction of drainage for each lot within the subdivision and for drainage adjacent to the plat.
8. Additional special plans or information as required by City officials.

b. Action by the Director of Public Works. The Director of Public Works shall review, or cause to be reviewed, the plans and specifications for conformance with the requirements of this Chapter and other pertinent City ordinances and design standards as recommended by the Director of Public Works and approved by the Common Council. If the Director of Public Works rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Director of Public Works shall approve the plans and specifications for transmittal to the Plan Commission. The Plan Commission shall approve the plans and specifications before the improvements are installed and construction commenced.

c. Construction and Inspection.

1. Written authorization to start the work shall be obtained from the Director of Public Works prior to starting any of the work covered by the plans approved above. Such authorization shall be issued upon receipt of all necessary permits and in accordance with the construction methods specified in this Chapter. Building permits shall not be issued until all utility services required by this Chapter are satisfactorily completed, and the subdivider/developer has furnished lien waivers for all contractors.

2. During the course of construction, the Director of Public Works shall make periodic inspections as the Director or the Common Council deems necessary to insure compliance with the plans and specifications as approved.

d. Record Plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider/developer shall make or cause to be made four (4) blue line plan sets showing the actual recorded location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Director of Public Works shall require. These plans shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be condition of final acceptance of the improvements and release of the surety assuring their completion.

#### **18.07.040 Street Improvements.**

The subdivider/developer shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this Chapter, particularly Sections 18.07.50 and 18.07.51:

a. General Considerations. The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

b. Construction Standards. Construction of all streets shall conform to the current standards as established by the City in this Chapter and elsewhere and shall be subject to approval of the Director of Public Works before acceptance.

c. Conform to Official Map. The arrangement, width, grade and location of all streets shall conform to the Official Map.

d. Survey Monumentation. Before final approval of any plat or certified survey within the corporate limits of the City, the subdivider/developer shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The Director of Public Works may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider/ developer executes a survey to insure the placing of such monuments within the time required. On behalf of the City, the City Clerk is authorized to accept such surety and contracts for monumentation in an amount approved by the Director of Public Works. Building permits shall not be issued until all survey monumentation for the block(s) of lots wherein building permits are being applied for within the land division under development has been installed. When the land division includes an established one-half (1/2), one-quarter (1/4), one-quarter one-quarter (1/4-1/4), or such other section monument, the established monument shall be preserved and/or fully restored by the subdivider/developer at his cost.

e. Street Construction. After the installation of all required utility and storm water drainage improvements, the subdivider/developer shall prepare for surfacing all roadways and install curb and gutter to the widths prescribed by these regulations, by placing crushed rock on said roadways and, in addition, shall surface said street in a manner and quality consistent with this Chapter and plans and specifications approved by the Director of Public Works. Construction shall be to City standard specifications for street improvements.

f. Street Cross-Sections. When permanent street cross-sections have been approved by the City, the subdivider/developer shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Director of Public Works.

**18.07.050 Curb and Gutter; Drainage Facilities.**

a. After the installation of all utility and storm water drainage improvements, the subdivider/developer shall be required to construct concrete curbs and gutters or, if approved by the City, a system of ditches and culverts. The subdivider/developer shall install concrete curb and gutter along both sides of all streets and boulevards shown on the plan. The cost of the curb and gutter, required inspection, supervision and engineering fees shall be paid for by the subdivider/ developer. Wherever possible, provisions shall be made at the time of construction for driveway access curb cuts.

b. Suitable concrete curb and gutter shall be constructed along the outside edge of all street pavements. All curb and gutter in residential areas shall be a standard 30" Type D six (6) inch barrier curb with a twenty-four (24) inch flag, except at driveway aprons where depressed curb shall be constructed. Depressed curb ramps shall be constructed at all handicap ramps for sidewalks and at all bikeways. Said curbs and gutters shall be constructed of concrete, 3500 PSI strength at seven (7) days, and contain three (3) continuous one-half (1/2) inch diameter deformed steel reinforcing rods ten (10) feet long, six (6) inches on center in the gutter flag at locations crossing underground utility excavations or where otherwise directed by the Director of Public Works. Expansion joints three-quarter (3/4) inch thick shall be placed in the curb at each starting and ending of a radius, three (3) feet at each side of inlets, and at intervals not exceeding two hundred fifty (250) feet and where otherwise directed by the Director of Public Works. Tie bars shall be provided where curb and gutter is adjacent to rigid pavements.

c. Contraction joints shall be tooled, saw cut, or formed by insertion of a metal plate in the concrete at intervals not exceeding twelve (12) feet.

**18.07.060 Sidewalks and Bikeways.**

a. Where Required. In all new subdivisions as well as additions to pre-existing additions, as required by the Common Council, the construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Director of Public Works.

b. Extra-Sized Sidewalks. Wider-than-standard sidewalks may be required by the Common Council in the vicinity of schools, commercial areas and other places of public assemblage; and the Common Council may require the construction of sidewalks in locations other than required under the preceding provisions of this Section if such walks are necessary for safe and adequate pedestrian circulation.

c. Location.

1. The subdivider/developer shall be required to provide sidewalks and bikeways where required by the City according to the following specifications: Sidewalks and bikeways shall normally be located as far from the traffic lane as is possible, but not closer than six (6) inches to the right-of-way line. Where, as a result of such major obstructions as large and established trees, steep hills, drainageways, or major utility lines, the construction costs of the sidewalk or bikeway in its normal location would be prohibitive, sidewalks or bikeways may be located elsewhere within the street right-of-way, or within an easement, with the approval of the Director of Public Works. Sidewalks and bikeways constructed at street intersections or within five (5) feet of a legal crosswalk shall include provisions for curb ramping as required by Sec. 66.0909, Wis. Stats., and in accordance with City standards. In all cases where the grades or sidewalks or bikeways have not been specifically fixed by ordinance, the sidewalks and bikeways shall be laid to the established grade to the street (Ref. Sec. 66.0907(2), Wis. Stats.). In areas where sidewalks and bikeways are to be laid to the established grade of the street, the street edge of the sidewalk or bikeway pavement shall be at an elevation above the top of the curb determined by a slope of a minimum of one-fourth (1/4) inch per foot up to a maximum of three-fourths (3/4) inch per foot times the distance between the curb and the street sidewalk or bikeway edge. The sidewalk or bikeway pavement shall be sloped at a minimum of one-fourth (1/4) inch per foot and a maximum of three-fourths (3/4) inch per foot toward the street--unless public drainage is available behind the sidewalk or bikeway.

2. Sidewalks in street right-of-ways shall be specifically intended to serve adjacent lots and the pedestrian traffic generated from and to those lots.

d. Bikeways.

1. Bikeways, as outlined in City and County plans, shall be intended to serve both pedestrian and bicycle traffic in areas where the majority of the adjoining lots do not have frontage or access to the street or are not being served by the bikeway. In general, those lots which do not front or have access on the street in question are not the generating or terminating point for the pedestrian or bicycle traffic.

2. More specifically, bikeways shall be designed to transport the majority of pedestrian or bike traffic through the area as opposed to serving the adjoining lots as a sidewalk does.

3. Bikeways shall not be installed in lieu of sidewalks.

e. Location Determination. The Director of Public Works shall determine where sidewalks and/or bikeways are required in accordance with this Section.

f. Construction Standards. Bikeways shall be constructed of bituminous pavement, at least eight (8) feet in width, in accordance with standard City specifications. Sidewalks shall be constructed according to the plans and standard specifications approved by the Director of Public Works.

g. Required Locations. The subdivider/developer shall be required to install sidewalks and/or bikeways in accordance with the following:

1. On all streets within new subdivisions unless such requirement is waived by the Common Council.

2. Other streets, both major and minor, which serve as major pedestrian access routes to and from such pedestrian traffic generators as business establishments, restaurants, schools, neighborhood parks, high density multi-family developments, unless such requirement is waived by the Common Council.

3. All streets which currently have sidewalk along only a portion of street between consecutive intersections shall be completed from intersection to intersection.

#### **18.07.070 Sanitary Sewerage System.**

a. There shall be provided a sanitary sewerage system to all lots, approved by the Director of Public Works. The subdivider/developer shall install adequate sanitary sewer facilities and connect them to City sewer mains subject to specifications and inspection of the Director of Public Works. All sanitary sewers shall be in accordance with NR 110, Wis. Adm. Code. The subdivider/developer shall pay all the costs of all sanitary sewer work including the bringing of the sanitary sewer of adequate capacity and depth from where it exists to the land division in question as well as providing all sanitary sewer work within the land division.

The City shall place deferred assessments or establish connection charges for all properties which may benefit from the extension of such water and sewer utilities in the future. Such deferred assessments or connection charges, when collected shall be forwarded to the subdivider/developer as reimbursement for the cost of extending such water and sewer utilities.

b. Sanitary sewers, including all related items (manholes, lift stations, wyes, tees, stubs for future extensions, etc.), shall be installed meeting the specifications and requirements of the City. Supervision and engineering fees shall be paid for by the subdivider/developer.

c. Where sewers larger than eight (8) inches in diameter are required, the subdivider/developer shall be responsible for the cost of an eight (8) inch sewer. The difference in cost between an eight (8) inch sewer and the sewer installed shall be borne by the City.

d. The subdivider/developer shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. Where public sanitary sewers of adequate capacity are determined by the Director of Public Works to be available, extensions of the public sanitary sewer system shall be made so as to provide sewer service to each lot. Gravity sanitary sewers shall be extended to the land division and to each buildable lot as approved by the Director of Public Works. Sewerage service lines of the sizes and materials required by the Plumbing Inspector shall be installed from the sanitary sewers to the property line of every lot in the subdivision. This installation will be coordinated with the installation of sanitary sewers. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Director of Public Works. Where sanitary sewers are located within the floodplain, sanitary manholes shall be floodproofed.



e. The ends of the services for each lot shall be accurately measured and recorded with the Director of Public Works and marked in the field with appropriate staking.

**18.07.080 Water Supply Facilities.**

a. 1. There shall be provided a water supply system in conformity with the Master Plan of the water system as approved by the Public Works Committee. The subdivider/developer shall install and connect City water to serve all lots subject to specifications and inspection of the City and the State of Wisconsin or shall petition the City for installation and connection of City water to serve all lots. The subdivider/developer shall pay all costs of installing and connecting City water to City standards including the bringing of water from where it exists to the land division in question as well as providing all waterworks within the land division. The City shall place deferred assessments or establish connection charges for all properties which may benefit from the extension of such water and sewer utilities in the future. Such deferred assessments or connection charges, when collected shall be forwarded to the subdivider/developer as reimbursement for the cost of extending such water and sewer utilities. The subdivider/ developer shall provide for a minimum watermain diameter of eight (8) inches, except in cul-de-sacs where six (6) inches may be allowed, and the location of public fire hydrants along the public streets at not greater than a six hundred (600) foot spacing. Fire hydrants which have not passed testing or have not been operationalized shall be covered with securely attached bags to preclude their being inadvertently used by the Fire Department in an emergency situation. The centerline of the pumper nozzle of each hydrant shall be a minimum of twenty-one (21) inches above the pavement.

2. The subdivider/developer shall have prepared plan and profile drawings and specifications for the installation of water main facilities in accordance with City requirements, including the water main, pipe fittings, valves, hydrants and lateral house connections for each lot in the subdivision extended to the lot line. Upon approval of the plans by the Director of Public Works, the subdivider/developer shall cause to be installed, in accordance with the "Standard Specifications for Sewer and Water Construction in Wisconsin", all facilities required, and the cost of same, including inspection. Supervision and engineering fees shall be paid for by the subdivider/developer.

3. Where water mains larger than eight (8) inches in diameter are required, the subdivider/developer shall be responsible for the cost of an eight (8) inch water main. The difference in cost between an eight (8) inch water main and the water main installed shall be borne by the City.

4. The rules of the City's water utility on file with the Wisconsin Public Service Commission are hereby adopted by reference and made a part hereof as though fully set forth herein.

b. The subdivider/developer shall construct water mains in such a manner as to make adequate water service available to each lot within the land division. Extensions of the public water supply system shall be designed so as to provide public water service to each lot and required fire flow protection to each hydrant. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Director of Public Works.

**18.07.090 Storm Water Drainage Facilities.**

a. Pursuant to City Ordinances, the subdivider/developer shall provide storm water drainage facilities which include curb and gutter, manholes, catch basins and inlets, storm sewers, retention/detention ponds and other facilities as necessary to meet the requirements of this title and Title 14. The type of facilities required, the design criteria and the sizes and grades shall be determined by the Director of Public Works or his designee.

b. Storm drainage facilities shall be so designed as to present no hazard to life or property, shall minimize shoreland erosion and siltation of surface waters, shall prevent excess run-off on adjacent property and shall provide positive drainage away from on-site sewage disposal facilities. The size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with this Chapter, Title 14 and plans and standard specifications approved by the Director of Public Works or his designee.

**18.07.100 Other Utilities.**

a. 1. In so far as possible, all utilities, including but not limited to natural gas, telephone, cable TV, electric, and water shall be installed underground with an affidavit by the subdivider/ developer that the maintenance of said public improvements shall be guaranteed by the subdivider/ developer, pursuant to the Development Agreement.

2. Prior to any maintenance, repair or replacement being performed by the subdivider/developer during the surety period, he shall notify the Director of Public Works at least three (3) work days prior to the doing of the work and obtain approval of the Director of Public Works as to the nature and manner of work to be done.

b. The subdivider/developer shall cause gas, electric power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified survey or land division. All new electrical distribution, television cables and telephone lines from which lots are individually served shall be underground unless the Common Council, upon the recommendation of the Plan Commission, specifically allows overhead poles because topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical.

c. Plans indicating the proposed location of all gas, electrical power, cable television and telephone distribution and transmission lines required to service the plat shall be approved by the Director of Public Works.

**18.07.110 Street Lamps; Street Trees.**

a. Street Lighting. The subdivider/developer shall install street lamps along all streets proposed to be dedicated. The street lamps shall be of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Director of Public Works.

b. Street Trees. Street trees shall be planted throughout all residential land divisions. Such trees shall be planted in the parkways equidistant between the sidewalks and curb, or in street tree easements, and no closer than five (5) feet from any sanitary sewer service, water service, or driveway apron. At street corners, trees shall be located at least twenty-five (25) feet from the intersection of right-of-way lines. The Developer shall submit a street tree plan and the Plan Commission shall review and approve such plan subject to modifications as deemed necessary or desirable by the Plan Commission.

**18.07.120 Street Signs.**

a. The subdivider/developer shall arrange with the City and pay the costs of providing the street signing necessary to serve the development. Such signing shall include street name signs and such temporary barricades and "road closed" signs as may be required by the Director of Public Works until the street improvements have been accepted by Common Council resolution.

b. The Director of Public Works shall have the authority to impose any restrictions to traffic on street improvements not yet accepted by the City as he may deem necessary to protect the improvements from damage and to protect the safety of the public. Such restrictions shall include, but not be limited by enumeration to, weight restrictions, street closings, access restrictions, or the posting of temporary traffic control measures.

c. The subdivider/developer shall arrange with the City for the provision of directional signs for churches, schools and public facilities at cost, with the approval of the Director of Public Works.

d. The subdivider/developer shall pay the City for the cost of all street signs including the cost of labor and supervision for installation.

**18.07.130 Erosion Control.**

The subdivider/developer shall cause all gradings, excavations, open cuts, side slopes, and other disturbing activities to be mulched, seeded, sodded or otherwise protected as required by the City so that erosion, siltation, sedimentation and washing are prevented using best management practices in accordance with Title 14.

**18.07.140 Partition Fences.**

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

**18.07.150 Easements.**

a. Utility Easements. The Plan Commission, on the recommendation of appropriate departments, utilities and agencies serving the City, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.

b. Drainage Easements. Drainage easements shall comply with the requirements of Section 18.07.54(f).

c. Easement Locations.

1. Private utility easements (natural gas, electric, cable television, telephone and other communications) shall be set back at least five (5) feet from the side lot line and ten (10) feet from the front and rear lot lines. Public utility easements (water, sewer and storm water) shall be set back at least ten (10) feet from the center line of the pipe.

2. All dedicated easements for poles, cables or conduits for electricity, telephone or other private utility lines, shall be noted on final plat or Certified Survey Maps as "Utility Easement". All easements for storm and sanitary sewers, water and force mains, pedestrian walks and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.

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

**18.07.160 Oversized Facilities.**

When any public improvements of adequate capacity are not available at the boundary of a proposed land division, the City, or its duly authorized representative, shall require, as a prerequisite to approval of a Final Plat or Certified Survey Map, assurances that such improvement extensions shall be provided as follows in accordance with the following standards:

a. Design Capacity. All improvements within or entering or leaving the proposed development shall be installed to satisfy the service requirements for the entire service or drainage area in which the

development is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service area involved.

b. Oversized Improvements. Where improvements of adequate size needed to serve the development are not available at the boundary of the development, the subdivider/developer shall proceed under one (1) of the alternatives as identified in Section 18.07.16.

c. Lift Stations. Where sanitary or storm sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider/developer shall have plans, profiles, specifications and estimated operation and maintenance costs prepared for the installation of such facilities as required by the Director of Public Works. Equipment similar to existing City equipment shall be utilized whenever possible. The installation, inspection, supervision and engineering fees for lift stations and/or force mains shall be paid for by the subdivider/developer unless otherwise determined and agreed upon by the Common Council. Gravity sanitary sewer service shall be employed whenever determined by the Director of Public Works to be feasibly accessible.

#### **18.07.170 Acceptance of Improvements and Dedications.**

a. Acceptance of Improvements. The dedication of any improvements, utilities, streets, parks, easements, rights-of-way or other lands or rights to the City or the public shall not be considered accepted by the City for public ownership until such time as all public improvements which are required, either independently of or in association with the said dedication, have been completed and accepted by the Common Council by adoption of a resolution accepting such dedication. The subdivider/developer shall be responsible for and liable for the maintenance, safety and operation of all required public improvements until such time as the improvements are accepted by the Common Council by resolution.

b. In the event the City must take measures to maintain, operate or make safe a public improvement existing or required as a result of the land division but which has not yet been accepted by the City, the costs of such measures shall hereby be determined to be City-incurred costs to be reimbursed to the City by the subdivider/developer in accordance with the provisions of this Chapter.

c. Inspection and Certification of Improvements.

1. After any of the following increments of the required improvements have been installed and completed, the subdivider/developer shall notify the Director of Public Works, in writing, that the work is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements and shall file lien waivers or affidavits, in a form acceptable to the City Clerk and approved by the City Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no moneys are owed to any surveyor, mechanic, contractor, subcontractor, materialman or laborer after all required improvements have been installed. Acceptance of the improvements may be requested in the following increments:

- a. Sewer mains and services (either storm or sanitary).
- b. Water mains and services.
- c. Streets comprised of all grading, gravel, curb and gutter, culverts and paving.
- d. Other miscellaneous appurtenances to the above increments such as landscaping, sidewalks, bikeways, street lighting, street signing, etc.

2. The City Clerk shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the area of acceptance and shall prepare a final billing for engineer, inspection and legal fees and submit it to the subdivider/developer for payment. The Director of Public Works shall conduct any necessary final inspections of the improvements and forward a report to the City Clerk recommending either approval or disapproval. When the engineering, inspection, taxes, special assessments and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, the report of the Director of Public Works, together with the recommendation of the City Clerk, shall be forwarded to the Common Council for approval and acceptance of the improvements and dedications.

**18.07.180 General Street Design Standards.**

a. Compliance with Statutes. In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable City regulations. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply.

b. Dedication. The subdivider/developer shall dedicate land and improve streets as provided in this Title. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety.

Streets shall conform to Official Maps adopted by the Common Council. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.

c. Compliance with Master Plan and Ordinances.

1. The arrangement, character, features, and layout of land divisions in the City of Altoona shall be designed to comply with the standards of this Chapter, the Master Plan, the Official Map, and/or any comprehensive utility plans or other planning documents which may pertain to the standards of design for land divisions and which have been adopted by the Common Council. Where no such planning documents have been adopted, subdivisions shall be designed according to engineering and planning standards approved by the Director of Public Works and applied so as to properly relate the proposed development with adjacent development, the topography, natural features, public safety and convenience, and the most advantageous development of undeveloped adjacent lands. The absence of a street being shown on the Official Map, streets shall be provided in locations determined necessary by the Director of Public Works and to the right-of-way widths required in this Title for the classification of street required.

2. The arrangement, character, extent, width, grade, and location of all streets shall conform to City Master Plans, the Official Map, and to this Chapter, and other City planning documents and shall be considered in their relation to: existing and planned streets, reasonable circulation of traffic, topographical conditions, run-off of storm water, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

3. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same or greater width of the existing streets in adjoining areas.

d. Areas Not Covered by Official Map or Plan. In areas not covered by an Official Map or a Master Plan, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.

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

f. Streets Classifications. Streets shall be required and classified by the Director of Public Works in accordance with the City's Master Plan and where not identified in said plan, in accordance with sound engineering standards, into the classifications indicated below:

1. Arterial Streets. Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.

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

3. Local/Minor Streets. Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems,

and to require the minimum street area necessary to provide safe and convenient access to abutting property.

4. Alleys. Alleys shall be located at rear property lines, shall discourage through traffic, shall serve less than fifty (50) vehicles/day, shall be intended to provide access to off-street loading and service areas and not primary access to parcels.

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

h. Extraterritorial Streets. Streets located in the extraterritorial plat jurisdiction of the City shall provide for the dedication of the minimum widths of right-of-way in accordance with the standards adopted by the City of Altoona. Other streets within the extraterritorial plat jurisdiction of the City shall meet or exceed the City road standards of Sec. 86.26, Wis. Stats.

i. Alleys; Cul-de-Sac Streets.

1. Residential, Commercial and Industrial. Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances. The width of the right-of-way for residential alleys shall be not less than twenty-four (24) feet and the width of the right-of-way for commercial and industrial alleys shall be not less than thirty-two (32) feet. Alleys shall be constructed according to base and surfacing requirements for streets.

2. "T" alleys shall be discouraged. Temporary dead-end streets shall not be over one thousand (1,000) feet in total length, shall provide for an eventual intersection spacing meeting the requirements of this Chapter and shall provide for temporary cul-de-sacs or turnarounds as approved by the Director of Public Works.

3. Cul-de-sac Streets. As a rule, cul-de-sac streets designed to have one (1) end permanently closed shall not exceed one thousand five hundred (1,500) feet in length and shall terminate with a paved turnaround of not less than one hundred twenty (120) feet in diameter. However, this limitation in cul-de-sac length may be exceeded provided adequate emergency vehicular access and appropriate fire protection provisions and appurtenances (i.e. watermains, hydrants, etc.) are available and approved by the City. (Ord. 2A-04, 2004).

j. Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. The use of cul-de-sacs shall be generally discouraged, except where necessary due to topography or the use of "Cluster" design techniques and permanently dead ended streets shall be minimized. Provisions shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Common Council, upon the recommendation of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts.

k. Minor Streets. Minor streets shall be so laid out so as to discourage their use by through traffic.

l. Frontage Roads. Where a land division abuts or contains an existing or proposed arterial highway, or railroad right-of-way, the subdivider/developer shall provide a frontage road, platted access restriction along the property contiguous to such highway, or such other treatment as may be determined necessary by the Director of Public Works to ensure safe, efficient traffic flow and adequate protection of residential properties.

m. Private Streets. Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.

n. Horizontal Curves. When connecting street lines deflect from each other at any one point by more than five (5) degrees, they shall be connected by a curve with a radius of not less than one hundred seventy-five (175) feet on local streets, three hundred (300) feet on collector streets, and seven hundred (700) feet on arterial streets.

o. Visibility. Streets shall afford maximum visibility and safety for motorist, bicycle, and pedestrian use and shall intersect at right angles, where practicable. A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least five hundred (500) feet on major thoroughfares, two hundred (200) feet on collector-distributor streets, and one hundred fifty (150) feet on all other streets.

p. Tangents. A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.

q. Street Grades. The grade of major thoroughfares and arterial streets shall not exceed six percent (6%) unless necessitated by exceptional topography and approved by the Plan Commission. Grades of collector and local streets shall not exceed eight percent (8%). The minimum grade of all streets shall be five-tenths percent (.5%), unless approved by the Director of Public Works.

r. Vertical Curves. All changes in street grades for arterials and changes in street grades for collector and local streets where the algebraic difference in the rate of grade exceeds one percent (1%) shall be connected by vertical curves.

s. Half Streets. Half streets shall not be platted unless necessary to provide the full width of an existing street platted to half width. All newly platted streets shall be platted to the required full width. Where a half street exists adjacent to a proposed land division, the subdivider/developer shall endeavor to acquire and dedicate the remaining half street.

t. Intersections.

1. Angle of Intersect. Streets shall intersect each other at as nearly right angles as permitted by topography and other limiting factors of good design. The curved street shall intersect another street with not less than forty (40) feet of tangent right-of-way between the end of curvature and the right-of-way of the street being intersected.

2. Number of Streets Converging. The number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2). Intersections of local streets shall be at least three hundred (300) feet from each other.

3. Number of Intersections -- Arterial Streets. The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than one thousand two hundred (1,200) feet, unless otherwise determined by the Plan Commission to provide better safety.

4. Local Street Spacing. Local streets and frontage roads intersecting with other local streets shall be spaced no closer than three hundred (300) feet between centerlines and spaced no closer than eight hundred (800) feet between centerlines on collector streets, unless otherwise approved by the Plan Commission.

5. Local Streets. Local streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such local streets approach the major streets from opposite sides within one hundred fifty (150) feet of each other, measured along the centerline of the arterial or collector streets, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous and a jog is avoided.

6. Additional Sight Easements. Restricted development easements or additional street right-of-way shall be platted to provide for adequate sight distances in every direction of travel. At any intersection determined by the Director of Public Works, at a minimum, the subdivider/developer shall grade, clear or otherwise provide for an unobstructed sight triangle at all intersections. 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 thirty-five (35) feet from the intersection point shall be unobstructed.

u. Street Names

1. Duplication of existing street names by similar word, spelling, or sound shall not be permitted.

2. Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the street. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes.

3. A street name shall be changed when required to conform to the proposed or existing house numbering base.

4. A name which is assigned to a street which is not presently a through street, due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.

5. The following designations shall be used only in the situations indicated:

a. Boulevard. A street with a divided pavement, either existing or planned. If the divided pavement ends but the street continues, the same street name and suffix shall continue.

b. Lane. To be limited to a street, one (1) block long, not ending in a cul-de-sac.

c. Circle. To be limited to a cul-de-sac of nine (9) lots or more.

d. Court. To be limited to a cul-de-sac of eight (8) lots or less.

e. Parkway. To be limited to a street abutting a park or greenway or creek.

6. The maximum number of street names at one (1) intersection shall be three (3).

7. Street names shall be assigned to avoid intersections which have the same exact street names.

8. The name of any projection of a street shall remain unchanged even if the projection terminates in a cul-de-sac.

9. The changing of a street name that does not duplicate an existing street name shall only be approved where such change will eliminate conflicts with other provisions of this Subsection.

10. Service roads and highways served by them shall have the same street name and designation.

11. Approval of street names on a preliminary plat will not reserve the names nor shall the City be required to accept such names at the time of final platting.

12. A minimum number of letters is desirable in a street name. The maximum number of letters, not including the prefix or suffix, should not exceed twelve (12).

v. Limited Access Highway and Railroad Right-of-way Treatment. Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:

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

2. Commercial and Industrial Districts. Commercial and industrial districts shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.

3. Streets Parallel to a Limited Access Highway. Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

4. Minor Streets. Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

### **18.07.190 Specifications for Preparation, Construction and Dedication of Streets and Roads.**

a. General Requirements.

1. Construction Standards. All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this Chapter, whichever is more restrictive. The design requirements of this Title and



all related City Ordinances shall be applicable to all streets and roads that are to be dedicated to the City, regardless of whether such streets or roads are part of a new subdivision or land division. Design requirements for the pavement shall be adequate for the zoning classification of the area served by the subject street. A street which divides areas with different zoning classifications shall be constructed in accordance with the requirements of the area requiring the higher quality pavement. Any variation of this must have prior approval of the Director of Public Works. Combination concrete curb and gutter is required on all streets. (Refer to the Section describing requirements for curbs and gutters.) A copy of all design assumptions and computations on which the proposed design is based shall be submitted to the Director of Public Works.

2. Project Costs. All roadway surveys, dedications, plans and specifications and construction will be at the expense of the subdivider/developer. A conceptual layout must be provided in order for the Director of Public Works to review the design and the drainage.

3. Preliminary Consultation. Prior to the design, preparation and construction of any roadway to be dedicated to the City of Altoona, the subdivider/developer shall notify the Director of Public Works. An on-site meeting will then be arranged to be attended by the Director of Public Works and the subdivider/developer. Plans must be provided in order for the Director of Public Works to check the design and the drainage.

4. Material Slips. Copies of material slips for all materials furnished for the road construction projects shall be delivered to the City before the City approves the final construction.

5. Required Inspections. Prior to the commencement of any street construction, the subdivider/developer shall notify the Director of Public Works, at least three (3) workdays in advance, as to the nature of the work being done. The Director of Public Works shall be contacted for required inspections during the following phases of construction:

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

Any deficiencies found by the Director of Public Works shall be corrected before proceeding to the next phase of construction.

6. Tests of Materials. The City shall be provided with a sample of the roadway base material prior to placement on the roadway. The City shall also be provided with copies of test reports performed by an independent testing lab indicating test results for material gradation and soundness.

7. Pavement Samples. Samples of bituminous/concrete will be taken by the City during pavement construction operations for purposes of determining that the material meets specifications.

b. Construction Standards. All streets and highways constructed in the City or to be dedicated to the City shall fully comply with the following construction standards, and shall be adequate for the zoning classification or projected use of the area served by the street:

1. General. After completion of the underground utilities and approval thereof, the streets shall be constructed. Unless excepted by the Plan Commission, building permits shall not be issued prior to the installation of the street improvements and the approval of an individual lot grading plan that conforms to the guidelines of the master site grading plan, as determined by the Director of Public Works, or his designee.

2. Temporary Streets. Construction of temporary streets shall require authorization of the Plan Commission.

3. Standard Street Improvements.

a. Standard street improvements shall include street lights, crushed stone base course, concrete curb and gutter, bituminous binder and surface course and, when required, walkways.

b. The construction of standard street improvements can begin only when the construction of underground utilities has been completed and mechanical compaction test reports have been approved by the Director of Public Works.

c. Upon obtaining the written approval of the Director of Public Works the subdivider/developer can proceed with the construction of the standard street improvements. Standard street improvements shall be installed to the boundary line of the subdivision unless the street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Plan Commission.

4. Roadway Base Standards.

a. The subdivider/developer must bring all streets and alleys to a grade established by the Common Council. All site work by City employees in determining grade shall be billed at the City rate and paid by the subdivider/developer.

b. Residential streets shall have a minimum six (6) inch thick, compacted in-place, crushed stone roadway base. Roadway base shall consist of four (4) inch minimum depth of compacted, crushed stone conforming to requirements of Gradation No. 2 of Section 304 - Crushed Aggregate Base Course of "State of Wisconsin, Standard Specifications For Road and Bridge Construction," latest edition, in top layer over five (5) inch minimum depth of compacted, crushed stone in bottom layer, which conforms to following gradation specifications:

Sieve Size	Percentage Passing by Weight
3-inch	100
2 ½-inch	90-100
2-inch	35-70
1 ½-inch	0-15
¾-inch	0-5

c. On commercial, arterial or other heavy-use streets, as determined by the Director of Public Works, a ten (10) inch minimum depth base course shall be constructed upon an inspected and approved subgrade, with crushed rock approximately six (6) inches in depth conforming to the specifications in Subsection (b)(4)b above.

d. In the case of commercial, arterial or other heavy-use roads, the Common Council may, in the alternative to the above standards, have the Director of Public Works provide specifications for such roads after researching the site(s) and conducting a soil analysis for separate pavement design analysis.

e. In any case, the Common Council shall have the sole discretion in determining the use and construction classification to be adhered to.

f. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross-sections. Compaction shall be to ninety-five (95%) modified Proctor ASTM D1557. Testing shall be conducted by nuclear density meter or as otherwise approved by the Director of Public Works.

g. The subdivider/developer shall furnish drawings which indicate the proposed grades of streets shown on the plat and, after approval of those grades by the Director of Public Works and adoption by the Common Council, the streets shall be graded to full width of the right-of-way of the proposed street to the subgrade elevations shown on the typical cross-section. The grading is to be completed prior to installation of utilities. All stumps and trees which cannot be saved, boulders and other similar items shall be removed by the subdivider/developer.

5. Roadway Subgrade Quality. All subgrade material shall be subject to proof rolling of loaded construction equipment as approved by the Director of Public Works. Subgrade material which fails such proof rolling test shall be replaced as directed by the Director of Public Works.

6. Roadway Sub-Base. Stable and nonorganic sub-base material is required. Unstable and organic material must be subcut, removed and replaced with a suitable granular or breaker-run material approved by the Director of Public Works.

7. Street Width; Pavement Thickness.

a. Local streets shall be constructed as defined by this Title and the standards established by the Wisconsin Department of Transportation provided, however, that a greater or lesser roadway width may

be required by the Director of Public Works where necessary to assure uniformity along the entire length of any street. The thickness of the pavement shall be as prescribed by the Director of Public Works.

b. Collector streets shall be constructed as defined by this Title and the standards established by the Wisconsin Department of Transportation provided, however, that a greater or lesser roadway width may be required by the Director of Public Works where necessary to assure uniformity along the entire length of any street. Thickness of the pavement shall be as prescribed by the Director of Public Works.

c. Arterial streets shall be constructed as defined by this Title and the standards established by the Wisconsin Department of Transportation provided, however, that a greater or lesser roadway width may be required by the Director of Public Works where necessary to assure uniformity along the entire length of any street. The thickness of the pavement shall be as prescribed by the Director of Public Works.

d. When drainage ditches are utilized in a land division outside of the public service area, concrete curbs and gutters shall not be required and streets shall be constructed as defined by this Title and the standards established by the Wisconsin Department of Transportation. The thickness of the pavement shall be determined and prescribed by the Director of Public Works in accordance with the functional classification of the proposed street and soil subgrade data available.

8. Roadway Culverts and Bridges. Roadway culverts and bridges shall be constructed as directed by the Director of Public Works and sized utilizing the methods listed in the City of Altoona Ordinance, entitled "Drainage," and the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls. All culverts shall be designed to pass a one hundred (100) year, twenty-four (24) hour duration storm event.

9. Driveways.

a. Curbs shall not be interrupted by openings for driveways or other accessways to private property unless the number and location of such interruptions have been approved by the Director of Public Works.

b. When allowed, curb openings for driveways within the public service area shall be no less than fourteen (14) feet nor more than twenty-four (24) feet in width unless the opening is intended to afford access to a commercially zoned parcel. The width of any driveway opening intended to afford access to commercial property shall not be more than thirty-five (35) feet, unless otherwise prescribed by the Director of Public Works.

c. Driveways outside of the public service area shall be no less than twelve (12) feet in width, shall have a culvert at the ditch line, and shall, in all other respects, comply with the requirements of any ordinance regulating driveways adopted by the City of Altoona.

d. The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and they shall be provided with concrete or metal endwalls.

10. Topsoil, Grass, Seed, Fertilizer and Mulch. All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four (4) inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway shall be protected by erosion control materials as defined by the Director of Public Works. All disturbed areas shall be subject to the provisions of NR 216.

11. Drainage Improvements. All new roads and streets shall be provided with storm water retention areas and storm sewers in order to provide for proper drainage.

12. Continuity and Transitions.

a. All street pavement widths on streets continued from previously developed or platted streets shall, wherever practical, provide for the greater of either the existing or required pavement type, width, grade and cross slope.

b. Where it is necessary to provide for a transition of pavement width and/or type between new and existing streets, the transition shall occur in a safe manner at an intersection. In width transitions, the ratio of the transition length to width shall not be less than forty to one (40:1) unless the Director of Public Works determines that special circumstances prevent use of such ratio, in which case the minimum transition ratio shall be twenty to one (20:1).

13. Curb and Gutter. Combination concrete curb and gutter is required on all streets. Refer to Section 18.07.05 describing requirements for curbs and gutters.

14. Post-Construction Traffic Limited. No vehicular traffic shall be permitted on the pavement for a minimum period of between twenty-four (24) and seventy-two (72) hours following paving, as determined necessary by the Director of Public Works, to protect the new pavement.

**18.07.200 Block Design Standards.**

a. Length; Arrangement. The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length (measured in the long dimension from street centerline to street centerline) shall not be less than five hundred (500) feet nor exceed one thousand two hundred (1,200) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots. Cul-de-sacs may be used where the interblock spacing of adjacent streets exceeds the appropriate depth of two (2) tiers of lots.

b. Pedestrian Pathways. Pedestrian pathway easements not less than ten (10) feet wide, with a five (5) foot sidewalk, may be required by the Common Council, upon the recommendation of the Plan Commission, through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

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

**18.07.210 Lot Design Standards.**

a. Size.

1. The size, shape and orientation of lots shall be appropriate for the location of topography of the land division, and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the City Zoning Code.

2. Lot dimensions, shape and size shall provide for conformance to the requirements of the Zoning Code for the permitted land use(s) without the need for the granting of Zoning Code variances by the Zoning Board of Appeals. Excessive depth in relation to width shall be avoided.

b. Commercial or Industrial Lots. Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the City Zoning Code.

c. Minimum Lot Frontage. All lots on curved streets and cul-de-sacs shall have a minimum of fifty (50) feet of platted frontage on a public street to allow access by emergency and service motor vehicles unless part of a Planned Unit Development approved by the Common Council. In any case, minimum lot width at building setback line shall be in conformance with the requirements of the Zoning Code. Alley frontage (public or private) shall not constitute meeting this minimum frontage requirement.

d. Corner Lots. Corner lots for residential use shall have extra width to permit full building setback from both streets, or as required by applicable zoning regulations.

e. Access to Public Streets. Every lot shall front or abut on a public street.

f. Side Lots. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines. Lot lines shall follow City boundary lines.

g. Double and Reversed Frontage Lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

h. Natural Features. In the dividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

i. Land Remnants. All remnants of lots below minimum size left over after dividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than be allowed to remain as unusable parcels.

j. Large Lots. In case a tract is divided and results in parcels of more than twice the minimum lot size provided for by the City Zoning Code for the zoning district in which the land is located, such parcels shall be so arranged to permit redividing into parcels in accordance with this Chapter and with the Zoning Code.

k. Trunk Highway Proximity. All lots adjacent to state trunk and federal highways shall be platted with additional depth necessary to provide for a building setback line not less than fifty (50) feet from the nearer right-of-way line or one hundred ten (110) feet from the centerline, whichever is more restrictive (Ref. Wis. Adm. Code TRANS 233). The subdivider/developer may appeal this requirement to the Plan Commission. Upon written request of the Plan Commission, the Wisconsin Department of Transportation is hereby authorized to then determine building setback requirements equal to or less than those required above in all land divisions (including certified surveys) adjacent to state and federal highways in accordance with the authority granted in the Administrative Code. The required building setback line and additional lot depth shall be platted so as to accommodate such required building setbacks.

l. Easement Allowance. Lots containing pedestrian or drainage easements shall be platted to include additional width or depth, as appropriate, in allowance for the easement.

m. Drainage Way and Watercourses. Lots abutting upon water course, drainage way, channel or stream shall have such additional depth or width as required by the Plan Commission to obtain building sites that are not subject to flooding from a post development one hundred (100) year twenty-four (24) hour duration storm event.

#### **18.07.220 Non-Residential Subdivision.**

a. General.

1. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision shall include such provisions as the City may require.

2. A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the City Building Code. A non-residential subdivision shall be subject to all the requirements of this Title, as well as such additional standards required by the City and shall conform to the proposed land use standards established by any City Comprehensive Plan or Official Map and the City Zoning Code.

b. Standards. In addition to the principles and standards in this Title, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Common Council that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

3. Special requirements may be imposed by the Common Council, upon the recommendation of the Director of Public Works, with respect to street, curb, gutter and sidewalk design and construction.

4. Special requirements may be imposed by the Common Council, upon the recommendation of the Director of Public Works, with respect to the installation of public utilities, including water, sewer and storm water drainage.

5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.

6. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

#### **18.07.230 Grading.**

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

a. Master Site-Grading Plan.

1. A master site-grading plan shall be prepared by the subdivider/developer for all new land divisions. This plan shall be prepared in accordance with the requirements and standards of the City.

2. The master site-grading plan shall show existing and proposed elevations of all lot corners, control points and building locations. The plan shall also indicate all overland storm drainage in and adjacent to the land division. The cost of the preparation of such a plan shall be paid for by the subdivider/developer.

3. After approval or modification of these plans by the Director of Public Works, the full width of the right-of-way of the proposed streets within the land division and the entire land division lot area shall be graded in accordance with the master site-grade plan. The owners of the land division lots shall adhere to those plans.

4. Upon completion of all street and land division grading, the grades shall be checked and inspected by the director of public works to determine that the completed grading work is in accordance with the master site-grading plan. All grades shall be within four-tenths (.4) of a foot of the elevations shown on the master site-grading plan.

5. The cost of all required grading work, supervision, certification, inspection and engineering fees shall be paid for by the subdivider/developer.

b. Right-of-Way Grading. The subdivider/developer shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans, including the grading of site triangles at each intersection.

c. Block Grading. Block grading shall be completed by one (1) or more of the following methods prior to the installation of utilities:

1. Regrading along the side or rear lot lines which provides for drainage to the public drainage facilities.

2. Parts of all lots may be graded to provide for drainage to a ditch or to a swale, provided any ditches or swales are in public drainage easements.

3. Draining across rear or side lot lines may be permitted provided that the course of drainage is within a public drainage easement and is toward public drainage facilities.

d. Miscellaneous Grading Requirements.

1. Lot grading shall be completed so that water drains away from each building site toward public drainage facilities at a minimum grade of one percent (1%) and provisions shall be made to prevent drainage onto properties adjacent to the land division unless to a public drainage facility.

2. Grading activities shall not result in slopes greater than three to one (3:1) on public lands or lands subject to public access.

3. The topsoil stripped for grading shall not be removed from the site unless identified in the Erosion Control Plan approved by the Director of Public Works as not being necessary for erosion control or site landscaping purposes. Topsoil shall be uniformly returned to the lots when rough grading is finished. Topsoil piles shall be leveled and seeded for erosion control prior to the City releasing the one (1) year guarantee provision on public improvements in the streets adjacent to the lots on which the topsoil is stockpiled.

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

## Chapter 18.08

### PARK AND PUBLIC LAND DEDICATIONS

#### Subchapter 1

#### GENERAL PARK, CONSERVANCY AREA, RECREATIONAL TRAIL, AND PUBLIC LAND DEDICATION REQUIREMENTS

##### Sections:

- 18.08.010**      **Dedication Requirement.**
- 18.08.012**      **General Design.**
- 18.08.015**      **Dedication Calculation/Fee In Lieu of Parkland.**
- 18.08.020**      **Land Dedication or Fee in Lieu of Dedication Determination.**
- 18.08.025**      **Establishment of Required Fees/Value of Dedicated Parkland and/or Fees in Lieu of Dedication of Parkland.**
- 18.08.027**      **Establishment of Required In Lieu of Dedication of Parkland - Multiple Family Dwelling Units.**
- 18.08.030**      **Use Of Fees In Lieu Of Parkland.**
- 18.08.032**      **Segregation of Park Fees.**
- 18.08.035**      **Improvement Expense As Offset To Park Fees.**
- 18.08.040**      **Use of Binding Arbitration.**
- 18.08.045**      **Parkland Dedication Committee - Composition and Purpose.**

##### **18.08.010      Dedication Requirement.**

In order that adequate open spaces and sites for public uses may be properly located and reserved, and in order that the cost of providing public areas such as but not limited to, parks, conservancy areas, recreation areas, and public lands may be equitably apportioned on the basis of additional need created by the land division development, each subdivider/developer shall be required to dedicate land and/or fees in lieu of land for park or other public uses.

##### **18.08.012      General Design.**

In the design of a land division, planned unit development or comprehensive development project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainageways, recreational trails, conservancy areas, and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, and shall comply with the City of Altoona Master Plan, the Outdoor Recreation Plan or component of said Plans. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

##### **18.08.015      Dedication Calculation/Fee in Lieu of Parkland.**

Suitable sites equal to five percent (5%) of the total area of the subdivision or certified land survey, shall be dedicated for future public use such as parks, playgrounds, and open spaces. The suitability and dedication of such land shall be subject to approval of the City Plan Commission.

In areas where the subdivider/developer and City agree land dedication is not in the best interest of the City, a fee shall be required as calculated per this Chapter.

Where the land dedication desired by the City is less than five percent (5%) of the total area, a fee will be required in an amount that, when combined with the value of the dedicated land as determined under this Section, is equal to the total value of park land required by this section.



**18.08.020 Land Dedication or Fee in Lieu of Dedication Determination.**

The subdivider/developer shall identify proposed parkland dedication areas on the Preliminary Plat. The Plan Commission shall review the proposed parkland dedication areas as part of the Preliminary Plat review. The Commission shall consult with the subdivider/ developer regarding the suitability, development and future use of such parkland dedication areas.

The determination of whether land dedication, fees in lieu of land dedication, or a combination thereof will be required shall be determined by the Plan Commission, with the advice of the Parks and Recreation Committee.

The Plan Commission and Parks and Recreation Committee shall also consider the provisions of the City’s Master Plan and the Outdoor Recreation Plan when determining whether the dedication of park land, the payment of park fees or a combination of both is in the best interests of the City.

**18.08.025 Establishment of Required Value of Dedicated Parkland and/or Fees in Lieu of Dedication of Parkland.**

The Common Council shall annually, by resolution, establish the total value required for dedicated parkland and/or fees required in lieu of the dedication of parkland. The Common Council shall consider the advice of the Parkland Dedication Committee when establishing such required value.

The maximum acreage and value of the required dedication of parkland and/or payment of fees in lieu of parkland dedication shall be the value calculated as follows or \$300 per lot which ever is less. The \$300 per lot fee cap shall be adjusted annually by a percentage equal to one-half of the percentage growth of equalized value in Eau Claire County from the previous year.

**Step 1 - Calculation of Dedication Requirement**

<b>Gross No. Of Acres in Subdivision</b>			
<b>Multiplied by 5% Factor</b>		<u>5%</u>	
<b>Total Parkland Acreage Required</b>			<b>Acres</b>

**Step 2 - Calculation of Dedication Value**

<b>Total Parkland Acreage Required</b>			<b>Acres</b>
<b>Multiplied by Land Acquisition Cost/Acre</b>		\$	
<b>Total Value of Dedicated Land</b>		\$	
<b>Multiplied by Improvement Cost Factor</b>		_____	<b>x 2</b>
<b>Total Value of Dedication Requirement</b>		\$	

**Note: The transaction must reflect an “Arms length” Sale.**

**Step 3 - Calculation of Value of Dedicated Parkland**

<b>No. Of Acres Accepted by City</b>			<b>Acres</b>
<b>Multiplied by Land Acquisition Cost/Acre</b>		\$	
<b>or</b>			
<b>2 times Land Acquisition Cost/Acre</b>		\$	
<b>Total Value of Dedicated Parkland</b>		\$	

**Step 4 - Calculation of Fees Required In Lieu of Parkland (If Any)**

<b>Total Value of Dedication Requirement (Step 2)</b>		\$	
<b>Less</b>			
<b>Total Value of Dedicated Parkland (Step 3)</b>	<b>-</b>	\$	
<b>Fees Required in Lieu of Parkland (If Any)</b>		\$	

**18.08.027 Establishment of Required Fees in Lieu of Dedication of Parkland – Multiple Family Dwelling Units.**

The initial fee for multiple dwelling units, other than duplex units, shall be one hundred fifty dollars (\$150.00) per dwelling unit. Duplex units shall be treated as single family units under Section 18.08.25 and each unit shall be subject to the park fees established therein. The Common Council shall annually, by resolution, establish the fee required in lieu of dedication of parkland wherein the land division or development includes multiple dwelling units, such units defined as buildings constructed in such a manner so as to allow for more than two single family dwelling unit.

Development subject to this section shall include triplex dwelling units, fourplex dwelling units and any other dwelling unit, including condominiums, wherein buildings are designed and constructed for occupancy by more than one (1) family unit.

Nothing in this section shall prohibit the City and the subdivider/developer from entering into an agreement whereby the subdivider/developer shall meet the requirements of this section through a combination of parkland dedication and/or fees in lieu of parkland dedication.

**18.08.030 Use of Fees in Lieu of Parkland.**

Such fees may only be used for additional land acquisition and capital improvements exceeding \$3,000 for parks, conservancy areas, and recreational trail areas or for the development of parks, conservancy areas and recreational trail areas and shall be payable as noted in the Developer's Agreement. Fees paid under this section shall be based on the fees applicable at the date and time of Final Plat approval unless otherwise agreed upon in the Developer's Agreement. Any fees paid in lieu of the dedication of parkland shall be used to acquire and/or develop property within the subdivision, or to acquire and/or develop property immediately adjacent to the subdivision.

**18.08.032 Segregation of Park Fees.**

Funds paid to the City under any Fees in Lieu of Land provision or contributed from other sources for park, conservancy area and recreational trail development, acquisition, and improvement are to be placed in separate accounts designated for park, conservancy area, and recreational trail acquisition, development and improvement projects. The Common Council shall have the final right to approve or reject such projects. Said accounts shall be continuing accounts and shall not lapse at the end of a budget period.

**18.08.035 Improvement Expense as Offset to Park Fees.**

In instances wherein the Plan Commission requires the subdivider/developer to provide additional improvements at the subdivider/developer's expense, such expense shall be an offset against the calculated land dedication fees.

**18.08.040 Use of Binding Arbitration.**

In instances wherein the subdivider/developer and the City fail to agree during the review of the Preliminary Plat regarding the dedication of parkland areas or the assessment of fees in lieu of parkland dedication, the subdivider/developer and the City shall submit the issue to binding arbitration. The arbitrator shall be contracted from the American Binding Arbitration Association according to that organization's standard selection methods. The decision of the arbitrator shall be final and binding on all parties. The cost of such arbitration, including the fees and expenses of the arbitrator, shall be apportioned equally between the subdivider/developer and the City.

**18.08.045 Parkland Dedication Committee – Composition and Purpose.**

The Parkland Dedication Committee shall be composed of eight (8) members; four (4) of whom shall be designated by the City of Altoona, two (2) of whom shall be designated by the Realtors Association of the Chippewa Valley, and two (2) of whom shall be designated by the Chippewa Valley Homebuilders Association. The Mayor shall appoint a City member who shall act as Chairperson of the Committee.

The Parkland Dedication Committee shall submit to the Common Council, by December 15 of each year, a recommendation regarding the maximum value of parkland dedication and/or fee in lieu of parkland dedication required for the subsequent calendar year.

## Subchapter 2

### PARKLAND, CONSERVANCY AREAS AND RECREATIONAL TRAIL DEDICATION

#### Sections:

<b>18.08.048</b>	<b>Identification Of Land For Dedication.</b>
<b>18.08.049</b>	<b>Shoreland.</b>
<b>18.08.050</b>	<b>Unknown Number Of Dwelling Units.</b>
<b>18.08.055</b>	<b>Land Deeded To The City.</b>
<b>18.08.060</b>	<b>Utility Extensions.</b>
<b>18.08.070</b>	<b>Reservation Of Additional Land.</b>

#### **18.08.048 Identification of Land for Dedication.**

Whenever a proposed playground, park, conservancy area, recreational trail, or other public area, other than streets or drainageways, designated in the Master Plan, Recreational Trail Plan, or Park and Outdoor Recreation Plan of the City of Altoona is embraced, all or in part, in the tract of land to be divided, these lands shall be made part of the required dedication. The Common Council shall have authority to determine the suitability and adequacy of parkland, conservancy areas, and recreational trails proposed for dedication. Drainageways, wetlands, or areas reserved for streets shall not be considered as satisfying land dedication requirements.

#### **18.08.049 Shoreland.**

1. Lake and Stream Shore Plats - Public Access Required. All land division abutting on a navigable lake or stream shall provide public access at least sixty (60) feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half (1/2) mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of Development, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. No public access established under this Chapter may be vacated except by Circuit Court action. This Subsection does not require the City to improve land provided for public access.

2. Lake and Stream Shore Plats. The lands lying between the meander line, established in accordance with Section 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed land division and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream. This Subsection applies not only to lands proposed to be divided but also to all lands under option to the subdivider/developer or in which the subdivider/developer holds any interest and which are contiguous to the lands proposed to be divided and which abut a lake or stream.

#### **18.08.050 Unknown Number of Dwelling Units.**

Where the land division does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the City Zoning Code and this Title.

#### **18.08.055 Land Deeded to the City.**

Land dedicated for public purposes shall be deeded to the City at the time the Final Plat is approved. All dedicated land shall have frontage on a public street and shall have unrestricted public access.

**18.08.060 Utility Extensions.**

The subdivider/developer shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

**18.08.070 Reservation of Additional Land.**

When public parks and sites for other public areas as shown on the Master Plan or Master Plan component lie within the proposed area for development and are greater in area than required by this Chapter, the owner shall reserve for acquisition by the City through agreement, purchase or condemnation, the remaining greater public area for a period of two (2) years following Final Plat approval unless extended by mutual agreement.

### Subchapter 3

#### DEVELOPMENT OF PARK AREA

**Sections:**

- 18.08.075**      **Parkland Dedication.**
- 18.08.076**      **Certificate Of Compliance.**
- 18.08.077**      **Development Of Parkland.**
- 18.08.078**      **Noncompliance.**

**18.08.075**      **Parkland Dedication.**

When parklands are dedicated, the subdivider/developer may be required to:

1. Properly grade and contour for proper drainage;
2. Provide surface contour suitable for anticipated use of area; and
3. Cover areas to be seeded with a minimum of six (6) inches of quality topsoil, seed as specified by the City, fertilized with 16-6-6 at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline.

**18.08.076**      **Certificate of Compliance.**

The Plan Commission may require certification of compliance by the Director of Public Works. The cost of such report shall be paid by the subdivider-developer.

**18.08.077**      **Development of Parkland.**

Development of parklands is to be completed as soon as ten percent (10%) of the planned lots in the subdivision are sold, as determined by the Plan Commission.

**18.08.078**      **Noncompliance.**

If the subdivider/developer fails to satisfy the requirements of this Section, the Common Council may contract said completion following a written notice to the subdivider/developer of noncompliance and a public hearing. All costs of completion shall be billed to the subdivider/ developer who shall have sole responsibility for payment of such costs. Failure to pay such costs within ten (10) days shall result in the immediate withholding of all building permits until such costs are paid.

## Subchapter 4

### DEVELOPMENT OF TRAILS

#### Sections:

- 18.08.080 Design Standards.**
- 18.08.081 Exceptions.**
- 18.08.082 Improvement Expense As Offset To Park Fees.**

#### **18.08.080 Design Standards.**

When recreational trails, trails accessing dedicated parklands or conservancy areas, or other public trails, walkways, or pathways are dedicated, or where easements are obtained, the subdivider/developer may be required to clear, grade, establish base course, and final surface appropriate for the type of trail and use based on the following design standards:

1. Primary Recreational Trails
  - Width of right-of-way: 30 feet
  - Width of trail: 8 feet
  - Vertical clearing: 7 feet
  - Horizontal clearing: 10 feet
  - Minimum turning radius: 10 feet
  - Surfacing: 4 inches of 3/4" crushed stone choked or rolled with fines (quarry dust)
2. Secondary Recreational Trails
  - Width of right-of-way: 15 feet
  - Width of trail: 4 feet
  - Vertical clearing: 7 feet
  - Horizontal clearing: 4 feet
  - Surfacing: Compacted earth

#### **18.08.081 Exceptions.**

The Common Council, with the recommendation of the Plan Commission and Parks and Recreation Committee, may require subdivider/developers to develop trails that differ in their design characteristics based on the type of trail and the level of projected use. In those instances where the City requires a developer to deviate from the design standards, the trail shall be constructed to the standards promulgated by the National Recreation & Park Association (Park Planning Guidelines, 3rd Edition, 1990 or subsequent editions of this book).

#### **18.08.082 Improvement Expense as Offset to Park Fees.**

In instances wherein the Common Council requires the subdivider/developer to provide additional improvements at the subdivider/developer's expense, such expense shall be an offset against the calculated land dedication fees.

## **Subchapter 5**

### **PRESERVATION OF CONSERVANCY AREAS**

**Sections:**

- 18.08.085      Dedicated Conservancy Areas.**
- 18.08.086      Privately-Owned Conservancy Areas.**
- 18.08.090      Reserved for Future Use.**

**18.08.085      Dedicated Conservancy Areas.**

When conservancy areas are dedicated to the City by subdivider/developers, the City shall be responsible for imposing and enforcing all use restrictions based on the general ordinances of the City of Altoona.

**18.08.086      Privately-Owned Conservancy Areas.**

When a conservancy area or other open space is to be preserved as permanent open space through deed restrictions or protective covenants in order to meet the requirements of a cluster subdivision or such other requirement, the subdivider/developer shall provide the City with a copy of such deed restrictions, or protective covenants at the time that application for a preliminary plat is submitted. The City shall be a party to such deed restrictions or protective covenants for the purpose of enforcement of rules and regulations affecting privately owned conservancy areas.

**18.08.090      Reserved For Future Use.**



## Chapter 18.09

### CONDOMINIUM DEVELOPMENTS

#### Sections:

- 18.09.010 Purpose.**
- 18.09.020 Portions of Title Applicable to Condominium Developments.**
- 18.09.030 This Section Shall Not Apply To The Following Condominiums.**

#### **18.09.010 Purpose.**

1. The Common Council hereby finds that certain issues arise in condominium developments that require limited applicability of this Title to condominium developments. The State Legislature has recognized that land division ordinances may apply to condominiums, but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.

2. The factor that makes this Title applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate “parcels” with each property entity having different ownership and management. The City determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.

3. Thus, the Common Council hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:

- a. Additional population density;
- b. Possibility of use of particular land in a manner unsuitable to the land’s characteristics;
- c. Additional demands upon City area parks, recreation programs and areas, utility facilities and schools;
- d. Additional traffic and street use;
- e. Extension of sanitary sewer and municipal water services.

#### **18.09.020 Portions of Title Applicable To Condominium Developments.**

The following sections of this Title shall apply to condominium developments:

- 1. Chapter 18.03 relating to land suitability and construction practices;
- 2. Chapter 18.11 relating to preliminary plat approval. The technical requirements for preliminary plats set forth in this Title shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
- 3. Chapter 18.05 relating to fees for review;
- 4. Chapter 18.07 relating to required improvements;
- 5. Chapter 18.07 relating to design standards for improvements;
- 6. Chapter 18.08 relating to dedication requirements.

#### **18.09.030 This Section Shall Not Apply to the Following Condominiums:**

- 1. Any condominium plat recorded prior to the effective date of this Chapter.

## Chapter 18.11

### PLAT REVIEW AND APPROVAL

#### Sections:

<b>18.11.010</b>	<b>Submission of Preliminary Plat.</b>
<b>18.11.020</b>	<b>Preliminary Plat Review and Approval.</b>
<b>18.11.030</b>	<b>Final Plat Review and Approval.</b>
<b>18.11.050</b>	<b>Replat.</b>
<b>18.11.060</b>	<b>Determination of Adequacy of Public Facilities and Services.</b>
<b>18.11.070</b>	<b>Disclaimers on Approvals.</b>
<b>18.11.090</b>	<b>Technical Requirements for Preliminary Plats.</b>
<b>18.11.100</b>	<b>Technical Requirements for Final Plats.</b>

#### **18.11.010 Submission of Preliminary Plat.**

a. Submission. Before submitting a Final Plat for approval, the subdivider/developer shall prepare a Preliminary Plat and a letter of application. The subdivider/developer shall submit twenty (20) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with the standards of this Chapter, particularly Section 18.11.010, and the subdivider/developer shall file copies of the Plat and the application as required by this Section with the City Clerk at least thirty (30) days prior to the meeting of the Plan Commission at which action is desired. The City Clerk shall submit copies of the Preliminary Plat to the Common Council, the Plan Commission, and to the Director of Public Works for review and written report of his recommendations and reactions to the proposed plat. The City Clerk shall also forward a copy to the State Director of Regional Planning.

b. Public Improvements. Simultaneously with the filing of the Preliminary Plat, the subdivider/developer shall file with the City Clerk a concept report addressing sewer and water service feasibility, drainage facilities and centerline profiles showing streets in the land division.

c. Property Owners Association; Restrictive Covenants. A draft of the legal instruments and rules for proposed property owners associations, when the subdivider/ developer proposes that common property within a land division would be either owned or maintained by such an organization of property owners or a sub-unit of the City pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the City Clerk.

#### d. Environmental Assessment.

1. Filing Requirement. An Environmental Assessment Checklist (Appendix A) shall be completed by the subdivider/developer for review by the Plan Commission with the Preliminary Plat, or preferably as part of the pre-application conference, for any subdivision or land division by certified survey which the City has authority to approve.

2. Purpose. The purpose of this Environmental Assessment Checklist is to provide the basis for an orderly, systematic review of the effects of all new land divisions upon the community environment in accordance with the principles and procedures of Wisconsin Statutes set for local land division regulation. The Plan Commission will use these procedures in determining land suitability. The goals of the community in requiring this checklist are to eliminate or reduce pollution and siltation to an acceptable standard, assume ample living space per capita, preserve open space and parks for recreation, provide adequately for stormwater control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.

3. Coverage. The Environmental Assessment Checklist shall apply to all reviewable subdivisions, and land divisions by certified survey.

4. Preliminary Checklist for Environmental Assessment of Plats, Land Divisions and Community Development Plans. An Environmental Assessment Checklist form as required under this Subsection is available from the City Clerk. The Plan Commission shall review the checklist annually.

e. 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.

f. Supplementary Data to be Filed with Preliminary Plat. The following shall also be filed with the Preliminary Plat:

1. Use Statement. A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and

2. Zoning Changes. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and

3. Area Plan. Where the subdivider/developer owns property adjacent to that which is being proposed for the land division, the subdivider/developer shall comply with the requirements of this Title for the remainder of the property so as to show the possible relationships between the proposed land division and future land division. In any event, all land divisions must be shown to relate well with existing or potential adjacent land divisions.

4. Community Impact Statement. A statement regarding the impact which the proposed plat will have on the demand for City and school district services including a ten (10) year projection of revenues and additional expenses which will be incurred by the City and School district.

g. Street Plans and Profiles. The subdivider/developer shall provide preliminary street profiles showing existing ground surface, including extensions for a reasonable distance beyond the limits of the proposed land division when requested.

h. Soil Testing. The subdivider/developer shall provide a preliminary soils report, listing the types of soil in the proposed land division, their effect on the land division and a proposed soil testing and investigation program. Pursuant to the public policy concerns, the Director of Public Works may, in addition, require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. A minimum of one boring per thousand (1,000) feet of centerline street to a minimum depth of fifteen (15) feet is required.

i. Referral to Other Agencies and Utilities.

1. Utilities. The subdivider/developer shall also forward a copy to the local electric, gas, cable television and telephone utilities. When the subdivider/developer expects the City to act as the transmitting authority in accordance with Sec. 236.12, Wis. Stats., the application shall state that the transmittal responsibility lies with the City, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.

2. State Agencies. The City Clerk shall, within two (2) days after the filing of the Preliminary Plat, transmit copies to the Director of the Planning Function in the Wisconsin Department of Development, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Department of Transportation if the land division abuts or adjoins a state trunk highway or a connecting street, and an adequate number of copies to the Plan Commission. The Wisconsin Department of Development and the Wisconsin Department of Transportation shall be hereinafter referred to as objecting agencies. The City Clerk shall also transmit a copy of the Preliminary Plat to other affected City boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction.

3. Action by Outside Agencies. Within twenty (20) days of the date of receiving the copies of the Preliminary Plat, any state or county agency having authority to object under this Title shall notify the subdivider/developer and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty (20) day limit, it

shall be deemed to have no objection to the plat. The recommendations of City agencies shall also be transmitted to the Plan Commission within twenty (20) days from the date the plat is filed.

**18.11.020 Preliminary Plat Review and Approval.**

a. Commission Action.

1. The Plan Commission shall, within ninety (90) days of the date the Preliminary Plat was filed with the City Clerk, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider/developer. Failure of the Plan Commission to act within ninety (90) days or extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat. The City Clerk shall communicate to the subdivider/developer the action of the Plan Commission. If the preliminary plat is approved, the City Clerk shall endorse it for the Plan Commission.

2. Whenever a Preliminary Plat is filed, the Plan Commission shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed Preliminary Plat and public hearing shall be published as a Class 2 notice under Ch. 985 of the Wisconsin Statutes and be mailed at the subdivider/developer's expense, to the owners of all properties within the limits of the exterior boundaries of the proposed Preliminary Plat and to the owners of all properties within two hundred (200) feet of the proposed Preliminary Plat. Failure to notify a property owner will not invalidate any city action (Ord. 11D-09, 2009, Ord. 10D-04, 2004)

3. Upon approval of the Preliminary Plat, the Plan Commission shall refer copies of the Preliminary Plat as approved to the City Clerk. An Abstract of Title or Title Insurance Commitment shall be referred to the City Attorney for his examination and report. The Common Council shall review and act upon the Plan Commission's recommendation.

4. Where lots exceed the minimum size required for the applicable zoning district, the Plan Commission may require that such lots be arranged so as to allow re-land division of such parcels into normal lots in accordance with the provisions of the Chapter.

b. Effect of Preliminary Plat Approval. Approval or conditional approval of a Preliminary Plat shall entitle the Final Plat to approval provided the Final Plat conforms substantially to the Preliminary Plat, including any conditions of that approval, conforms to applicable local plans and ordinances, and is submitted within six (6) months of the last required approval of the Preliminary Plat. If the Preliminary Plat is approved, the Final Plat must be approved by the Common Council within six (6) months or the Preliminary Plat approval is void. Previous Preliminary Plat approvals shall not constitute grounds for approval upon resubmission.

**18.11.030 Final Plat Review and Approval.**

a. Filing Requirements.

1. The subdivider/developer shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file twenty (20) copies of the Plat and the application with the City Clerk at least twenty-one (21) days prior to the meeting of the Plan Commission at which action is desired. The owner or subdivider/developer shall file twenty (20) copies of the Final Plat not later than six (6) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the subdivider/developer and granted by the Common Council for good cause. The owner or subdivider/developer shall also submit at this time a current certified Abstract of Title or Title Insurance Commitment and such other evidence as the City Attorney may require showing Title or control in the applicant. A written transmittal letter shall identify all substantial changes that have been made to the plat since the Preliminary Plat. When the subdivider/developer expects the City to act as the transmitting authority in accordance with Sec. 236.12, Wis. Stats., the application shall state that transmittal responsibilities lie with the City and shall contain a list of the other authorities to which the plat must be subjected and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.

2. If the City is acting as the transmitting authority, the City Clerk shall, within two (2) days after filing, transmit copies to the Director of the Planning Function in the Wisconsin Department of Development, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, copies to all affected City boards, commissions and committees, and the original Final Plat and adequate copies to the Plan Commission. The Wisconsin Department of Development and the Wisconsin Department of Transportation shall be hereinafter referred to as objecting agencies.

3. The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Sec. 236.12(2).

4. The City Clerk shall refer copies of the Final Plat to the Plan Commission, and one (1) copy to the Director of Public Works. The recommendations of the Director of Public Works shall be made within thirty (30) days of the filing of the Final Plat. The Director of Public Works shall examine the plat or map and preliminary plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify in writing to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the Director of Public Works shall return them to the owner and so advise the Plan Commission.

b. Plan Commission Review.

1. The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all applicable ordinances, rules, regulations, Master Plans and Master Plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Common Council.

2. The objecting state agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider/developer and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Development has thirty (30) days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the City. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.

3. If the Final Plat is not submitted within six (6) months of the last-required approval of the Preliminary Plat, the Plan Commission may refuse to approve the Final Plat. The City and the Developer may agree to extend the time for submission and approval of the final plat provided such agreement is in writing.

4. Whenever an approved Final Plat is submitted for reapproval within six (6) months of the initial resolution approving the plat, and which is substantially in conformance with the approved plat, and which has not been recorded with the Register of Deeds, said plat shall be reapproved by the Common Council. No Final Plats shall be reapproved by the Common Council following the expiration of the six (6) month period. Such plats shall be submitted as a new plat. All previous approvals shall be null and void and shall have no further bearing on the subsequent review and approval of the plat by the City.

5. The Plan Commission shall, within forty-five (45) days of the date of filing of the Final Plat with the City Clerk, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Common Council. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information. Whenever an approved Final Plat is submitted for reapproval within six (6) months of the initial resolution approving the plat, and which is substantially in conformance with the approved plat, and which has not been recorded with the Register of Deeds, said plat shall be reapproved by the Common Council. No Final Plats shall be reapproved by the Common Council following the expiration of the six (6) month period. Such plats shall be submitted as a new plat. All previous approvals shall be null and void and shall have no further bearing on the subsequent review and approval of the plat by the City.

c. Council Review and Approval.

1. The Common Council shall, within sixty (60) days of the date of filing the original Final Plat with the City Clerk, approve or reject such Plat unless the time is extended by agreement with the subdivider/developer. 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/developer. The Common 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.

2. The Common Council shall, when it determines to approve a Final Plat, give at least ten (10) days' prior written notice of its intention to the Municipal Clerk of any municipality within one thousand (1,000) feet of the Final Plat.

3. Failure of the Common Council to act within sixty (60) days, the time having not been extended by mutual written agreement and no unsatisfied objections having been filed, except where phasing of improvements is permitted, the plat shall be deemed approved.

d. Recordation. After the Final Plat has been approved by the Common Council, required improvements are either installed or a contract and sureties insuring their installation is filed, except where phasing of improvements is permitted, all outstanding special assessments have been paid, and park and recreation fees required by this Chapter have been paid to the City, 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/ developer for recording with the county register of deeds. Recording fees shall be paid by the subdivider/developer.

e. Final Copies. The subdivider/developer shall file ten (10) copies of the Final Plat as approved with the City Clerk for distribution to the approving agencies, affected utilities and other affected agencies for their files. One (1) set of blue line plans shall also be filed with the City Clerk.

f. Partial Platting. The Final Plat may, if permitted by the Plan Commission, constitute only that portion of the approved Preliminary Plat which the subdivider/developer proposes to record at the time.

g. Filing of copy permitted when.

If the original of the Final Plat has been submitted to another approving authority, the subdivider/developer may file a true copy of such plat in lieu of the original. However, before approval of the Council will be inscribed on the original of the final plat, the surveyor or the subdivider/developer shall certify the respects in which the original of the final plat differs from the true copy, and all modifications must first be approved.

h. Conformance with state and local provisions required.

A final plat of subdivided land shall comply with the requirements of Section 236.20 of the Wisconsin Statutes, which is adopted by reference.

#### **18.11.050 Replat.**

a. Except as provided in Section 70.27(1), Wis. Stats., when it is proposed to replat a recorded land division, or part thereof, so as to change the exterior boundaries of a recorded land division, or part thereof, the subdivider/developer or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider/developer or person wishing to replat shall then proceed, using the approval procedures for Preliminary and Final Plats prescribed in this Title.

#### **18.11.060 Determination of Adequacy of Public Facilities and Services.**

a. A Preliminary Plat, Final Plat or Certified Survey Map shall not be approved unless the Plan Commission and the Common Council determine that adequate public facilities and public services will be available to meet the needs of the proposed land division and that no public funds other than those already provided in an adopted capital or operating budget are required.

b. The applicant shall furnish any data requested by the City Clerk who shall transmit this information to the appropriate commission(s), committee(s) and staff for review; the City Clerk shall act

as coordinator of the reports from staff to the Plan Commission and Common Council on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, transportation facilities, traffic counts, and schools.

c. Public facilities and public services for a proposed land division may be found to be adequate when the following conditions exist:

1. The proposed land division is located in an urban service area where adequate sewer service is presently available for extension, under construction or designated by the Common Council for extension of sewer service, and funds are specifically provided for such extension either from public or private financing. The Plan Commission and the Common Council shall consider the recommendations of the Director of Public Works and the appropriate committee(s) on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.

2. The proposed land division is located within an urban service area contiguous to an arterial transmission water main of adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction and funds, either public or private, are available for the program. The Plan Commission and the Common Council shall consider the recommendations from the Director of Public Works and the appropriate committee(s) regarding on-line capacities, water sources and storage facilities, as well as any other information presented.

3. The City Clerk verifies to the Plan Commission and the Common Council that adequate funds, either public or private, are available to insure the installation of all necessary storm water management facilities.

4. The Director of Public Works can demonstrate to the Plan Commission and the Common Council that street maintenance and refuse collection services, either public or private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety or general welfare to the future residents of the proposed land division or existing City residents.

5. The Plan Commission verifies that the future residents of the proposed land division can be assured park, recreation and open space facilities and services which meet the standards of the City's Master Plan.

6. The Police Department, and the Fire Department, including EMS services, verify that timely and adequate service can be provided to the residents.

7. The proposed land division is accessible by existing or officially mapped, publicly maintained, all-weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division in accordance with the Official Map and established standards.

d. Where the Plan Commission and the Common Council determine that one (1) or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.

e. No land shall be divided which has been officially mapped as public lands storm water management facility or is determined by the Common Council to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations for development, severe erosion potential or unfavorable topography, or any other feature likely to be harmful to health, safety or welfare of future residents or landowners in the proposed land division or of the community.

f. Areas within the City capable of being served by public sewer and water shall be required to connect to the City of Altoona public water distribution and/or public sewerage system as required by the Director of Public Works.

#### **18.11.070 Disclaimers on Approvals.**

a. The purpose of requiring approvals under this Title is to insure the health, safety, morale, comfort, prosperity and general welfare of the City of Altoona. This shall not be interpreted as placing any responsibility or liability on any City official, City employee or the City as a municipal corporation for the granting of approval or the denial of any approval. All approvals rendered as part of this Chapter

shall be considered as being approved conditionally based on the information and circumstances apparent at that time.

b. Approvals issued by the City shall not be construed as an assumption or expression of any responsibility, warranty or guarantee for the design or construction of any improvements within the land division.

**18.11.090 Technical Requirements for Preliminary Plats.**

a. General. A Preliminary Plat shall be required for all land divisions and shall be based upon a survey by a registered land surveyor and the plat prepared on mylar or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:

1. Title under which the proposed land division is to be recorded, which name shall not duplicate or be alike in pronunciation of the name of any plat heretofore recorded in the City unless considered an addition to the land division.

2. Legal Description/Location of the proposed land division by government lot, quarter section, township, range, county and state.

3. Date, Scale and North Point.

4. Names, Telephone Numbers, and Addresses of the owner, and any agent having control of the land, engineer, subdivider/developer, land surveyor preparing the plat.

5. Entire area contiguous to the proposed plat owned or controlled by the subdivider/developer shall be required by the Plan Commission to be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. Where a subdivider/developer owns or controls adjacent lands in addition to those proposed for development at that time, he shall submit a concept plan for the development of the adjacent lands showing streets, utilities, zoning districts, and other information as may affect the review of the Preliminary Plat in question. The Director of Public Works may waive these requirements where adjacent development patterns have already been established.

b. Plat Data. All Preliminary Plats shall show the following:

1. Exact length and bearing of the exterior boundaries of the proposed land division referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.

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

3. Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

4. Location and names of any adjacent land divisions, parks and cemeteries and owners of record of abutting unplatted lands.

5. Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.

6. Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.

7. Corporate Limit Lines within the exterior boundaries of the plat or immediately adjacent thereto.

8. Existing Zoning on and adjacent to the proposed subdivision.

9. Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical



intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described.

10. High-water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.

11. Water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.

12. Floodland and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.

13. Location, width and names of all proposed streets and public rights-of-way such as alleys and easements.

14. Approximate dimensions of all lots together with proposed lot and block numbers. The area in square feet of each lot shall be provided.

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

16. Approximate radial of all curves.

17. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed land division in relation to access.

18. Any proposed lake and stream improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.

19. Soil tests and reports as may be required by the Director of Public Works for the design of roadways, storm drainage facilities, on-site sewage disposal systems, erosion control facilities, and/or other subdivision improvements and features.

20. Design Features.

a. Locations and widths of proposed alleys, pedestrian ways and utility easements.

b. Layout numbers and preliminary acreages and dimensions of lots and blocks.

c. Minimum front, rear, side, and street yard building setback lines.

d. Location and size of proposed sanitary sewer lines and water mains.

e. Gradients of proposed streets, including centerline profiles.

f. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

g. Location and description of survey monuments.

h. An identification system for the consecutive numbering of all blocks and lots within the land division.

i. Sites, if any, to be reserved for parks or other public uses.

j. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.

k. Provisions for surface water management including both minor and major system components, detention/retention facilities, including existing and post development one hundred (100) year flood elevations, etc.

l. Potential re-division and use of excessively deep (over two hundred (200) feet) or oversized lots must be indicated in a satisfactory manner.

m. Any wetlands, floodplains, or environmentally sensitive areas provided for by any local, state or federal law.

21. Where the Plan Commission or Director of Public Works finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the subdivider/developer.

c. Additional Information. The Plan Commission and/or City officials may require a proposed land division layout of all or part of the contiguously owned land even though division is not planned at the time.

#### **18.11.100 Technical Requirements for Final Plats.**

a. General. A Final Plat prepared by a registered land surveyor shall be required for all land divisions. It shall comply in all respects with the requirements of Section 236.20, Wis. Stats., and this Chapter.

b. Additional Information. The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20, Wis. Stats., the following:

1. Exact length and bearing of the center line of all streets.
2. Exact street width along the line of any obliquely intersecting street.
3. Exact location and description of lighting utility easements.
4. Railroad rights-of-way within and abutting the plat.

5. All lands reserved for future public acquisition or reserved for the common use of property owners within the Plat.

6. Special Restrictions required by the Common Council, upon the recommendation of the Plan Commission, relating to access control along public ways or to the provision of planting strips.

7. Taxes. Certifications by attached information showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full.

8. Drainage Flows. The subdivider/developer shall cause to be set upon the final plat arrows indicating the directions of drainage flows for each property line not fronting on a street on all parcels and along each street as will result from the grading of the site, the construction of the required public improvements, or which are existing drainage flows and will remain. The arrows indicating the directions of flows shall be appropriately weighted so as to differentiate between the minor and major (one hundred (100) year event) drainage components. The arrows shall be accompanied on the plat with the following note:

Arrows indicate the direction of drainage flows in various components resulting from site grading and the construction of required public improvements. The drainage flow components located in easements shall be maintained and preserved by the property owner.

9. Groundwater Presence. Where the ground water table is equal to or less than nine (9) feet from the proposed street centerline elevation, the subdivider/developer shall place the following note on the plat:

Subsoil information indicates the presence of ground water conditions that may require basement elevations on Lot(s) \_\_\_\_\_ to be at elevation \_\_\_\_\_ or higher, or that a modified structural plan of the structure's foundation shall be submitted to the Building Inspector for approval with the application for a Building Permit as required information.

The elevation of the basement as described in the paragraph to be placed on the plat shall be a minimum of two (2) feet higher than the elevation of the ground water table.

10. Dimensions of Lot Lines. Dimensions of lot lines shall be shown in feet and hundredths; no ditto marks shall be permitted. When lot lines are not at right angles to the street right-of-way line, the width of the lot shall be indicated at the building setback line in addition to the width of the lot at the street right-of-way line.

11. Numbered Identification System. A numbered identification system for all lots and blocks.

c. Deed Restrictions. Restrictive covenants and deed restrictions for the proposed land division shall be filed with the Final Plat.

d. Property Owners Association. The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the land division, if applicable, shall be filed with the Final Plat.

e. Survey Accuracy.

1. Examination. The Common Council and Plan Commission, or their designees, shall examine all Final Plats within the City of Altoona and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing. All surveys shall meet or exceed the standards established by the State of Wisconsin for accuracy.

2. Maximum Error of Closure. Maximum error of closure before adjustment of the survey of the exterior boundaries of the land division shall not exceed, in horizontal distance or position, the ratio of one part in five thousand (1:5,000), nor in azimuth, four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

3. Street, Block and Lot Dimensions. All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the plat greater than the ratio of one part in three thousand (1:3,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.

4. Plat Location. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the City, the tie required by Section 236.20(3)(b), Wis. Stats., may be expressed in terms of grid bearing and distance; and the material and Wisconsin state lane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the land division.

f. Surveying and Monumenting. All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.

g. State Plane Coordinate System. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone.

h. Certificates. All Final Plats shall provide all the certificates required by Section 236.21, Wis. Stats., and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

## Chapter 18.12

### CERTIFIED SURVEY MAPS

#### Sections:

<b>18.12.010</b>	<b>Certified Survey Maps.</b>
<b>18.12.011</b>	<b>Maps.</b>
<b>18.12.015</b>	<b>Preliminary Consultation.</b>
<b>18.12.016</b>	<b>Submission and Review.</b>
<b>18.12.017</b>	<b>Additional Map and Technical Information.</b>
<b>18.12.018</b>	<b>Supplemental Data.</b>
<b>18.12.019</b>	<b>Other Information.</b>
<b>18.12.020</b>	<b>Environmental Assessment Checklist.</b>
<b>18.12.025</b>	<b>Drafting Standards.</b>
<b>18.12.026</b>	<b>State Plane Coordinate System.</b>
<b>18.12.027</b>	<b>Certificates.</b>
<b>18.12.028</b>	<b>Street Dedication.</b>
<b>18.12.030</b>	<b>Owner's Responsibility.</b>
<b>18.12.055</b>	<b>Recording.</b>
<b>18.12.060</b>	<b>Autocad Drawing File.</b>
<b>18.12.070</b>	<b>Reserved For Future Use.</b>

#### **18.12.010 Certified Survey Maps.**

A Certified Survey Map shall be submitted to the Plan Commission for approval and then submitted to the Council for its approval of any proposed division of one or more parcels of land into not more than four building sites or lots, any of which is less than a rectangular half of a government protracted quarter-quarter section (twenty acres) in size. No more than four lots or building sites of one and one-half acres each or less in area, may be created from a lot of record existing on the date of adoption of this section within a five-year period by use of the certified survey process as limited by Wis. State Stats 236.34. Additional lots must be created through the land division process as provided for by Wis. State Stats 236.03. The subdivider/ developer shall submit preliminary sketches of the proposed layout to the Plan Commission for preliminary approval. (part Ord 2C-14, 2014)

#### **18.12.011 Maps.**

All Certified Survey Maps shall be prepared by a registered land surveyor and shall comply with the requirements of Section 236.34 Wisconsin Statutes and this Title.

#### **18.12.015 Preliminary Consultation.**

Before filing a Certified Survey Map, the subdivider/developer shall consult with the Plan Commission for advice regarding the requirements for certified surveys. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the City Clerk. This consultation is intended to inform the subdivider/developer of the purpose and objectives of these regulations, the City Master Plan, and duly adopted plan implementation devices of the City and to otherwise assist the subdivider/developer in planning his development. In so doing, both the subdivider/developer and the City may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community, and the subdivider/developer may gain a better understanding of the subsequent required procedures.

### **18.12.016 Submission and Review**

1. Following preliminary consultation with the Plan Commission, fifteen (15) copies of the final map in the form of a Certified Survey Map shall be submitted to the City Clerk at least fifteen (15) days prior to final review by the Plan Commission. The certified survey shall be reviewed, approved or disapproved by the Plan Commission and the Common Council pursuant to the procedures in this Section.

2. The City Clerk shall give notice of the Plan Commission's review of the certified survey by listing it as an agenda item in the Commission's posted meeting notice. The notice shall include the name of the applicant, the address of the property in question and the requested action.

3. The City Clerk shall schedule a Public Hearing on the certified survey before the Common Council. Notice of the Public Hearing shall be published as a Class 2 Notice under Ch. 985 of the Wisconsin Statutes. The City Clerk shall also give notice of the Common Council's review and Public Hearing on the certified survey by listing it as an agenda item in the Council's posted meeting notice. The applicant shall also be notified. The notice shall include the name of the applicant, the address of the property in question and the requested action. Abutting property owners and property owners within two hundred (200) feet of the applicant's total parcel shall receive written notice of the public hearing. Failure to notify a property owner will not invalidate any city action. (Ord 11E-09, 2009, Ord. 10B-04, 2004)

### **18.12.017 Additional Map and Technical Information.**

This Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:

1. All existing buildings, improvements, water courses, drainage ditches and other features pertinent to proper division.

2. Setbacks or building lines required by the City Ordinances and the Eau Claire County Zoning Code.

3. All lands reserved for future public acquisition.

4. Date of the map.

5. Graphic scale.

6. Name and address of the owner, subdivider/developer, and surveyor.

7. Square footage of each parcel.

8. Present zoning for parcels.

9. Location of building envelopes within each lot.

10. Identification of all land outside a building envelope as deed restricted to prohibit construction of any structures.

11. Notification that shall read as follows:

“Further land divisions by Certified Survey Map may be restricted for a period of up to five (5) years”.

12. Identification of land that has a slope of twenty percent (20%) or more.

13. Location, size and elevations of any existing utilities and any proposed overhead utility poles and service or transmission lines.

14. Location of all native canopy trees exceeding 4" in diameter.

15. Any salient topographic features.

16. For lots not served by public sewer, the location and results of soil boring and percolation tests conducted by a certified soil tester in accordance with Chapter SPS 305.33 of the Wisconsin Administrative Code;

17. Floodplain and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood;

18. Any building or structure and its location on the lot shall be dimensioned to the nearest one-tenth of one (0.1) foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.

**18.12.018 Supplemental Data.**

In addition to information on the face of the Certified Survey, the subdivider/developers shall provide the City with the following information to assist the City in its review of a proposed Certified Survey;

1. Property Owners Association; Restrictive Covenants. Fifteen (15) copies of a draft of the legal instruments and rules for proposed property owners associations, when the subdivider/developer proposes that common property within a certified survey land division would be either owned or maintained by such an organization of property owners or a sub-unit of the City pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Certified Survey Map with the City Clerk.

2. Use Statement. A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.

3. Zoning Changes. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.

4. Concept Plan. A concept plan for future use and development of contiguous lands under the control of the subdivider/developer.

5. Area Plan. Where the subdivider/developer owns property adjacent to that which is being proposed for the land division, the Plan Commission shall require that the subdivider/ developer submit a concept plan of the remainder of the property so as to show the possible relationships between the proposed land division and future land divisions. In any event, all land divisions must be shown to relate well with existing or potential adjacent land divisions.

6. Adjacent Land Divisions. A record of any adjacent land divisions made within the last five (5) years.

7. Street Plans and Profiles. When made necessary by the certified survey land division, the subdivider/developer shall provide street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed land division when requested.

8. Soil Testing. Pursuant to the public policy concerns prescribed in this Title, the Plan Commission 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 ground water table.

9. Aerial Photographs. An aerial photograph of the parcel proposed for land division. Such photography must clearly identify the boundary of the property subject to the Certified Survey Map and must include all nearby and adjoining land within five hundred (500) feet of the parcel proposed for land division.

**18.12.019 Other Information.**

When the Common Council or Plan Commission finds it needs additional information relative to a proposed development, it shall have the authority to request in writing such information from the subdivider/developer.

**18.12.020 Environmental Assessment Checklist.**

1. Submission. The Environmental Assessment Checklist (see Appendix A) shall be provided to the applicant for a Certified Survey Map, before the preliminary consultation conference, to be completed for submission at the preliminary consultation conference.

2. Purpose. The purpose of the Environmental Assessment Checklist is to provide the basis for any orderly, systematic review of the effects of a new land division upon the community environment in accordance with the principles and procedures of Sec. 236.45 (1), Wis. Stats. The goals of the community are to eliminate pollution and siltation or reduce them to acceptable standards, assure ample living space per capita, preserve open space and parks for recreation, and provide adequately for storm water control,

maintain scenic beauty and aesthetic surrounds, administer to the economic and cultural needs of the citizens, and provide for the effective and efficient flow of goods and services.

3. Determination of Need for Expanded Environmental Assessment. The Environmental Assessment Checklist shall be reviewed by the Plan Commission following submittal. The Plan Commission may, for reasons stated in a written determination, decide that the preliminary environmental assessment raises unusually significant questions of the effects on the environment and that review by other City committee(s) and commission(s) is required and/or that an unusually high level of citizen interest has resulted from questions raised in a preliminary assessment. Such a decision shall be followed by adoption by the Plan Commission of a resolution setting forth the specific questions on which it requires research, data and input from affected persons. The listing of questions can include items which this Title already enables the Plan Commission to obtain, or it may include additional information which is relevant to the questions specified in the resolution. The resolution may also request data from other governmental agencies or from the subdivider/developer or applicant on the specific impact questions. The resolution shall set a reasonable date for the return of the requested data and information and it may specify the format in which the data is to be presented.

4. Review of Environmental Assessment Report. Following the return to the Plan Commission of the data called for in the resolution adopted under Subsection (3) above, the Plan Commission shall make such report available for scrutiny by the Common Council, subdivider/ developer or petitioner, by City department(s), commission(s), and committee(s) and by other interested persons or agencies, including all contiguous landowners, who shall be given the opportunity to comment. The Plan Commission shall review the findings of the report at its meeting(s) reviewing the proposed Certified Survey. Persons attending such meeting(s) shall be afforded a reasonable opportunity to comment on the report.

5. Review. The Plan Commission shall review, as part of its analysis and evaluation of the proposed Certified Survey, the Environmental Assessment Report, with supporting data, department reviews, and committee reviews and any other data required for determining the suitability of the land for the proposed development. The Plan Commission shall forward its report and recommendations to the Common Council.

#### **18.12.025 Drafting Standards.**

The subdivider/developer shall submit to the City Clerk copies of a Certified Survey which shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land) and easements which the subdivider/developer proposes to make and shall indicate by accompanying letter when the improvements will be provided.

#### **18.12.026 State Plane Coordinate System.**

Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the City, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the City's control survey.

#### **18.12.027 Certificates.**

All Certified Survey Maps shall provide all the certificates required by Section 236.34, Wis. Stats.; and in addition, the surveyor shall certify on the face of the Certified Survey Map that he has fully complied with all the provisions of this Title. The Common Council, after receipt of the Plan Commission report and the recommendations by the reviewing agencies, shall certify its approval on the face of the map if such Certified Survey Map is approved.

**18.12.028 Street Dedication.**

Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

**18.12.030 Owner's Responsibility.**

The owner shall be responsible for the installation of all required utilities and improvements, and for the payment of fees in accordance with this Title unless these requirements are specifically waived by the Common Council.

**18.12.055 Recording.**

The Certified Survey Map shall be submitted to the register of deeds within ninety (90) days of approval by the Common Council. Prior to recording, the owner shall obtain all certificates and signatures required by Section 236.34 Wisconsin Statutes.

**18.12.060 Autocad Drawing File.**

The subdivider/developer shall provide a file that is either an Autocad drawing file in model space or a file that is compatible with Autocad such that it can be converted by Autocad into an Autocad drawing file.

**18.12.070 Reserved for Future Use.**



## Chapter 18.13

### ALTERATIONS TO EXISTING LOTS

#### Sections:

#### 18.13.010 Alterations to existing lots.

#### 18.13.010 Alterations to Existing Lots.

A Certified Survey Map shall be submitted to the Plan Commission and the Common Council for approval of any proposed changes to existing lot lines or the further subdivision of any lot, block or outlot within a recorded land division. All lots created or altered by the Certified Survey Map shall comply with all standards for lots in effect at the time the final Certified Survey Map is submitted to the City Clerk. The subdivider/developer may, at his discretion, submit preliminary sketches of the proposed alterations to the Plan Commission for preliminary approval. The Certified Survey Map shall include the following information in addition to that required by Section 236.34 of the Wisconsin Statutes:

- a. All existing lot lines and proposed changes;
- b. Any existing structures or improvements;
- c. Any salient topographical features;
- d. Location, size and elevation of all existing utilities;
- e. For lots not served by public sewer, location and results of soil boring and percolation tests conducted by a certified soil tester in accordance with Section H65.06 of the Wisconsin Administrative Code;
- f. Where the Plan Commission finds it needs additional information relative to a particular problem presented by a proposed development, it shall have the authority to request in writing such information from the subdivider/developer.

## Chapter 18.14

### SUCCESSIVE DIVISIONS

**Sections:**

- 18.14.010** Assessor's plat made when.
- 18.14.020** Compliance with applicable provisions required.

**18.14.010 Assessor's Plat Made When.**

Where it is not practicable to require that a final plat of a land division created by successive divisions within the city limits be filed in accordance with this Title, the City Council may in lieu thereof order an assessor's plat to be made under Section 70.27 of the Wisconsin Statutes and may assess the cost thereof as provided in such section.

**18.14.020 Compliance With Applicable Provisions Required**

Regardless of the type of plat filed, any such land division shall comply with all provisions of this Title to the extent that they may reasonably be applied.

## Chapter 18.16

### VARIATIONS AND EXCEPTIONS

#### Sections:

- 18.16.010**      **Variations.**
- 18.16.015**      **Plan Commission Action.**
- 18.16.020**      **Common Council Determination.**
- 18.16.030**      **Reserved for Future Use.**

#### **18.16.010**      **Variations.**

1. Where, in the judgement of the Common Council, it would be inappropriate to apply literally the provisions of this Title because exceptional or undue hardship would result, the Common Council may waive or modify any requirements to the extent deemed just and proper provided such variation will not have the effect of nullifying the intent and purpose of this Title.

2. Application for any such variation shall be made in writing by the subdivider/developer on a form prescribed by the City. Such application for variation shall be made at the time when the Preliminary Plat or Certified Survey Map is filed with the City Clerk for consideration, stating fully all facts relied upon by the subdivider/developer and shall be supplemented with maps, plans or other additional data which may aid the Plan Commission or Common Council in the analysis and evaluation of the requested variation.

#### **18.16.015**      **Plan Commission Action.**

The Plan Commission and the Common Council shall not consider variations or exceptions to the regulations and provisions of this Title unless they shall make findings based upon the evidence presented to them in each specific case that:

1. The granting of the variation will not be detrimental to the public safety, health or welfare nor will it be injurious to other property or improvements in the neighborhood in which the property is located.

2. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property.

3. Because of the particular surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result (as distinguished from a mere inconvenience, financial hardship or self-imposed hardship,) if the regulations contained in this Title were strictly enforced.

#### **18.16.020**      **Common Council Determination.**

1. The Plan Commission shall forward any recommendation regarding a requested variation or exception to the Common Council. The Common Council, if it approves of the request for variation, shall do so by resolution. The City Clerk shall notify the subdivider/developer of the action of the Common Council.

2. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Title or the desirable general development of the City in accordance with any Master Plan or component thereof, or Zoning Code of the City of Altoona.

3. A majority vote of the entire membership of the Common Council shall be required to grant any variation or modification of this Title. Such vote shall be by roll call of all members and the reasons for granting or denying the variation shall be entered in the minutes of the Common Council.

#### **18.16.030**      **Reserved For Future Use.**

## Chapter 18.17

### ENFORCEMENT, REMEDIES AND PENALTIES

#### Sections:

<b>18.17.010</b>	<b>Violations.</b>
<b>18.17.020</b>	<b>Penalties.</b>
<b>18.17.030</b>	<b>Civil Penalties.</b>
<b>18.17.040</b>	<b>Actions in Extraterritorial Jurisdiction Areas.</b>
<b>18.17.050</b>	<b>Appeals.</b>
<b>18.17.060</b>	<b>Reserved for Future Use.</b>

#### **18.17.010 Violations.**

It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this Title or the Wisconsin Statutes. No person shall be issued a building permit by the City authorizing the building on, or improvement of, any land division or replat within the jurisdiction of this Title which is not recorded in the office of the Eau Claire County Register of Deeds, as of the effective date of this Title, until the provisions and requirements of this Title have been met. The City may institute appropriate action or proceedings to enjoin violations of this Title or the applicable Wisconsin Statutes.

#### **18.17.020 Penalties.**

1. Any person, firm or corporation who fails to comply with the provisions of this Title or who shall willfully enter into a conspiracy with one or more other persons for the purpose of circumventing this Title, shall, upon conviction thereof, forfeit no less than Two Hundred Dollars (\$200) nor more than Two Thousand Dollars (\$2,000) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding ninety (90) days. Each day a violation exists or continues shall constitute a separate offense.

2. Recordation improperly made has penalties provided in Section 236.30, Wisconsin Statutes.

3. Conveyance of lots in unrecorded plats has penalties provided in Section 236.31, Wisconsin Statutes.

4. Monuments disturbed or not placed have penalties provided in Section 236.32, Wisconsin Statutes.

5. Assessor's plat made under Section 70.27 Wisconsin Statutes may be ordered by the City at the expense of the subdivider/developer when a land division is created by successive divisions.

#### **18.17.030 Civil Penalties.**

The civil remedies provided by Sections 236.30 and 236.31 of the Wisconsin Statutes shall be available to the City.

#### **18.17.040 Actions In Extraterritorial Jurisdiction Areas.**

Before a prosecution hereunder is commenced against any person, firm or corporation for violations within the extra-territorial plat approval jurisdiction of the City, the Town Chairman of the Town in which such violation was committed shall be notified thereof. There shall be no imprisonment under this Section unless there is a finding that the person is not indigent.

**18.17.050 Appeals.**

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)(10) of the Wisconsin Statutes, within thirty (30) days of notification of rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

**18.17.060 Reserved for Future Use.**

## Chapter 18.20

### EXTRATERRITORIAL LAND DIVISIONS

#### Sections:

<b>18.20.010</b>	<b>Purpose.</b>
<b>18.20.020</b>	<b>Authority.</b>
<b>18.20.030</b>	<b>Goals of Ordinance.</b>
<b>18.20.040</b>	<b>Extraterritorial Land Division Policies.</b>
<b>18.20.050</b>	<b>Extraterritorial Land Division Procedures.</b>

#### **18.20.010 Purpose.**

The purpose of this ordinance shall be to govern the subdivision of lands lying within the extraterritorial subdivision jurisdiction of the City pursuant to §236.02(5) and 236.10(1)(b)2., Wis. Stats. Underlying the regulations is the City's desire to deal with the effects of growth and the potential need to provide services and infrastructure to anticipated subdivisions and land developments. Also underlying the regulations' intent is the need to finance the installation, construction and operational costs of services and infrastructure related to development as annexations occur in areas abutting the City. A further basis for this ordinance is the need to anticipate growth resulting from development and the problems associated with uncontrolled residential, commercial and industrial development of lands in adjoining areas which may require the extension of City services in the future. Unplanned or uncontrolled subdivision of lands and their development outside of the City limits may restrict the City's planned growth and impact the need for and location of parks, schools and other governmental structures and services. This ordinance and its regulation of extraterritorial land subdivisions is designed to promote the public health, safety and general welfare; lessen congestion on highways and streets; to further the orderly layout and use of land; to insure the use of proper legal descriptions and monumenting of land subdivisions; to secure safety from fire and other dangers; to promote development of land which is harmonious to the use of adjoining land; to prevent the overcrowding of land and avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewage, storm water drainage, schools, parks and parkways, playgrounds and other public requirements; and to facilitate the resubdivision of larger tracts into smaller parcels of land.

#### **18.20.020 Authority.**

This ordinance is adopted pursuant to the authority granted to the City under §62.11(5), 236.10(1)(b)2. and 236.45, Wis. Stats.

#### **18.20.030 Goals of Ordinance.**

The City of Altoona subscribes to the development of land found in the goals, objectives and policies set forth in the City's Comprehensive Plan. The Comprehensive Plan was drafted through the summation of ideas and aspirations expressed by the City Plan Commission and basic City planning principles and objectives. Together, these goals, objectives and policies provide guidance and vision to the Common Council, the City Plan Commission and general public in matters of future growth and development. With this intent in mind, proposed subdivisions shall be reviewed in accord with and shall conform to the following goals:

- a. Create an economically efficient and environmentally stable development pattern.
- b. Enhance and maintain Altoona neighborhoods.
- c. Provide safe, affordable housing for Altoona residents.
- d. Create efficient, well designed businesses and employment centers.
- e. Revitalize existing Altoona business districts.
- f. Protect the City's natural resource space.

- g. Provide a safe and efficient transportation system that meets the special needs of pedestrians, motorists, trucks and trains. Encourage the creation of a comprehensive system for bicyclists and pedestrians in the City's periforal growth areas.
- h. Encourage provision of a cost effective municipal utilities system.
- i. Provide outdoor recreation areas and facilities for the residents of the City of Altoona.

**18.20.040 Extraterritorial Land Division Policies.**

The following policies shall govern the Common Council in approving division of land within the extraterritorial area, in order to promote those purposes set forth in this Title.

a. No land divisions or minor land divisions, as defined in this Title, will be permitted within the mile and one-half (1-1/2) extraterritorial limits of the City of Altoona, without approval of the Common Council.

b. The minimum lot size allowed in the mile and one-half (1-1/2) extraterritorial area shall be ten acres of land, under single ownership, per dwelling unit or business.

c. The City of Altoona will attempt to seek consistency of locally adopted City plans, County plans, Regional plans and State plans. To the extent that the policies of the City of Altoona are more restrictive, in regard to protection of the public health, safety and welfare, environmental quality, or in terms of implementing the Official Map, the City's policies shall prevail. All land divisions and minor land divisions within the extraterritorial area will be subject to the land reservation or dedication requirements of this Title. Such land reservation or dedication requirements specifically includes the following:

1. Any waterway or storm water management area identified on the City Master Plan or Official Map shall be dedicated in conformance with requirements of this ordinance.

2. Any lands falling within the limits of an environmental corridor, as mapped by the City of Altoona, will be required to demonstrate that development within the proposed land division will not damage sensitive environmental areas nor create risks to the public safety, health and welfare.

d. Land divisions and minor land divisions within the extraterritorial area will be required to follow erosion control plans in compliance with this Title.

e. All land divisions within the extraterritorial area shall pay the required review fees.

f. The Common Council or Plan Commission may require placement of covenants or deed restrictions or require the dedication of easements or rights-of-way that are deemed necessary and appropriate to protect environmental quality, public health, safety and welfare, or otherwise implement the City's Official Map. Any such restrictions shall be placed on the face of the plat or Certified Survey Map or on surrounding lands from which the lot or lots were created to verify the density standard established herein.

g. Special exceptions to the requirement that a particular land division shall meet with all criteria of this Chapter, including the maximum density requirement, may be allowed upon review and recommendation by the Plan Commission and approval of the Common Council subject to maintenance of consistency with the goals established in § 18.20.030 and further subject to an agreement between the property owner, the impacted Township and the City for compliance by the owner with the following standards:

1. For properties not contiguous to city limits:

a. That the real estate is legally capable of being annexed to the City and that the owner or successors in interest to any resulting properties of this land division shall annex to the City at such time as any resultant properties become contiguous with Altoona city limits.

b. That a mechanism for cost sharing for the future extension of public infrastructure or upgrades upon or after the time of annexation is established.

c. That provision is made by the owner within the land division for sufficient traffic capacity and safety as pertaining to public streets and pathways.

d. That provision be made for future connection of developed properties with the City water and sanitary sewer systems at the time of annexation.

e. That the needs of the residents in the proposed land division for public space be accounted for and are met.

f. That the proposed development of the land to be divided is consistent with the City's peripheral area land use plan.

2. For properties contiguous to City limits:

a. That the land division results in only one (1) parcel less than ten acres which is improved with a minimum of one dwelling or business and the parcel is not contiguous to City limits.

b. That the subdivision results in one (1) unimproved parcel larger than ten acres;

c. That owners, heirs and assigns of both resultant parcels shall annex both properties prior to:

i. Making any improvements to or on the unimproved parcel that require a building permit.

ii. Further subdividing either property

d. That the owners, heirs and assigns of each resultant parcel agree to pay their proportionate share of any city utilities subsequently extended adjacent to either property.

e. That the owners, heirs and assigns of the resultant parcels shall agree to the standards set forth in § 18.20.040 (g) (1) b – f. (Ord 10D-16, 2016)

#### **18.20.050 Extraterritorial Land Division Procedures.**

In all cases, the time period within which action is required shall not begin until the Town Board, the staff serving the Eau Claire County Zoning Committee, and the City of Altoona have received all maps, drawings and data required for plat approval.

a. No person, firm or corporation shall divide any land located within the mile and one-half (1-1/2) extraterritorial plat approval jurisdiction of the City of Altoona, without first filing an application and a subdivision plat or Certified Survey Map for approval by the Plan Commission and the Common Council.

b. Pre-application procedure. Before filing an application for approval of a Certified Survey, the subdivider/developer shall consult with the Director of Public Works and City Administrator, and shall prepare the following:

1. Prepare a preliminary sketch for review and approval.

2. Complete a site assessment checklist, or when required, an expanded site assessment report, for review and approval.

3. Complete and submit an environmental assessment checklist (Appendix A).

4. Complete and submit a summary of the community impact which will result from the proposed land division.

This procedure is intended to assist the developer in appraising the objectives of these regulations, the Master Plan, the Official Map and other pertinent city ordinances. The pre-application information shall be submitted to the Plan Commission for review and evaluation at the preliminary consultation conference.

c. Following completion of the pre-application procedure, submittal requirements for land divisions within the extraterritorial land division jurisdiction enacted by Common Council Resolution shall be identical to those required for land divisions within the City limits. (Ord 7B-07)



**APPENDIX A**

City of Altoona Environmental Assessment Checklist  
for Subdivisions and Land Divisions by Certified Survey

All “yes” answers must be explained in detail by attaching maps and supportive documentation describing the impacts of the proposed development.

Land Resources	Yes	No
Does the project site involve: (if “yes”, how does the developer propose to address the matter?)		
A. Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, two (2) foot contour intervals).	_____	_____
B. A floodplain. (If yes, attach two (2) copies of a typical stream valley cross-section showing the channel of the stream, the 100-year floodplains limits and the floodway limits (if officially adopted), of each site of the channel and a cross-section of area to be developed.)	_____	_____
C. An area of soil instability--greater than 20% slope and/or organic soils, peats, or mucks at or near the surface.	_____	_____
D. Prime agricultural land (Class I, II, or III soils).	_____	_____
E. Wetlands and mapped environment corridors.	_____	_____
F. Unique physical features or wildlife habitat.	_____	_____
Water Resources		
A. Location within the area traversed by a navigable stream or dry run.	_____	_____
B. Lake frontage.	_____	_____

Human and Scientific Interest

Yes

No

Does the project site involve:

- |    |   |       |       |
|----|---|-------|-------|
| A. | An area or buildings of archeological or geological interest.   | _____ | _____ |
| B. | An area of historical interest.   | _____ | _____ |
| C. | An area of buildings or monuments with unique architecture.   | _____ | _____ |
| D. | Unique, uncommon or rare plants, animal habitats, old growth, trees significant for research or preservation. | _____ | _____ |

Energy, Transportation and Communications

- |    |  |       |       |
|----|--|-------|-------|
| A. | Does the development encompass any future street appearing on the City of Altoona Official Map?  | _____ | _____ |
| B. | Is the development traversed by an existing or planned utility corridor (gas, electricity, communications, water, sewer interceptor, storm sewer)? | _____ | _____ |

City Planning

- |    |   |       |       |
|----|---|-------|-------|
| A. | Is the development consistent with the City Master Plan and other adopted planning documents? | _____ | _____ |
|----|---|-------|-------|

If no, please explain.

## **Chapter 18.21**

### **MONUMENTS**

#### **Sections:**

**18.21.010 State Statutes Adopted by Reference -- Iron Content Requirement.**

**18.21.010 State Statutes Adopted By Reference – Iron Content Requirement.**

The land division shall be monumented as required by Section 236.15 of the Wisconsin Statutes, which is adopted by reference. All such monuments shall contain sufficient iron for magnetic detection.