

CHAPTER 36 LAND DIVISION

Articles

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ARTICLE 1. INTRODUCTION

36-01 Title

This chapter shall be known as "Land Division" and may be referred to herein as "this chapter" or the "City's land division regulations."

36-02 Authority

This chapter is adopted under the authority granted by § 236.45, Wis. Stats.

36-03 Jurisdiction

This chapter applies to the area within the corporate limits of the City of Janesville, the boundary of which may change over time through annexations, attachments, and detachments^[1] and the area in the City's extraterritorial review jurisdiction.

Editorial notes:

[1] An annexation and attachment remove land from a town and adds it to a city or village. A detachment removes land from a city or village and adds it to a town or to another city or village.

36-04 Purpose

The purpose of this chapter is to promote the public health, safety and general welfare of the community. The regulations in this chapter are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; and to facilitate the further resubdivision of larger tracts into smaller parcels of land. These regulations are made with reasonable consideration, among other things, of the character of the City with a view of conserving the value of the buildings placed upon land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the City.

36-05 General applicability

This chapter does 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 years, mortgages or easements; and
- (3) the sale or exchange of parcels of land between owners of adjoining property if the parcel transferred is less than 50 feet wide at the building setback line, and if the resulting lots are not reduced below the minimum sizes of new lots required by this chapter or other applicable laws or ordinances. (verify the intent)

36-06 Condominium developments

- A. Legislative findings.** The City Council finds that certain issues arise in condominium developments that require limited applicability of this chapter to condominium developments. The state legislature has recognized that subdivision ordinances may apply to condominiums provided they do 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. The factor that makes this chapter 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. Thus, the City Council 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 including (1) additional population density; (2) possibility of use of particular land in a manner unsuitable to the land's characteristics; (3) additional demands upon parks, recreation areas, utility facilities, and schools; and (4) additional traffic and street use.
- B. Portions of chapter applicable to condominium developments.** The following sections of this chapter apply to condominium developments:
- (1) Section 36-57 relating to land suitability and construction practices.
 - (2) Sections 36- through 36- relating to preliminary plat approval. A condominium plat prepared pursuant to § 703.11, Wis. Stats., is reviewed in the same manner as a preliminary subdivision plat. The technical requirements for preliminary plats in Article 5 do not apply, since condominiums have separate technical standards in § 703.11, Wis. Stats.
 - (3) Article 6 relating to design standards for improvements.
 - (4) Article 7 relating to required improvements.
 - (5) Article 8 relating to park and public land dedication requirements.
 - (6) Article relating to fees for review. (need to verify all of the correct parts are enumerated here)
- C. Additional information.** In addition to the information required by § 703.11, Wis. Stats., and Article IV of this chapter, the plat must show:
- (1) The exact location of any building on the property and common element locations.
 - (2) Floor plans of all unique units which also show any limited common elements that go with the units.
 - (3) Any other information that the City requires to complete the review of the condominium plat.
- D. Exceptions.** This section does not apply to any condominium plat recorded prior , 2025, the effective date of this section, and the conversion of an existing building to a condominium after the effective date of this section.

36-07 Compliance

No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations so that such division results in a subdivision, minor land division, condominium plat or replat. No such subdivisions, minor land divisions and replats shall be entitled to recording, and no streets shall be laid or improvements made

to land without compliance with all the requirements of this chapter and the following and any amendments thereto:

- (1) Provisions of Ch. 236, Wis. Stats.
- (2) Rules of the Wisconsin Department of Transportation relating to safety of access and preservation of public interest and investment in the highway system, if the land owned or controlled by the developer abuts a state trunk highway, federal highway or highway connecting street, including all provisions of Ch. Trans 233, Wis. Admin. Code.
- (3) State Department of Natural Resources rules setting forth water quality standards, preventing and abating pollution and regulating septic systems.
- (4) The City's comprehensive plan.
- (5) The city's adopted official map.
- (6) The rules adopted by Rock County relating to access to and work within county rights-of-way.
- (7) Ch. 32 of the municipal code relating to the City's stormwater utility and management services.
- (8) Ch. 32 of the municipal code relating to construction site erosion control.
- (9) The highway width map adopted by Rock County.

36-08 Liability

The City of Janesville and its officials, agencies, employees, agents, and assigns are not liable for any flood damage, sanitation problems, structural damage, or other damages or loss of property value that may occur as a result of reliance upon and conformance with this chapter. (Taken from Ch. 36, Zoning)

36-09 Abrogation and greater restrictions (new)

This chapter does not 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 chapter imposes greater restrictions, the provisions of this chapter shall govern.

36-10 Severability

If any section, clause, provision, or portion of this chapter is determined to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected by such ruling. (From Ch. 36, Zoning)

36-11 Potential conflicts

To the extent this code establishes time limits, deadlines, notice requirements, or other provisions that are more restrictive than those contained in Ch. 236, Wis. Stats., the provisions of Ch. 236 shall control. (revisions for clarity.)

36-12 Penalties

- A. Any person who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit no less than \$50.00 nor more than \$500.00 and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
- B. Recordation improperly made has penalties provided in § 236.30, Wis. Stats.

- C. Conveyance of lots in unrecorded plats has penalties provided for in § 236.31, Wis. Stats.
- D. Monuments disturbed or not placed have penalties as provided for in § 236.32, Wis. Stats.
- E. Assessor's plat made under § 70.27, Wis. Stats., may be ordered by the City at the expense of the subdivider when a subdivision is created by successive divisions. (From Verona)

36-13 Appeals

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in § 62.23 (7)(e) 10 to 15 and § 236.13(5), Wis. Stats., within 30 days of notification of the 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 may direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory. **Proposed addition**

36-14 through 36-29 reserved

ARTICLE 2. INTERPRETATION, CONSTRUCTION, AND DEFINITIONS

36-30 Interpretation

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

36-31 Rules of construction

In construing this chapter, the following rules shall be observed, unless such construction is inconsistent with the text or the manifest intent of this chapter:

- (1) **Gender.** Words of one gender include all other genders.
- (2) **Singular and plural words.** Words in the singular include the plural, and words in the plural include the singular.
- (3) **Tense.** Words in the present tense include the past and future, and words in the future tense include the present tense.
- (4) **Conjunctions.** When used at the end of a series, the word "and" indicates that all listed items apply, while "or" indicates that one or more of the listed items apply.
- (5) **"Must" and "shall".** Must and shall indicate a mandatory requirement.
- (6) **"Should".** Should indicates a recommendation, not a requirement.
- (7) **"May".** May indicates a permissive or discretionary condition.
- (8) **"Includes" or "including".** The words "includes" or "including" introduce examples and are not limiting, but extend to all other instances of similar kind or character.
- (9) **"Such as".** The phrase "such as" introduces examples and is not limiting but extends to all other instances of similar kind or character.

36-32 Definitions

- A. **Words and phrases not defined.** Unless specifically defined in this section, words and phrases used in this code shall be interpreted according to their common usage and in a manner that gives this code its most reasonable application.

- B. Words and phrases defined.** For the purpose of this code, certain words and phrases are defined below and shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

A

Addressing plan (new) A document prepared by the subdivider and submitted to the City that identifies the proposed address for each lot and outlot in a subdivision, as required by the City's subdivision regulations.

Agent (new) A person authorized by another person to act on the other person's behalf. (See also person)

Alley (same as in Ch. 46) A surfaced thoroughfare that provides vehicular access to the side or rear of abutting properties and is open to public travel. Alleys are narrower than standard streets and are not intended for general traffic circulation. (See also: street)

B

Multi-use trail A paved trail completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic or as authorized by permit issued through the police department of the city of Janesville.

Block (new) An area of land within a platted subdivision that is entirely surrounded by a combination of streets, exterior subdivision boundary lines, streams, or other water bodies.

Building inspector (new) The individual employed by the city to function in the capacity of building inspector, or duly appointed representative, unless the text states otherwise. (See also: person)

C

Certified survey map (CSM) A map intending to create parcels of land or building sites. In any area zoned residence district, not more than four parcels may be created by certified survey in any five-year period from the same lot, parcel, or tract of land. (current to be verified)

City attorney The individual so designated by the **City Manager**.

City Council The City of Janesville City Council.

City manager The individual so designated by the City Council. The city manager is the City's chief executive and is responsible for the implementation of the City Council's policies and priorities.

Cluster box unit (new) A freestanding, pedestal-mounted mailbox containing individually locked mailboxes and parcel compartments, as approved by the United States Postal Service, along with associated equipment and infrastructure necessary to site the mailbox.

Comprehensive plan A plan adopted by the City of Janesville City Council consistent with § 66.1001, Wis. Stats., as may be amended. The adopted plan describes the future vision of the community and how to achieve that vision.

Condominium A form of property ownership where multiple owners individually own specified portions of a building along with any other common elements that are held in a proportional, undivided basis.

Condominium association An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.

Condominium instruments (needed?) The declaration, plats, and plans of a condominium together with any attached exhibits or schedules. Note: This definition is derived from § 703.02 (5), Wis. Stats.

Conservation easement (new – same as in Ch. 46) The grant of a property right or interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.

Corner lot See lot, corner

Correction instrument An instrument drafted by a professional land surveyor that complies with the requirements of § 236.295, Wis. Stats., and that, upon recording at the register of deed office, corrects a subdivision plat or a certified survey map.

Note: This definition is based on § 236.02, Wis. Stats.

CSM An abbreviation for certified survey map

Cul-de-sac A street with only one outlet, and having an appropriate turnaround for the safe and convenient reversal of traffic movement. **(current)** The turnaround may be permanent or temporary so that the street can be extended to accommodate further development.

D

Deed restriction See restrictive covenant

Designated project manager (new) The subdivider or person appointed by the subdivider who has been given the authority to make decisions related to the construction of the required public improvements as they may arise during the course of construction. The project manager is also responsible for the scheduling and coordination of the required work to construct the required public improvements.

Development agreement (new – same as in Ch. 46) A contract between a developer and a municipality that describes the obligations of both parties regarding a private development project, including design and construction and appearance of public infrastructure.

Note: Also known as subdivider's agreement or developer's agreement

Director of Public Works (new) The individual so designated by the **City Manager**.

Double frontage lot (new) See lot, through

E

Easement A non-possessory legal interest a person has in the property of another for a specific use. An easement may apply to the entire property or a portion thereof and may be perpetual or temporary, expiring after a period of time or after a certain event occurs.

Extraterritorial plat jurisdiction The unincorporated area within three miles of the City limits, excluding any areas subject to overlapping jurisdiction under § 66.0105, Wis. Stats., and any areas where the City Council has formally waived its plat review authority.

F

Final subdivision plat See Subdivision plat, final

Flag lot See lot, flag

Floodplain Land which has been or may be covered by floodwater during a 100-year flood event.

Frontage street A local street that runs parallel to an arterial street, providing access to adjoining properties and helping to manage traffic flow by limiting direct access to the arterial.

G

Greenbelt An open area of land the primary purpose of which is to carry storm sewer on the ground surface in lieu of an enclosed storm sewer. Greenbelts may serve multiple purposes including vehicular or pedestrian traffic, sanitary sewers, water mains, storm sewer, stormwater or floodwater retention basins, park development, multi-use trails or other related uses. (current – needed?)

H

Hazard (new – same as in Ch. 46) A condition, whether manmade or natural, that presents a tangible danger to the public health, safety, and general welfare.

Homeowners association (HOA) (new – same as in Ch. 46) An association registered with the State of Wisconsin combining individual ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a development project.

I

Improvement (new) Any physical addition, construction, or installation required to serve a land division, including streets, sidewalks, stormwater facilities, sanitary sewer and water systems, grading, utilities, street lighting, and signage. Improvements may be public or private and are intended to ensure the functionality, safety, and long-term viability of the subdivided land.

Improvement, private (new) An improvement that is to be kept and managed by the property owners within the development.

Improvement, public An improvement that is to be dedicated to the city, the county, or any other governmental division, which shall thereafter be responsible for the ongoing maintenance and operation of such improvement.

Irrevocable letter of credit (new – same as in Ch. 46) An agreement, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in the State of Wisconsin, and which has a financial standing acceptable to the City of Janesville, and which is approved, as to form, by the city attorney.

Janesville Area Long Range Transportation Plan The long range transportation plan which encompasses the City and the Towns of Janesville, Harmony, La Prairie and Rock.

L

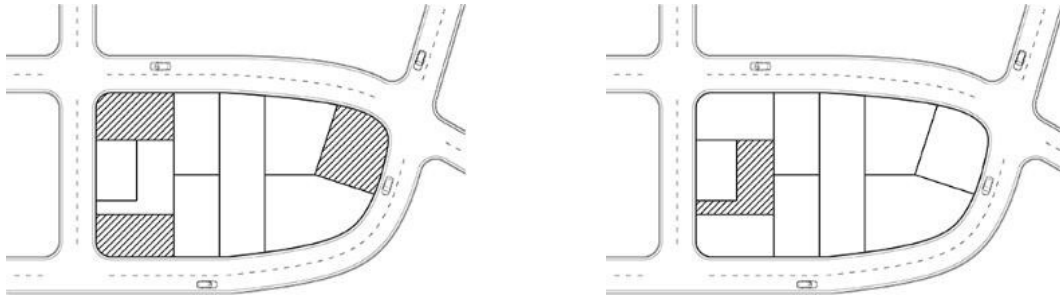
Lot An area of land less than 15 acres resulting from the division of a tract of land for the purpose of transfer of ownership. (current – need to reconcile w/ other parts)

Lot, corner A lot that has at least two adjacent sides that abut for their full lengths upon a street provided that the interior angle at the intersection of such two sides is less than 150 degrees.

Lot, flag A lot which has a narrow strip of land that extends from the main part of the lot where a building could be lawfully constructed to the street.

Lot, corner

Lot, flag



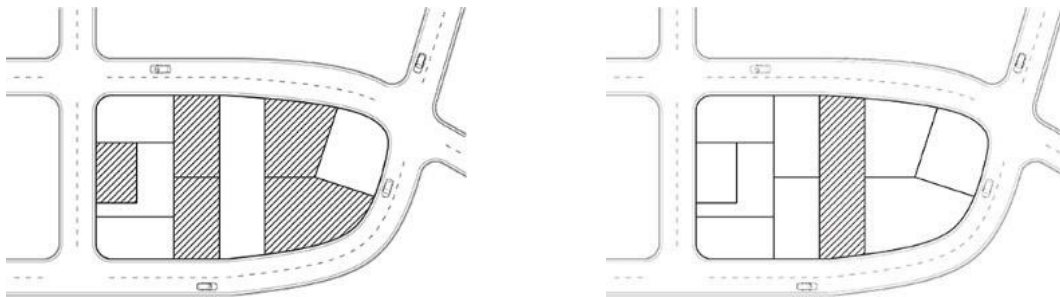
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Lot, interior (Same as in Ch. 46) A lot that abuts only one street.

Lot, through (Same as in Ch. 46) A lot having a pair of opposite lot lines along two 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. ((If access to the lot is restricted from one of the frontages, then the yard facing the restricted access street is considered the rear yard for building setback purposes, and the yard facing the allowable access street is considered the street yard for building setback purposes.)) **verify last part in double pens.**

Lot, interior

Lot, through



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~~Master plan means the comprehensive plan for guiding and shaping the growth and development of the Janesville area, including all of its component parts as set forth in the various maps, plats, charts, and written matter adopted and certified by the City Council and City Plan Commission. (current)~~

O

Objecting agency (new) An agency empowered to object to a subdivision plat pursuant to Ch. 236, Wis. Stats. Objecting agencies include the Wisconsin Department of Administration (DOA) and the Wisconsin Department of Transportation (WDOT).

Official map The map adopted by the City Council pursuant to § 62.23(6), Wis. Stats., which shows existing and planned public facilities including streets, highways, parkways, parks, and playgrounds.

Ordinary high-water mark The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore of any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

Outlot (new) A parcel of land, other than a buildable lot, so designated on a plat or certified survey map. An outlot may be created to restrict a lot, to create common open space, to create stormwater facilities or for dedication to a public entity for park and open space purposes or to transfer to a private conservation organization. An outlot may also be parcels of land intended to be re-divided into lots or combined with lots or another outlot in adjacent land divisions in the future for the purpose of creating buildable lots.

Note: This definition is based on the corresponding definition in § 236.02, Wis. Stats.

P

Performance bond (new) A surety bond issued by an insurance company or a bank guaranteeing performance of a contract or obligation through forfeiture of the bond if the contract or obligation is not satisfied. (See letter of credit)

Plan Commission The commission established in Chapter 2 of the municipal code in accordance with § 62.23, Wis. Stats.

Planned development A development pattern and technique wherein structures are arranged in closely related groups to enable building at higher densities in certain areas while preserving natural features in others. A planned development would normally incorporate private common open space areas and give emphasis to the pedestrian as opposed to the automobile in its design. (current – needed? – how is it used?)

Preliminary subdivision plat See subdivision plat, preliminary

Private improvement See improvement, private

Professional engineer A person who has a license under § 48.02, Wis. Stats., to engage in the practice of engineering in the state of Wisconsin.

Professional land surveyor A person who has a license under Ch. 443, Wis. Stats., to engage in the practice of land surveying in the state of Wisconsin.

Public improvement See improvement, public

R

Reserve strip A strip of land reserved mainly for the purpose of controlling access to a public street.

Note: Also known as spite strip. (current)

Remnant parcel The land remaining, if any, after lots and any outlots have been divided.

Note: Also known as residual parcel or remainder

Restrictive covenant (new) A legal instrument recorded at the register of deeds office that limits or regulates the use of a property. A restrictive covenant typically runs with the land and is binding on current and future owners. A restrictive covenant is also known as a deed restriction.

S

Spite strip See reserve strip

Street A surfaced thoroughfare that provides vehicular access to the front of abutting properties and is open to public travel. Streets may be public or private, depending on which entity is responsible for maintenance. Public streets are typically located within a public right-of-way and are classified based on their function. All streets, regardless of ownership, must conform to the applicable construction and design standards. (See also: alley)

Subdivider A person which divides or proposes to divide, by subdivision plat or certified survey map, or replat land in any manner. (revised)

Subdivider's agreement See development agreement

Subdivision plat The map on which the plat of subdivision is presented to the City for review and approval. The subdivision plat may be for a preliminary review or a final review. (ET)

Subdivision plat, final A map showing the subdivision as approved by the reviewing authority and which when recorded in the register of deeds office creates lots that can be sold for development purposes. (TS)

Subdivision plat, preliminary A map showing the proposed layout of a subdivision that is submitted for review in accordance with the city's land division regulations. Approval of the preliminary plat authorizes the developer to prepare and submit a final subdivision plat for review and recording. (TS)

Subdivision A division of a lot, parcel, or tract of land for the purpose of sale or of building development and to which any of the following applies:

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

The definition does not include a division of land into 5 or more parcels or building sites by a certified survey map in accordance with an ordinance enacted or a resolution adopted under § 236.34 (1)(ar)1, Wis. Stats.

(To verify this definition)

U

Utility easement An easement for the purpose of locating utilities such as electricity, telephone, gas, water service, fiber, and the right to maintain such. (current)

Urban service area (USA) That portion of the city of Janesville and the area within its extraterritorial jurisdiction which has been designated by the Janesville Area Water Quality Management Plan as the area to which services required in urban areas will be provided in a planned and orderly process, particularly those facilities which are placed on or in the land as part of the urban development process. Such services may include public sanitary and storm sewers, water supply and distribution system, streets with sidewalks, and street lighting.

W

Wetland 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 have soils indicative of wet conditions.

Wis. Admin. Code A reference to Wisconsin Administrative Code.

Wis. Stats. A reference to Wisconsin Statutes.

Wisconsin Administrative Code A compilation of regulations adopted by state agencies in Wisconsin pursuant to the authority granted by the Wisconsin Statutes.

Wisconsin Statutes A compilation of the general laws adopted by the state of Wisconsin.

Z

Zoning regulations All of the regulations in Chapter 46 of the municipal code, governing the use and development of land in the City.

36-33 through 36-49 reserved

ARTICLE 3. GENERAL ADMINISTRATION

36-50 Authority to file an application

The owner of the property or their authorized agent must sign the application submitted for review.

36-51 Permission to enter subject property

Submission of an application as may be required in this chapter authorizes city officials and employees, or other designated agents to enter the subject property to verify information in the application and to conduct other site investigations as may be necessary to review the application. This does not authorize any individual to enter any building on the subject property in the absence of the property owner or his or her authorized agent. Failure to allow access to the subject property is sufficient grounds to deny the application.

36-52 Fees and charges

When an application is submitted for review, the subdivider must submit the applicable application fee, as established by the City Council. (s. 36-123, substantially revised)

36-53 Escrow account

- A. **Generally.** When a land division involves the construction of public improvements, the subdivider must establish a cash escrow account with the City (the "account") prior to commencing any land-altering activity. The account will be used to cover the cost of inspections related to the construction of public improvements. Inspections may be performed by City staff and/or a qualified professional retained by the City.
- B. **Account funding and maintenance.** The initial balance of the account will be established by the City Engineer based on the size and complexity of the project but shall not be less than \$5,000 or more than \$10,000. The account will be debited as inspection costs are incurred and must be replenished to the required balance after each debit. At no time shall the account balance fall below \$1,000. If the balance reaches \$1,000 and is not replenished within 72 hours of written notice, the City Engineer will notify the subdivider that inspections will be suspended until the account is fully replenished.
- C. **Statements.** The City Treasurer must provide monthly statements to the subdivider detailing debits, credits, and current balance.
- D. **Account balance at conclusion of work.** When the City Engineer determines that all required inspections have been completed and all related costs have been debited, the City Treasurer will return any remaining balance in the account to the subdivider.

(Note: The escrow can also be used to pay for review of proposed constructions plans and more. Let's discuss.)

36-54 Recapture agreement

- A. **Generally.** To ensure fairness and cost-sharing in the construction of public improvements, the City Council, at its sole discretion, may authorize a recapture agreement that allows a subdivider to recover a proportionate share of the cost of oversized or extended improvements from other property owners who subsequently benefit directly from those improvements.
- B. **Eligible costs.** Reimbursable costs may include design, engineering, permitting, construction, inspection, and other directly related expenses, as deemed appropriate by the City Engineer and approved by the City Council. Interest is not an eligible cost. Reimbursement is limited to the actual additional cost incurred in constructing the oversized improvements.
- C. **Benefiting properties.** The recapture agreement must identify the benefiting properties, specify the method of cost apportionment, and establish the duration of the recapture period, which may not exceed 10 years from the date of substantial completion of the improvements.
- D. **Payment terms.** Payment from benefiting properties must be made at the time of land division, development, or connection to the improvement, as specified in the agreement. The City may collect such payments and remit them to the subdivider in accordance with the terms of the agreement.
- E. **Recording and notice.** The recapture agreement must be recorded with the Rock County register of deeds office and constitutes notice to the benefiting properties.
- F. **Public record.** Although a development agreement is a private contract between two parties, it is considered a public document.
- G. **Model agreement.** The City Engineer and City Attorney are authorized to jointly develop a model recapture agreement for land division projects in the City of Janesville that is consistent with the provisions of this chapter and may make revisions to such agreement from time to time as may be needed to address changes in this chapter, state law, or best practices. The City Engineer will maintain the most current version and provide copies to subdividers and others upon request. (SP in part)

36-55 Development agreement

- A. **Generally.** To ensure the proper installation of public and private improvements and to protect the public interest, the subdivider must prepare a development agreement based on the City's template agreement and submit it to the City Manager for review and recommendation to the City Council. The agreement must be submitted following approval of a certified survey map or preliminary subdivision and approved prior to the commencement of any land-altering activity. Depending on the nature of the project, the agreement may address potential phasing; the construction, installation, timing, and completion of required improvements; financial guarantees; inspections; maintenance responsibilities; and other related matters.
- B. **Required improvements.** The development agreement must specify all required public and private improvements, including but not limited to streets, sidewalks, sanitary and storm sewers, water mains, grading, streetlights, erosion control measures, and landscaping, as determined necessary by the City Engineer and consistent with the approved plans.
- C. **Financial assurances.** The development agreement must include provisions for financial assurances to guarantee the satisfactory completion and long-term durability of all required improvements. The financial assurances must be provided in a form and amount acceptable to the City.
- D. **Binding effect.** The development agreement runs with the land and is binding upon the subdivider and all heirs, successors, and assigns. The agreement must be recorded with the Rock County register of deeds office at the time the final subdivision plat or certified survey map is submitted for recording.
- E. **Enforcement.** If the subdivider fails to comply with the terms of the development agreement, the City may, as appropriate, issue a stop-work order, withhold permits, or pursue any other enforcement actions as authorized by the development agreement, this chapter, or applicable state law.

- F. **Amendment.** Once a development agreement is accepted by the subdivider and the City Council, the agreement may only be amended with the approval of both parties.
- G. **Notation on face of subdivision plat.** If a development agreement is required, a note must be added to the face of the final subdivision plat or certified survey map, as set forth in § 36- to inform future lot owners that a development agreement exists between the City and the subdivider. The note must state that the agreement may include obligations affecting lot development, access, infrastructure, maintenance responsibilities, and other ongoing obligations.
- H. **Public record.** Although a development agreement is a private contract between two parties, it is considered a public document.
- I. **Model agreement.** The City Engineer and City Attorney are jointly authorized to develop and maintain a model development agreement for land division projects in the City of Janesville. The model agreement must be consistent with the provisions of this chapter and may be revised from time to time to reflect changes in this chapter, applicable state law, or recognized best practices. The City Engineer must maintain the most current version and provide copies to subdividers and other interested parties upon request. (Multiple sources)

36-56 Water pressure investigation

At the time the information required by Section 36- or 36- is provided, the City Planner shall check with the Utility Director to determine the water pressure that is available to the area to be included in the plat or certified survey. It is desirable that at least 55 pounds per square inch at the main be available for all newly divided areas. No preliminary plat or preliminary certified survey of land located in the City shall be approved unless the Janesville Water Utility has the present capability of providing water to all of such area at the main. This requirement may be waived by the Plan Commission and City Council if there is included upon the plat or certified survey a statement to the effect that the Janesville Water Utility cannot supply adequate water pressure to the area covered by the plat or certified survey and that provision for water will have to be done by the individual lot owner. (subject to further review and discussion).

36-57 Land suitability

- A. **Generally.** No land shall be divided which the City Council deems to be unsuitable for reason of flooding, inadequate drainage, soil and rock types or formations with severe limitations for development, lands that are altered or filled, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed project or of the community.
- B. **Procedures and appeals.** A determination of unsuitability may be made during the review of a specific proposal or at any other time. A determination must be in writing and given to the property owner. The determination must include the reasons for making such determination and describe the procedures for appealing the determination. Upon appeal or its initiative, the City Council may affirm, modify, or withdraw its determination of unsuitability.

36-58 Restrictions for public benefit

Pursuant to § 236.293, Wis. Stat., any restriction placed on platted lands by covenant, grant of easement, or land division approval, which was required by the city and which names a public body or public utility as grantee, promise, or beneficiary, vests in the public body or utility the right to enforce the restriction by law or in equity against anyone who has interest in the land subject to the restriction. The restriction may be released or waived by a resolution of the City Council.

36-59 through 36-79 reserved

ARTICLE 4. SPECIFIC REVIEW PROCEDURES

36-80 Preliminary subdivision plat

- A. Generally.** Before submitting a final plat to the City for review, the subdivider must submit an application for a preliminary plat together with required materials and the application fee.
- B. Preparation.** A preliminary plat must be prepared by a professional land surveyor and comply with the requirements of § 236.34, Wis. Stats., as well as all requirements set forth in this chapter.
- C. Procedure.** The general steps outlined below describe the process for reviewing a preliminary plat application.
 - 1. **Pre-submittal meeting.** Before submitting an application, the subdivider or their agent shall meet with the Zoning Administrator, City Engineer, and other city staff to review the proposed land division, along with applicable regulations and review procedures.
 - 2. **Neighborhood meeting.** If the scope of the land division is comparatively large or the proposed use has the potential of affecting other properties in the area, the subdivider may conduct a neighborhood meeting as described in the City's zoning regulations (Ch. 46 of the municipal code).
 - 3. **Submittal of application materials.** The subdivider submits a completed application and other required materials to the Zoning Administrator along with the application fee as may be established by the City Council.
 - 4. **Distribution to city staff.** Upon receipt, the City Clerk sends the application materials to the Zoning Administrator, the City Engineer, and other city staff deemed appropriate.
 - 5. **Distribution to objecting agencies.** In addition, the Zoning Administrator sends the application materials to Rock County Planning Department, the Wisconsin Department of Administration, and the Wisconsin Department of Natural Resources, if shorelands or floodlands are contained within the proposed development. For the purpose of reviewing preliminary plats, these agencies are referred to as "objecting agencies."
 - 6. **Action by objecting agencies.** Objecting agencies must, within 20 days of the date of receiving the final plat, notify the subdivider; the city, as the approving agency; and all other objecting agencies of any objections. If there are no objections, they should certify on the face of the copy of the proposed final plat and return that copy to the City Clerk. An objecting agency that does not act within 20 days, and has not requested an extension, is deemed to have no objection.
 - 7. **Staff report preparation and distribution.** The Zoning Administrator may prepare a staff report. If one is prepared, the Zoning Administrator provides a copy to the subdivider, each member of the Plan Commission, and any person upon request.
 - 8. **Plan Commission meeting.** Allowing for proper notice, the Plan Commission considers the application at a regular or special meeting.
 - 9. **Plan Commission recommendation.** The Plan Commission makes a recommendation to the City Council to (i) approve the preliminary plat, (ii) approve the preliminary plat with conditions, or (iii) deny the preliminary plat.

- D. Effect of approval.** Approval or conditional approval of a preliminary plat does not constitute approval of the final plat. It is an expression of approval or conditional approval of the layout, serving as a guide for preparation of the final plat. The final plat will be subject to further review by the Plan Commission and City Council at the time of its submission.

If the final plat is submitted within 36 months of preliminary plat approval and conforms substantially to the approved preliminary plat layout, the final plat is entitled to approval with respect to that layout. Approval or conditional approval of a preliminary plat expires 36 months after the last required preliminary plat approval is granted, unless, as permitted by § 36- , a final plat of at least one phase is submitted within that 36-month period.

For phased final plats, the 36-month period is renewed and measured from the date of the most recent phase approval. After expiration of the 36-month period, the developer may either resubmit the original preliminary plat for approval or submit a newly designed preliminary plat in accordance with this section.

36-81 Final subdivision plat

- A. Generally.** The subdivider may submit a final plat application within 36 months from the date of approval of the preliminary plat or as extended by the City Council.
- B. Preparation.** A final subdivision plat must be prepared by a professional land surveyor and comply with the requirements of § 236.34, Wis. Stats., as well as all requirements set forth in this chapter.
- C. Phasing.** If a preliminary plat contains 30 acres or more, it may be final platted in phases, provided each phase includes at least 10 acres or 25 percent of the total area of the preliminary plat, whichever is greater. When phased platting is approved by the Plan Commission, the City Council may require a timetable for completion of development of the entire property. The timetable must be submitted at or before the time of the first phase of the final plat and included in the developer agreement.
- D. Procedure.** The general steps outlined below describe the process for reviewing a final plat application.
1. **Submittal of application materials.** The subdivider submits a completed application and other required materials to the City Clerk along with the application fee as may be established by the City Council.
 2. **Distribution to city staff.** Upon receipt, the City Clerk sends the application materials to the Zoning Administrator, the City Engineer, and other city staff deemed appropriate.
 3. **Distribution to objecting agencies.** In addition, the City Clerk sends the application materials to Rock County Planning Department, the Wisconsin Department of Administration, and the Wisconsin Department of Natural Resources, if shorelands or floodlands are contained within the proposed development. For the purpose of reviewing final plats, these agencies are referred to as "objecting agencies."
 4. **Notice to adjoining municipalities.** The City Clerk sends a written notice to the clerk of any municipality within 1,000 feet of the proposed land division.
 5. **Action by objecting agencies.** Objecting agencies must, within 20 days of the date of receiving the final plat, notify the subdivider; the city, as the approving agency; and all other objecting agencies of any objections. If there are no objections, they should certify on the face of the copy of the proposed final plat and return that copy to the City Clerk. An objecting agency that does not act within 20 days, and has not requested an extension, is deemed to have no objection.
 6. **Staff report preparation and distribution.** The Zoning Administrator may prepare a staff report. If one is prepared, the Zoning Administrator provides a copy to the subdivider, each member of the Plan Commission, and any person upon request.
 7. **Plan Commission meeting.** Allowing for proper notice, the Plan Commission considers the application at a regular or special meeting.

8. **Plan Commission recommendation.** The Plan Commission makes a recommendation to the City Council to (i) approve the final plat, (ii) approve the final plat with conditions, or (iii) deny the final plat.
 9. **City Council meeting.** Allowing for proper notice, the City Council considers the application at a regular or special meeting.
 10. **City Council decision.** The City Council must, within 60 days after a final plat is filed with the City Clerk, unless extended by mutual written agreement with the subdivider, make a decision to (i) approve the final plat, (ii) approve the final plat with conditions, or (iii) deny the final plat. The Council may act with or without recommendations from the City Engineer, Plan Commission, or any objecting agencies.
 11. **Preparation of decision document.** Based on the action of the City Council, the Zoning Administrator prepares a decision document, subject to the direction given by the City Council.
 12. **Applicant notification.** Within a reasonable time following the City Council's decision, the Zoning Administrator sends the decision document to the subdivider by regular mail and/or email.
- E. **Failure to act constitutes approval.** If the City Council does not render a decision on the proposed final plat within 60 days from the date of filing of the plat with the City Clerk, the time having not been extended, and no unsatisfied objections having been filed, the final plat is approved.
- F. **Unpaid special assessments or taxes.** If there are any unpaid special assessments or taxes, the City Clerk may not sign the final plat, even if the plat complies with all other requirements.
- G. **Recordation.** After the final plat has been approved by the City Council, all applicable fees paid, all conditions of approval have been satisfied, and (all required public and private improvements are installed), the City Clerk shall cause the certificate inscribed upon the final plat attesting to such approval to be duly executed and the final plat returned to the developer for recording with the Rock County register of deeds. The register of deeds may not record the final plat unless it is offered within 12 months from the date of the last approval.
- H. **Submittal to City.** Upon recording, the surveyor must submit a copy of the final plat in digital format satisfactory to the City Engineer. (verify)

36-82 Certified survey map

- A. **Generally.** When it is proposed to divide land into not more than four parcels or building sites, and one or more parcels are less than 5 acres, or when it is proposed to divide a block, lot, or outlot into not more than four parcels or sites within a recorded subdivision plat without changing the boundaries of said block, lot, or outlot, the subdivider must use a certified survey map. Additionally, in accordance with § 236.34(1)(ar), Wis. Stats., a certified survey map must be used for the division of land into 10 or fewer parcels or lots, not including outlots, where the land is located in, or is concurrently rezoned to, the M-1 (Light Industrial), M-2 (General Industrial), or M-3 (Central Light Industrial) zoning districts, provided the Plan Commission determines the land division is consistent with an overall development plan for the subject property as approved by the Plan Commission. Any proposed land division that does meet the above requirements must be pursued as a subdivision plat. At the discretion of the subdivider, a certified survey map may include any number of parcels containing 5 acres or more.
- B. **Preparation.** A certified survey map must be prepared by a professional land surveyor and comply with the requirements of § 236.34, Wis. Stats., as well as all requirements set forth in this chapter.
- C. **Land to be included in survey.** The certified survey map must include the entire lot, parcel, or tract of land being divided, except that the City Council may upon petition allow the subdivider to exclude any remainder that is 40 acres or larger.
- D. **Procedure.** The general steps outlined below describe the process for reviewing a certified survey map application.
1. **Submittal of application materials.** The subdivider submits a completed application and other required materials to the City Clerk along with the application fee as may be established by the City Council.

2. **Distribution to city staff.** Upon receipt, the City Clerk sends the application materials to the Zoning Administrator, the City Engineer, and other city staff deemed appropriate.
3. **Staff report preparation and distribution.** The Zoning Administrator may prepare a staff report. If one is prepared, the Zoning Administrator provides a copy to the subdivider, each member of the Plan Commission, and any person upon request.
4. **Plan Commission meeting.** Allowing for proper notice, the Plan Commission considers the application at a regular or special meeting.
5. **Plan Commission recommendation.** The Plan Commission makes a recommendation to the City Council to (i) approve the certified survey map, (ii) approve the certified survey map with conditions, or (iii) deny the certified survey map.
6. **City Council meeting.** Allowing for proper notice, the City Council considers the application at a regular or special meeting.
7. **City Council decision.** The City Council must, within 60 days after a certified survey map is filed with the City Clerk, unless extended by mutual written agreement with the subdivider, make a decision to (i) approve the certified survey map, (ii) approve the certified survey map with conditions, or (iii) deny the certified survey map. The Council may act with or without recommendations from the City Engineer, Plan Commission, or any objecting agencies.
8. **Preparation of decision document.** Based on the action of the City Council, the Zoning Administrator prepares a decision document, subject to the direction given by the City Council.
9. **Applicant notification.** Within a reasonable time following the City Council's decision, the Zoning Administrator sends the decision document to the subdivider by regular mail and/or email.

Note: This procedure is a single step and represents a streamlined approach. Let's discuss whether the city wants to keep the two-step process.

- E. **Failure to act constitutes approval.** If the City Council does not render a decision on the proposed final plat within 60 days from the date of filing of the plat with the City Clerk, the time having not been extended, and no unsatisfied objections having been filed, the final plat is approved.
- F. **Unpaid special assessments or taxes.** If there are any unpaid special assessments or taxes, the City Clerk may not sign the final plat, even if the plat complies with all other requirements.
- G. **Recordation.** After the certified survey map has been approved by the City Council, all applicable fees paid, all conditions of approval have been satisfied, and (all required public and private improvements are installed), the City Clerk shall cause the certificate inscribed upon the final plat attesting to such approval to be duly executed and the certified survey map returned to the developer for recording with the Rock County register of deeds. The register of deeds will not record the certified survey map unless it is offered within 12 months from the date of the last approval and within 36 months after the date of the first approval.
- H. **Submittal to City.** Upon recording, the surveyor must submit a copy of the certified survey map in digital format satisfactory to the City Engineer. (verify)

36-83 Land divisions within extraterritorial review authority of the City

Section forthcoming

36-84 Establishment of substandard lots

- A. **Generally.** Upon petition, the City Council may approve a certified survey map where one or more of the parcels do not comply with one or more of the dimensional standards in this chapter and/or in the City's zoning regulations (Ch. 46 of the municipal code) provided one of the following circumstances exist:

- (1) An existing principal building or accessory building crosses a common property boundary line and the affected property owners submit a joint application, and the lot line cannot be adjusted in a way that results in legal conforming lots and setback and offset compliance for existing buildings.
- (2) A person owns three or more adjoining legal nonconforming lots and the resulting number of parcels is reduced (e.g., three legal nonconforming lots are reconfigured to form two lots, one or both of which are substandard).
- (3) The certified survey map is for one lot and is used to establish the boundary of such nonconforming parcel.
- (4) any circumstance where the nonconforming lot is no less nonconforming than currently exists (i.e., a nonconforming lot is 10,000 square feet and after reconfiguration is 10,000 square feet or larger).

B. Submittal requirements. In addition to the features normally depicted on a preliminary certified survey map, the following shall be depicted:

- (1) Existing lot lines to be removed by the certified survey map.
- (2) The location of all existing wells and sanitary systems and other improvements not otherwise depicted on a preliminary certified survey map.
- (3) The measurement between the proposed lot line and any structure that will not comply with any setback requirement established in this chapter or the City's zoning regulations.
- (4) Any other information requested by the Plan Commission or City Council deemed necessary to render a decision under this section. If the subdivider is willing to provide the requested information, the time clock shall be suspended until such time the Plan Commission or City Council reviews such information at a regular or special meeting. If the subdivider is not willing to provide the requested information, the Plan Commission and City Council shall act on the information submitted by the subdivider. Failure to provide the requested information shall constitute a sufficient reason to deny the creation of substandard lots.

C. Basis of decision. The Plan Commission may only recommend approval and the City Council may only approve a certified survey map with one or more substandard lots upon a finding that:

- (1) The proposed configuration of the parcels constitutes an improved layout;
- (2) Each of the resulting parcels will have legal access to a public roadway; and
- (3) The spirit and intent of this chapter, as set forth in § 36-___ is achieved to the greatest extent possible given the existing circumstances; and
- (4) The existing lots are legal lots or legal nonconforming lots.

D. Imposition of conditions. The Plan Commission may recommend and the City of Janesville may impose one or more conditions of approval deemed necessary to further the intent and purposes of this chapter and the City's zoning regulations.

E. Required notes on the certified survey map. If a certified survey map is approved with one or more substandard lots, a notation shall be shown on the face of the survey substantially as follows:

Parcel ___ is a substandard lot and was approved by the City of Janesville under authority of § 36-___ of the City's land division regulations. Such parcel shall comply with all applicable regulations relating to legal nonconforming lots which may now exist or which may be established by the City of Janesville.

If a certified survey map is approved with a parcel that contains an existing structure that does not comply with setback standards in the City's zoning regulations, a notation shall be shown on the face of the survey substantially as follows:

Parcel ___ contains an existing structure that does not comply with setback standards in the City's zoning regulations in effect on the date this certified survey map was approved by the City of Janesville. Such structure shall comply with all applicable regulations relating to legal nonconforming structures which may now exist or which may be established by the City of Janesville.

36-85 Replat

A replat of all or any part of a recorded subdivision may not be made or recorded except after proper court action has been taken to vacate the original plat or the specific part thereof; provided that such replat may be made and recorded without taking court action to vacate the original plat or the specific part thereof when all the parties in interest, including the town, in writing agree thereto, if allowed by applicable laws. The subdivider shall follow the same procedure for processing a replat as he does for any other preliminary and final plat. The town will then apply the applicable provisions of this chapter to the replat.

36-86 Vacating and altering plats

The owner of the subdivision, the owner of any lot in the subdivision by tax deed, or the county board, if the county has acquired an interest in the subdivision or in any lot in the subdivision by tax deed, may apply to the circuit court for the county for the vacation or alteration of all or part of the recorded plat of that subdivision. The provisions of §§ 236.40, 236.41, 236.42, 236.43, 236.44, and 236.45, Wis. Stats., shall be followed.

36-87 Correction instruments

Correction instruments approved by the City Council must be recorded with the county register of deeds as provided by § 236.295, Wis. Stats.

36-88 Prior review of sales or exchanges of land between adjoining landowners

- A. **Generally.** In every situation, regardless of circumstances, that a property owner seeks to convey land in a manner that would adjust a lot line or create or eliminate a lot line, and that conveyance does not require a certified survey map or subdivision plat pursuant to this chapter, and where an adjacent property owner intends to acquire such interest in land, the proposed conveyance must be submitted to the **Zoning Administrator** for review before the conveyance documents are signed and before the conveyance is recorded in the Rock County register of deeds office.
- B. **Review procedure.** The general steps outlined below shall be used to review an application for a sale or exchange between adjoining landowners:
- C. **Pre-submittal meeting.** Before submitting an application, the subdivider or their agent may meet with the **Zoning Administrator** to review applicable regulations and procedures and the proposed transfer.
- D. **Submittal of application materials.** The subdivider shall submit a completed application and other required materials to the Zoning Administrator along with the application fee set forth in the fee schedule adopted from time to time by the City Councils.
- E. **Staff review.** Within 10 days of submittal, the **Zoning Administrator** shall either determine that the application is incomplete and notify the subdivider, in writing, of any deficiencies or make a decision based on the decision criteria contained in this section to approve the application, approve the application with conditions, or deny the application. The Zoning Administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.
- F. **Applicant notification.** Within 15 days following their decision to approve or deny the application, the **Zoning Administrator** shall mail the decision notice to the subdivider by regular mail.
- G. **Public record copy.** A duplicate copy of the decision notice shall be retained as a public record.
- H. **Review criteria.** The review by the Zoning Administrator, and by the Plan Commission on appeal, shall be limited to considering whether the conveyance is in compliance with § 236.45(2)(am)3, Wis. Stats., and the applicable laws cited therein, including these regulations, the City's zoning regulations, and other applicable laws and ordinances. Such conveyance can only be approved if the same number of lots exist prior to the conveyance as would exist after the conveyance. Such conveyance can only be approved if the resulting lots would all be both legal and conforming, even if any such lots are legal nonconforming prior to the conveyance, because the conveyance creates new lots which do not predate the ordinance and therefore have no legal nonconforming rights. Such conveyance must not be approved if the

conveyance includes land that has a legal nonconforming use, because the legal nonconforming rights are limited to use of the preexisting lot. Such conveyance shall not be approved if any of the resulting lots and the existing improvements on the lots would be in violation of applicable open space requirements. Such conveyance shall not be approved if the conveyance would make an existing conforming structure illegal or nonconforming or would increase the extent of any preexisting legal nonconformity of an existing structure.

- I. **Expiration of approval.** An approval granted under this section automatically expires 12 months after the date of issuance if the transaction has not been recorded in the Rock County Register of Deeds office.
- J. **Appeal.** An aggrieved person may appeal the **Zoning Administrator's** final decision by filing an appeal with the **Plan Commission** within 30 days of such decision. Following the final decision of the **Plan Commission**, an aggrieved person may appeal such decision by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.

36-89 Request for waiver or modification

- A. **Generally.** Upon written petition, the Plan Commission may recommend, and the City Council may grant a waiver or modification to any standard in this chapter, but not to any zoning requirement. If a requested waiver or modification is approved, it will only apply to that specific development project.
- B. **Review procedure.** The general steps outlined below shall be used in the review of a waiver/modification request.
 - (1) **Submittal of application.** Prior to or concurrent with the submittal of a preliminary plat or certified survey map, the subdivider submits a completed application and other required materials to the planning administrator along with the application fee as may be established by the City Council.
 - (2) **Staff review.** Within 30 days of submittal, the planning administrator shall either schedule a date for review by the Plan Commission allowing for proper public notice or make a determination that the application is incomplete and notify the subdivider of any deficiencies. If the application is incomplete, the subdivider has 3 months to resubmit the application or forfeit the application fee. The planning administrator shall take no further steps to process the application until the deficiencies have been remedied. The incomplete application shall be retained as a public record.
 - (3) **Staff report preparation and distribution.** The planning administrator may prepare a written staff report and provide a copy to each member of the Plan Commission, the subdivider, and any other person upon request.
 - (4) **Plan Commission recommendation.** The Plan Commission reviews the application and staff report if any and makes a recommendation to the City Council to (1) approve the waiver/modification, (2) approve the waiver/modification with conditions, or (3) deny the waiver/modification.
 - (5) **City Council decision.** The City Council reviews the application, the staff report if any, and the recommendation of the Plan Commission and makes a decision to (1) approve the waiver/modification, (2) approve the waiver/modification with conditions, or (3) deny the waiver/modification.
- C. **Decision factors.** The Plan Commission in making their recommendation and the City Council in making their decision should consider the following factors:
 - (1) whether the request will enhance the overall design of the project and/or avoid unintended consequences;
 - (2) whether the request has the effect of maximizing the development potential of the subject property and/or minimizing developer costs in a way that is not inconsistent with the City's objectives or interests;
 - (3) whether the request would adversely affect property owners or the development potential of properties in the surrounding area;
 - (4) whether the request is generally consistent with the overall intent of this chapter;
 - (5) the effects of waiving or modifying the standard on the public health, safety, and/or welfare;

(6) any other factor that relates to the purposes of this code or as allowed by state law.

- D. Imposition of conditions.** In granting a waiver or modification, the City Council may impose one or more conditions of approval that, in its judgment, are intended to uphold the purposes of this chapter.
- E. Past non-compliance not waived.** A waiver or modification may not waive any fines, forfeitures, or other penalties that may have accrued due to violations that took place prior to the date of the request being granted, unless specifically stated otherwise in the decision of the City Council.
- F. Notation on face of subdivision plat.** If a waiver or modification is granted that relates to the final subdivision plat or certified survey map, a note should be added to the face of the final subdivision plat or certified survey map as set forth in § 36- .

36-90 Project-based zoning districts

Following a recommendation from the Plan Commission, the City Council may modify the standards and requirements of these regulations for a project-based zoning district created under the City's zoning regulations (Ch. 46 of the municipal code).

36-91 Determination of adequacy of public facilities and services

- A. Generally.** The City Council, upon recommendation of the Plan Commission, may not approve a preliminary plat, final plat, or certified survey map within the City's urban service area, including areas subject to extraterritorial plat review, unless it determines that adequate public facilities and services will be available to serve the proposed land division
- B. Criteria for determination.** Necessary facilities and services for a proposed land division may be found to be adequate when the following conditions exist:
 - (1) The Director of Public Works determines that adequate sewer services are currently available or will be available when needed to service the proposed land division.
 - (2) The Director of Public Works determines that water services are currently available or will be available when needed to service the proposed land division.
 - (3) The Director of Public Works determines that adequate stormwater facilities are currently available or will be available when needed to service the proposed land division.
 - (4) The Director of Public Works determines that the proposed land division is accessible by an 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 City standards.
 - (5) The Director of Public Works determines 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 of the future residents of the proposed land division or existing City residents.
 - (6) The Director of Public Works determines 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 comprehensive plan.
 - (7) The Police Chief determines that the police department can provide adequate and timely services to current residents, previously approved development projects, and the proposed land division.
 - (8) The Fire Chief determines that the fire department can provide adequate and timely services to current residents, previously approved development projects, and the proposed division.
 - (9) Is one needed for EMS?
 - (10) Is one needed for schools? If no response, then it is assumed the district is able to provide services.
 - (11) Any others?

- C. **Phasing.** When the City Council determines that one or more public facilities or services are not adequate for the proposed development, as described in subsection (B) above, the Council may approve a part of the project where public facilities and services are or will be adequate.

Temporary note: Similar provisions in other communities.

36-92 through 36-119 reserved

ARTICLE 5. TECHNICAL REQUIREMENTS FOR SUBDIVISION PLATS, CERTIFIED SURVEY MAPS, AND CONDO PLATS

36-92 Special assessment split fee (s. 36-124)

For administrative work to analyze and assign existing assessments to the new parcels, based upon the proposed land division, including, but not limited to, complication by many factors, including remainder parcels, resurveying of previously certified parcels, overlap, or other factors, the City of Janesville will charge a minimum fee, based on staff time required to fulfill such requests. The fee shall be in an amount as established by the City Council from time to time, and as set out in the fee schedule that appears in this Code.

(Need to talk to staff about this provision.)

36-93 Map requirements

- A. **General.** Certified survey maps and subdivision plats (condo plats?) must include the information in Table 36-1 and as required by state law.
- B. **Waiver for certain certified survey maps.** The City Engineer may waive certain information requirements for a certified survey map, except those specifically required by state law, when the map is used to (1) combine two or more adjoining parcels under the same ownership, (2) adjust a common lot line between adjoining properties, or (3) reestablish the legal description of an existing lot.

In the case of lot splits, or the sale of land between adjoining owners, the Plan Commission may waive the requirements of the certified survey map if it will not be in conflict with the intent of this article. In addition, in the case of lot splits or the sale of land between adjoining owners, the City Planner may waive the requirements of the certified survey map if the land being transferred is less than 50 feet wide at the building setback line and if the lots resulting are not reduced below the minimum size of new lots required by this section, providing that evidence is given to the City Planner that the new lot line has been staked by a registered land surveyor. This evidence shall be in the form of either a plat of survey or a print of the area marked to show the new lot line stakes and stamped by the surveyor, and such evidence shall be submitted not later than 30 days following the recording of the instrument which transfers the land. (s. 36-121) (discuss with staff especially waiver the requirement to prepare a CSM)

Table 36-1.**Content of plats and certified survey maps****(Note – this table included a column for preliminary CSM if the City wants to keep the 2-step process)**

	Preliminary Plat	Final Plat	Preliminary Certified Survey Map	Final Certified Survey Map
Name of subdivision	Yes	Yes	-	-
Location of project by government lot, recorded private claim, quarter-quarter section, section, township, range, and county	Yes	Yes	-	Yes
Location map showing project location	Yes	-	-	-
Name and address of property owner and subdivider	Yes	-	Yes	-
Sheet numbers with revision dates	Yes	Yes	Yes	Yes
Certificates for the surveyor, property owner, county treasurer, and clerk or treasurer of municipality pursuant to § 236.21, Wis. Stats. [1]	Unsigned	Signed	Unsigned	Signed
Certificate for the City approval	Recommended but unsigned	Signed	Recommended but unsigned	Signed
North arrow and graphic scale	Yes	Yes	Yes	Yes
Exterior boundary of the land surveyed	Yes	Yes	Yes	Yes
Location and names of any adjacent subdivisions, parks, schools, and cemeteries	Yes	-	Yes	-
Name of property owners of unplatted lands within 50 feet	Yes	-	Yes	-
Existing zoning and land uses of properties adjacent to the project	Yes	-	Yes, if served new lots are being created	-
Existing and proposed zoning	Yes	-	Yes	-
Survey information for all lines and curves relating to property boundary lines and easements (curve information can be placed by the curve or in a cross-referenced table)	-	Yes	-	Yes
Survey monuments as required by § 236.20, Wis. Stats. (See § 36- )	-	Yes	-	Yes
Lots with area expressed in square feet and lot and block numbers	Yes	Yes	Yes	Yes
Outlots with area expressed in square feet, purpose, and statement of dedication to a municipal entity if appropriate [1]	Yes	Yes	Yes	Yes
Public street rights-of-way (A statement of dedication to a municipal entity is not required)	Yes	Yes	Yes	Yes
Street centerlines	-	Yes	-	Yes
Shore meander lines for all lakes and streams established by the surveyor in accordance with § 236.15 (1)(d), Wis. Stats.	-	Yes	-	Yes
Ground contours at 1-foot intervals where the slope is less than 10 percent and 2-foot intervals where the slope is 10 percent or more	Yes	-	-	-
Soils as designated on the Rock County soil survey prepared by the U.S. Department of Agriculture, Soil Conservation Service (now known as the Natural Resources Conservation Service)	Yes	-	Yes, if served new lots are being created	-
Ordinary high-water mark on any navigable waterbody with elevation	Approximate	Field delineation	Approximate	Field delineation
Wetlands (onsite and within 50 feet)	Approximate	Field delineation for onsite	Approximate	Field delineation for onsite

Table 36-1.**Content of plats and certified survey maps****(Note – this table included a column for preliminary CSM if the City wants to keep the 2-step process)**

	Preliminary Plat	Final Plat	Preliminary Certified Survey Map	Final Certified Survey Map
Waterbodies including lakes, streams, channels, and ditches (onsite and within 100 feet)	Yes	-	Yes	-
Shoreland jurisdiction (See Chapter 46 of the City's municipal code)	Approximate	Yes	Approximate	Yes
Regulated floodplain boundaries (elevation and contour) established under Chapter 22 of the City's municipal code	Yes	Yes?	Yes	Yes?
Watershed divides	Yes	-	-	-
Woodlands and other significant vegetative cover types	Yes	-	Yes	-
Buildings (onsite and within 50 feet) and use of buildings to be retained (onsite only)	Yes	-	Yes	-
Areas where the anticipated water pressure is less than 10 psi (See § 36-22 of the municipal code)	Yes	-	Yes	-
Existing wells and septic systems (onsite and within 50 feet)	Yes	-	Yes	-
Historic and cultural features including Indian burial mounds (onsite and within 50 feet)	Yes	-	Yes	-
Areas made, altered, or filled with earth materials and/or non-earth materials (onsite and within 100 feet)	Yes	-	Yes	-
Landfill, manure or other waste storage facility locations including those in the Registry of Waste Disposal Sites of Wisconsin (onsite and within 100 feet)	Yes	-	Yes	-
Farm drain tiles, including location, purpose, and current status (onsite and within 300 feet)	Yes	-	Yes	-
Location of soil borings as may be required with numerical cross-references to data submitted with the application materials	Yes	-	Yes	-
Building or setback lines from state highways when required by Ch. Trans 233, Wis. Admin. Code	Yes	Yes	Yes	Yes
Street intersection vision corner easements (See § 36-22)	Approximate	Yes	Approximate	Yes
Building setback lines established by applicable zoning regulations (discuss w/ staff)	Yes	-	Yes	-
Building setback lines exceeding applicable zoning regulations (as proposed or required by the City)	Yes	Yes	Yes	Yes
Lot dimensions relating to dimensional standards established in this chapter and the City's zoning regulations (Ch. 46). Examples include street frontage and lot width.	Yes	-	Yes	-
Limitations on basements due to high groundwater or bedrock [1]	Yes	Yes	Yes	Yes
Stormwater management facilities	Yes	-	Yes	-
Access easements to stormwater management facilities and open space areas (See § 36-22)	Yes	Yes	Yes	Yes
Access easements, limitations, restrictions to adjacent streets	Yes	Yes	Yes	Yes
Public access easements to waterbodies, if any (See § 36-22)	Approximate	Yes	Approximate	Yes
Delineation of areas to be developed in phases, if any	Yes	-	NA [4]	NA [4]
Certifications required by §236.21, Wis. Stats.	Recommended	Yes	Recommended	Yes
Certification by surveyor indicating they have fully complied with this chapter	Recommended	Yes	Recommended	Yes

Table 36-1.

Content of plats and certified survey maps

(Note – this table included a column for preliminary CSM if the City wants to keep the 2-step process)

	Preliminary Plat	Final Plat	Preliminary Certified Survey Map	Final Certified Survey Map
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Notes:

1. A surveyor's certificate must also state that they have also complied with the requirements in this chapter.
2. A statement of dedication shall be substantially as follows "Dedicated to the Public."
3. _____
4. Phrasing of a certified survey map is not allowed.
5. Building setback lines or building envelopes should not be shown on a final subdivision plat or final certified survey map except when the City Council imposes a more restrictive setback as part of the review process to account for special circumstances.

36-94 Survey accuracy

- A. Exterior boundary.** The exterior boundary of a subdivision and certified survey map must meet the following accuracy standards:
- Horizontal distance or position: the ratio of one part in five thousand (1:5,000)
 - Azimuth: four (4) seconds of arc per interior angle (to be verified)
- B. Interior lines.** Street, block, and lot dimensions must 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 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 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed 5 minutes of arc. (OC pg. 18) (surveyor to verify)

36-95 State Plane Coordinate System

Where the plat or certified survey map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the City, the plat must 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 coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings must be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the City's control survey. (OC pg. 18-19) (surveyor to verify)

36-96 Addressing plan

Question for staff – who does the addressing?

If the subdivider is responsible for doing that, additional details will be provided here.

36-97 Master site grading and drainage plan

- A. Purpose.** The master grading plan is intended to demonstrate how grading will be coordinated within a proposed land division to provide for proper drainage, erosion control, and the logical extension of streets, utilities, and other improvements. The plan promotes orderly development, protects adjoining properties from adverse impacts, and ensures compatibility with the City's stormwater management requirements.
- B. When required.** A master grading plan must be submitted with any proposed subdivision plat or certified survey map when, in the judgment of the City Engineer, (verify) grading may significantly affect drainage patterns, utility installation, or the development potential of the property or adjoining lands.
- C. Contents.** A master grading plan must show existing and proposed contours and spot elevations for finished grades of lots, streets, and drainageways. The plan must be prepared and sealed by a professional engineer licensed in the State of Wisconsin. (can add more details if desired – see s. 36-115)

36-98 Overall development plan (new)

- A. **Purpose.** The overall development plan is intended to illustrate how undeveloped or partially developed lands can be developed in coordination with a proposed land division. The plan promotes orderly growth, logical street and utility extensions, and compatibility with adjacent land uses.
- B. **When required.** An overall development plan must be submitted if a proposed land division does not include the entire subject property, or if a plat or certified survey map identifies an outlot intended for future development. In addition, if the subdivider owns or controls adjoining undeveloped land, an overall development plan must also be submitted for that land.
- C. **Contents.** The overall development plan must show the general arrangement of future lots, streets, drainageways, and open spaces, together with potential extensions of public utilities.
- D. **Effect of review.** The overall development plan is for planning purposes only and does not authorize development beyond the boundaries of the land division under review.

36-99 Soil test report

When the **City Engineer** determines that soil information is necessary to evaluate potential development limitations, the subdivider must submit a soil test report. Based on review of the initial report, the **City Engineer** may require additional testing, including tests at more locations or of greater detail. All testing locations must be clearly identified on the preliminary plat or certified survey map and, if applicable, on related site improvement plans. (new)

36-100 Special notations on certified survey maps and final subdivision plats

- A. **Standard notations.** Notations must be placed on the face of final subdivision plats and certified survey maps, as applicable, and shall read substantially as follows:

- (1) **Public access to lakes and navigable streams (subdivision plats only)**

The public access extending from ___ (street name) to the water's edge is dedicated to the public in accordance with § 236.16 (3), Wisconsin Statutes. The City of Janesville may improve this access but is under no obligation to do so. This public access may only be vacated through a circuit court action under § 236.43, Wisconsin Statutes, or discontinued under § 66.1003, Wisconsin Statutes, subject to the provisions of § 66.1006, Wisconsin Statutes.

- (2) **Waiver of land division requirements**

Upon petition, the Janesville City Council approved the subdivider's request at their meeting on ___ to waive ___ for this certified survey map **OR** subdivision plat as allowed under § 36-___ of the city's land division regulations (Chapter 36 of the municipal code).

- (3) **Modification of land division requirements**

Upon petition, the Janesville City Council approved the subdivider's request at their meeting on ___ to modify ___ for this certified survey map **OR** subdivision plat as allowed under § 36-___ of the city's land division regulations (Chapter 36 of the municipal code).

- (4) **Outlots**

The titleholders of Lots **1** through **100** own a **1/100**th undivided and nontransferable interest in Outlots **1** and **2**. The use and maintenance of the outlots is governed by a land management plan approved by the City of Janesville and recorded at the Rock County register of deeds office. (verify with staff)

- (5) **Public Trust Land**

The State of Wisconsin holds title to the beds of navigable lakes and streams up to the ordinary high-water mark in trust for all citizens, in accordance with Article IX, Section 1 of the Wisconsin Constitution.

- (6) **Private driveways**

Private driveways must be designed and constructed in compliance with all rules and regulations adopted by the City of Janesville.

(7) **Corner easements**

Vision corner easements are granted to the City of Janesville to ensure the sight lines are maintained at street intersections. The owner of any lot with such an easement must comply with § 42- of the municipal code.

(8) **Existing buildings and other improvements**

Buildings and other improvements existing on the subject property as of the survey date may not comply with the City's zoning regulations in effect at the time of City Council approval of this certified survey map **OR** subdivision plat. Approval of this map **OR** plat does not waive any zoning requirements. All buildings, improvements, and uses remain subject to applicable zoning regulations.

(9) **Planned development district**

The City of Janesville approved this subdivision as a planned development district in accordance with the city's zoning regulations in Chapter 46 of the municipal code.

(10) **Development agreement**

The City of Janesville and the subdivider have entered into a development agreement addressing public and private infrastructure and other matters related to this subdivision. The terms of the agreement are binding upon the subdivider, their heirs, assigns, and all future lot owners, as set forth in the agreement.

(11) **Recapture agreement**

Need to add text when substance of this provision is finalized.

(12) **Reduction in right-of-way**

The City Council at their meeting on _____, approved a reduction in right-of-way for _____street name in accordance with § 36- of the City's land division regulations (Chapter 36 of the municipal code).
(verify)

(13) **Stormwater management**

Stormwater management practices are located in one or more of the outlots in the subdivision. There are one or more separate documents recorded on the property title through the Rock County register of deeds entitled "stormwater management practice maintenance agreement" ("maintenance agreement") that apply to outlots. The maintenance agreement subjects this subdivision plat, and all lot owners therein, to covenants, conditions, and restrictions necessary to ensure the long-term maintenance of the storm water management practice. The agreement also outlines a process by which the City of Janesville may levy and collect special assessments or charges for any services the community might provide relating to enforcement of the maintenance agreement.

(14) **Airport noise**

All or some of the properties in this subdivision or certified survey map are located in an area that is potentially subject to aircraft noise levels high enough to annoy users of the affected properties and interfere with its unrestricted use. **Contact the City Department of Community Development or the Milwaukee County Airport Director's office for information regarding the most recently calculated levels of current and forecast aircraft noise levels on the property"** (OCreek, pg. 19)

(15) **Airport height restrictions**

All or some of the properties in this subdivision or certified survey map are located in the Airport Overlay district established in the city's zoning regulations (Chapter 46 of the municipal code) which imposes height limitations on all types of structures.

(16) **Mandatory connection to public water and sewer**

The City of Janesville approved this land division **OR** condominium plat without requiring connection to the City's public water and/or sanitary sewer system because connection was deemed infeasible at the time of approval. Pursuant to the City's land division regulations, the subdivider has recorded a

deed restriction that sets forth the conditions under which connection to public utilities may be required in the future, along with applicable terms and responsibilities.

(17) **Zoning details**

This certified survey map **OR** subdivision plat includes information relating to the zoning district(s) in which the subject property is located along with corresponding setbacks and other dimensional standards. Such information is included for informational purposes only and is subject to change.
(verify if city wants to include zoning information or not)

- B. Additional notations.** The Plan Commission may recommend, and the City Council may require additional notations on the final subdivision plat or certified survey map to address unique circumstances associated with the land division.

36-101 through 36-129 reserved

ARTICLE 6. DESIGN STANDARDS AND RELATED REQUIREMENTS

36-130 General design standards

Land divisions must be designed to promote the orderly, efficient, and sustainable development of the community. The arrangement of lots, streets, utilities, and open spaces must provide for safe and convenient circulation, adequate public facilities, and appropriate connections to adjacent land. Natural features, topography, and environmentally sensitive areas must be respected and, where feasible, incorporated as assets in the land division. The design must also consider compatibility with surrounding development and allow for the logical extension of streets, utilities, and other infrastructure.

36-131 Streets

- A.** The streets shall be designated 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. (s. 274)
- B.** The arrangement, width, grade and location of all streets shall conform to the master neighborhood plans, official sidewalk plans, official maps, and Janesville Area Long Range Transportation Plan of the City. (s. 275)
- C.** The right-of-way width of all proposed streets shall conform to the adopted Janesville Area Long Range Transportation Plan. (verify)
 - (1) Major streets shall be properly integrated with the existing and proposed system of major streets and highways.
 - (2) Collector streets shall be properly related to the mass transit system, to special traffic generating from facilities such as schools, churches and shopping centers, to population densities, and to major streets into which they feed. (Need to redraft; awkward sentence structure.)
 - (3) Minor streets shall be laid out to conform as much as possible to topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, and to require the minimum amount of street necessary to provide convenient, safe access to property. (s. 276)
- D.** Where a subdivision borders on or contains an existing or proposed major street, the Plan Commission may require that frontage roads be provided. (s. 278)
- E.** The right-of-way and road way of all streets shall be of the width specified in the Janesville Area Long Range Transportation Plan, on the official map or master plan, or if no width is specified in the Janesville Area Long Range Transportation Plan, on the official map or master plan, they shall be not less than the width specified below:

- (1) Primary and standard arterials, 100 feet;
 - (2) Collector streets, 80 feet;
 - (3) Minor and local streets, 70 feet except that right-of-way widths of 60 feet may be permitted when recommended by the City Engineer and approved by the Plan Commission;
 - (4) Alleys, 30 feet;
 - (5) Frontage roads, 30 feet. (s. 279)
- F. Street grades.** Grades shall be established by the City Engineer (is that true now?). The grade of major and collector streets may not exceed 6 percent, and the grade of all other streets may not exceed 12 percent. The minimum grade of all streets is 0.4 percent. The standards in this section may be varied when necessitated by exceptional topography when the variation is approved by the Plan Commission.
- G. Horizontal curves.** The minimum radii or curvature on the centerline shall be not less than the following, unless necessitated by unusual or special conditions subject to the approval of the City Engineer:
- (1) Arterial streets, 350 feet;
 - (2) Collector streets, 200 feet;
 - (3) Minor streets, 150 feet. (Should this be in the specifications doc?)
- H. Vertical curves.** All changes in street grades shall be connected by vertical curves. The length and elevations of such vertical curves shall be determined by the City Engineer. (Should this be in the specifications doc?)
- I. Tangents.** A tangent at least 100 feet long shall be introduced between reverse curves on major streets, and 25 feet on minor streets, and at all block corners. Where there is a deflection angle of more than ten degrees in the alignment of a street, a curve shall be introduced with the required radius. (Should this be in the specifications doc?)
- J. Street widths.** Streets having widths of 28 feet measured from face of curb to face of curb may be approved as determined appropriate by the City Engineer. Parking should be restricted on one side of the street and designated at the time of preliminary plat approval. Street widths less than 28 feet measured from face of curb to face of curb may be permitted when recommended by City Engineering and approved by the Plan Commission if on-street parking is restricted, access is limited and physical or topographic constraints make such a lesser width appropriate. (s. 280)

36-132 Street connections to adjacent property

Proposed streets serving or extending to the boundary of the subject property must be extended as part of the land division unless the City Council determines the extension is infeasible due to topography or other physical conditions, or unnecessary for street layout coordination or the development of adjacent land.

36-133 Alleys

Alleys may be permitted within land divisions if located entirely within a recorded easement that assigns maintenance responsibility to a homeowners' association, property owners, or another entity approved by the City. All alleys must be privately constructed and maintained. (See ss. 147, 148, 149)

36-134 Reserve strips (287)

Reserve strips (also known as spite strips) controlling access to streets, alleys, and public property are prohibited. (s. 287 edited)

36-135 Street intersections

- A.** Streets must intersect as nearly at right angles to each other as topography and other limiting factors of good design permit. Angles less than 75 percent are prohibited.

- B. Street jogs with centerline offsets of less than 125 feet are prohibited. Where streets intersect major streets, their alignment must be continuous. (291) (Staff - What is considered a major street?)
- C. The number of streets converging at one intersection must be reduced to a minimum, preferably not more than two.
- D. The number of intersections along arterial streets and highways must be minimized. Wherever practicable, the distance between such intersections may not be less than 1,000 feet.
- E. On all streets where sidewalks are required, ramps, or openings to accommodate handicapped individuals or their vehicles must be provided consistent with § 66.616, Wis. Stats.
- F. Collector and local streets may not necessarily continue across arterials or collector streets, but, if the centerline of such intersecting streets approach the arterial or collector streets from opposite sides within 125 feet of each other measured along the centerline of the arterial or collector, the location shall be so adjusted so that the alignment across the arterial or collector street is continuous and jog is avoided.
- G. Where the grade of any street at the approach of an intersection exceeds 7 percent, a leveling area must be provided having not greater than 4 percent grade a distance of 50 feet measured from the nearest right-of-way line of the intersecting street.
- H. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer must cut such ground and/or vegetation, including trees, in connection with the grading of the public right-of-way to the extent deemed necessary to provide adequate sight distance.

36-136 Half-streets

Half streets are not permitted. Where a half street is proposed by the subdivider, the other half of the street shall be dedicated by the subdivider or adjacent owner. (s. 288)

36-137 Cul-de-sacs (286)

- A. **When allowed.** A cul-de-sac is only allowed when the Plan Commission determines that due to unusual shape, size, location or topography, the development may be better served by cul-de-sacs than by a continuous street.
- B. **Design specifications.** A cul-de-sac must comply with the applicable design and construction specifications in [REDACTED]. (City to establish such specifications.)
- C. **Maximum length.** The maximum length of a street with a permanent cul-de-sac is 600 feet as measured from the center line of the through street to the centerline of the cul-de-sac bulb or other approved turnaround type. (Is there any reason to change this distance in the current code?)
- D. **Maintenance of interior islands.** Question – who maintains landscaping in the island?
- E. **Temporary turnarounds.** If the cul-de-sac is temporary, the turnaround must be located within 20 feet of the adjoining property. Any part of the turnaround that extends beyond the normal right-of-way width, must be located in an easement granted by the subdivider to the City.
- F. **Responsibility for connecting to a temporary cul-de-sac.** If a developer connects a street to a temporary cul-de-sac, the subdivider must remove that part of the existing turnaround and restore those areas to a condition acceptable to the City Engineer.
- G. **Pedestrian access easement.** The City may require a pedestrian access easement from the end of the public street right-of-way to the adjoining property.

36-138 Bridges and culverts in floodplains

New and replacement bridges and culverts over perennial waterways must comply with the design requirements established in the City's floodplain regulations (Ch. [REDACTED] of the municipal code).

36-139 Blocks

- A. **General.** The widths, lengths, and shapes of blocks must be designed to fit the planned use of the land; zoning requirements; need for convenient access, control, and safety of street traffic; and the limitations and opportunities of the topography.
- B. **Length.** Blocks in residential areas should not as a general rule be less than 600 feet nor more than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting factors in good design. A mid-block pedestrian walkway may be proposed or required as described in § 36- .
- C. **Width.** Blocks must have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or where lots abut a lake or stream. The width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning provisions for such use.

36-140 Lots

- A. **General.** The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated, including considerations of solar access.
- B. **Municipal boundary.** Lot lines may not cross a municipal boundary line.
- C. **Minimum lot area.** All lots must comply with the minimum lot area requirements for the zoning district in which the lot is located.
- D. **Minimum lot width.** Lots must comply with the minimum lot width requirements for the zoning district in which the lot is located. Further, corner lots for residential uses must be designed with extra width to permit adequate building setback from both streets.
- E. **Depth-to-width ratio.** Lots must be designed with a suitable proportion between depth and width. Neither long narrow or wide, shallow lots are normally desirable. The depth of a lot should not exceed 2.5 times the width. (This could be established as a standard instead of a recommendation – “should”.) (based on s. 213)
- F. **Side lot lines.** Side lot lines must be substantially at right angles to straight street lines or radial to curved street lines on which the lots face.
- G. **Oversized lots.** Any buildable parcel more than twice the minimum lot area required by applicable zoning regulations must be arranged and dimensioned to allow future redivision.
- H. **Double frontage and reversed frontage lots.** Double frontage and reversed frontage lots are prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- I. **Lot access.** Each lot must have frontage on a public (or private) street that provides physical access. (s. 215)
- J. **Lots accessed off of cul-de-sac.** Lots at the end of a cul-de-sac must be designed so that no more than 3 driveways access the bulb portion of the cul-de-sac.
- K. **Compliance with driveway requirements.** Lots must be designed to comply with city ordinances and any other requirement relating to driveways, such as design, placement, and construction requirements.
- L. **Compliance with road access requirements.** Lots must be designed to comply with any road access requirements as may be adopted by the City, Rock County, or the state of Wisconsin.
- M. **Flag lots.** Flag lots are not allowed unless the Plan Commission determines that no other reasonable alternative exists. The stem of a flag lot must be at least 30 feet wide. The stem of any flag lot must be at least 30 feet wide. (s. 221)
- N. **Meander line and water's edge.** Lands lying between the meander line, established in accordance with s. 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedication in

any plat or certified survey map abutting a stream or lake. Consideration shall be given to the location of lot lines to facilitate shoreline protection and maintenance of intended water access.

- O. Lot lines at street intersections.** Property lines at street intersections shall be rounded only on special conditions, and where the Plan Commission considers it necessary. Such special conditions shall be when streets intersect at an acute angle of 85 degrees or less, and the radii of such special curves shall be of such length as required by the City Engineer. Street curb intersections shall be rounded by radii of 20 feet or more, as required by the City Engineer. (s. 290)

36-141 Outlots

- A. General description.** Outlots are parcels of land within a subdivision plat or certified survey map that are not intended for immediate development as buildable lots. They may be created for stormwater management, open space, public use, or to accommodate unique site conditions or to reserve land for future development.
- B. Notation on face of subdivision plat or certified survey map.** If the property owners are responsible for the maintenance of an outlot, a note must be added to the face of the final subdivision plat or certified survey map as set forth in § 36- .

36-142 Protection of natural resources

Where natural drainage channels, floodplains, wetlands, or other environmentally sensitive areas are encompassed in whole or in part within a proposed land division or condominium, the City Council may require that such areas be dedicated or that restrictions be placed on the plat or certified survey map to protect such resources. The City Council may further require that such areas be included in outlots designated on the plat or certified survey map and restricted from development.

36-143 Street names

- A. Generally.** Names of new streets shall not duplicate or be similar to existing street names. The use of the suffix "street", "avenue", "boulevard", "drive", "place", "court" or similar description is not a sufficient distinction to constitute a distinct name. All proposed street names must be approved by the City Engineer or Plan Commission.
- B. Continuation of street names.** Streets that align with or connect to an existing, named street should retain the name of the existing street to ensure consistency and continuity.

Verona's land division code has more provisions to consider if more details are needed. Sec.14-1-70 (u)

36-144 Bicycle routes

On-road bicycle routes or paved and marked bicycle lanes along arterial and collector streets may be required by the City Council.

36-145 Utilities

All facilities for distribution of electricity (excluding lines of 12,000 volts or more), telephone utility service in residential subdivisions, cable television service installed within a newly platted area, mobile home parks, cluster development or planned development districts shall be placed underground, unless the newly created lots or units are served by preexisting systems. (s. 193)

Some utility companies like to or are in the habit of putting their above-ground utility boxes close to the public sidewalk in new subdivisions. For safety and aesthetics, some communities establish a minimum separation. Is there any interest in that?

36-146 through 36-169 reserved**ARTICLE 7. IMPROVEMENTS AND SITE WORK****36-170 Subdivider responsibility**

The subdivider must, at their expense, provide all improvements required by this chapter and any additional improvements deemed reasonably necessary by the **City Engineer** as set forth in the approval adopted by the City Council.

36-171 Commencement of work

No construction or installation of any public or private improvement or any land disturbing activity may commence until after:

- (1) The City Council approves the preliminary plat or preliminary certified survey map; (Note: this provision is dependent on questions to resolve)
- (2) The subdivider complies with those conditions of approval which must be satisfied before the commencement of work as enumerated in this chapter and/or the City Council's approval;
- (3) The **City Engineer** approves all required plans or permits, including construction plans for streets, sidewalks, water supply facilities, sanitary sewerage facilities, stormwater management, grading, and erosion/sediment control; and
- (4) The subdivider obtains all other approvals from other authorities as may be required to undertake the construction or installation of any public or private improvement or any land disturbing activity.

36-172 Completion of work

Prior to submitting a final plat or final certified survey map for review, all public and private improvements must be completed by the subdivider and approved by the **City Engineer**. Upon petition by the subdivider, the City Council may allow the subdivider to provide a cash bond or a letter of credit to secure the installation of any required public and/or private improvement, provided that the development agreement for the project addresses the use and administration of the cash bond or letter of credit. The cash bond or a letter of credit must be equal to 115 percent of the estimated cost of improvements and other fees, costs, and other money as determined by the **City Engineer**. The **City Engineer** may from time to time adjust the amount of estimated costs of said improvements, and within 30 days of written notice of said change the subdivider shall increase the financial security by that amount or any other amount acceptable to the City Council. As the required improvements are installed and accepted or for other purposes, the City Council may authorize reductions of the financial security in the amount deemed appropriate, upon recommendation of the **City Engineer**.

36-173 Construction plan review and inspections

- A. **Submittal and review of construction plans.** As required by § 36-___, the **City Engineer** shall review and approval all construction plans for public improvements before any work commences on such improvements or any land altering activity is begun. Such construction plans shall be prepared at the subdivider's expense by a professional engineer. All plans submitted for review shall bear the seal of the engineer preparing such plans. The engineer shall submit specifications and supporting calculations as required by the **City Engineer** to enable him/her to review the plans. The **City Engineer** shall review the plans for conformance with the requirements of this chapter and other pertinent City ordinances and design standards recommended by the **City Engineer** and approved by the City Council. If the **City Engineer** rejects a construction plan, he/she shall notify the subdivider of any deficiencies. When the deficiencies are corrected to the satisfaction of the **City Engineer**, he or she shall notify the subdivider.

- B. Construction and inspection.** During the course of construction, the **City Engineer** will conduct any inspections they or the City Council deems necessary to ensure compliance with the plans and specifications as approved. The subdivider shall pay the actual cost incurred by the City for such inspections. This fee shall pay the actual cost to the City of inspectors, engineers, and other parties necessary to ensure satisfactory work.
- C. Corrective actions.** If prior to final acceptance the **City Engineer** determines that any aspect of any public improvement is defective, is not completed in a good worker-like manner, or does not comply with approved plans, the subdivider shall correct such deficiency in a timely manner.
- D. Certification by **City Engineer**.** The **City Engineer** must provide a written report to the Plan Commission and the City Council when they determines that all public improvements comply with this chapter and approved plans and have been completed in a good worker-like manner. The report should document any corrective actions taken by the subdivider.
- E. Record plans.** After completing public improvements and before final acceptance, the subdivider must submit “as-built” plans showing the location of all valves, manholes, stubs, sewers, water mains, and such other facilities the **City Engineer** may require. Plans must be prepared by a professional engineer and provided in a digital format acceptable to the **City Engineer**. If the **City Engineer** determines the submitted materials are incomplete or inaccurate, the subdivider must submit corrected materials within 30 days or by another deadline established by the **City Engineer**.

Question: does the city want signed/stamped hard copies? Like two copies of record plans showing the as-built location of all valves, manholes, stubs, sewers, water mains, and such other facilities the City Engineer may require. These plans must be prepared on the original Mylars of the construction plans and bear the signature and seal of a professional engineer.

36-174 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 the required public improvements within the intended dedication have been completed and accepted by the City Council by adoption of a resolution accepting such dedication. Improvements shall be dedicated to the City free and clear of any encumbrances. The subdivider 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 City Council by resolution. 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 the City-incurred costs to be reimbursed to the City by the subdivider in accordance with the provisions of this chapter.
- B. Inspection and certification of improvements.** After any of the following increments of the required improvements have been installed and completed, the subdivider shall notify the City Engineer, 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 Engineer 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, material man, or laborer after all required improvements have been installed. Acceptance of the improvements may be requested in the following increments:
- (1) Sewer mains and services (either storm or sanitary).
 - (2) Water mains and services.
 - (3) Streets comprised of all grading, gravel, curb and gutter, culverts, and paving.
 - (4) Other miscellaneous appurtenances to the above increments such as sidewalks, bikeways, streetlighting, street signing, etc.

The City Treasurer 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 engineering, inspection, and

legal fees and submit it to the subdivider for payment. The City Engineer shall conduct any necessary final inspections of the improvements and forward a report to the City Treasurer recommending either approval or disapproval. When the engineering, inspection, and legal fees, taxes and special assessments have been paid, and when the necessary lien waivers and affidavits have been filed, the report of the City Engineer, together with the recommendation of the City Treasurer, shall be forwarded to the City Council for approval and acceptance of the improvements and dedications.

- C. **Maintenance guarantee after final acceptance.** Prior to final acceptance of the required public improvements, the subdivider shall provide the City with a cash deposit or a letter of credit, in a form acceptable to the City Attorney, that is equal to 15 percent of the amount of the cash deposit or letter of credit the subdivider provided the City prior to the start of construction or the largest amount allowed by law, whichever is greater. If within one year of final acceptance the City Engineer determines that the public improvements need repair due to faulty materials or workmanship or the subdivider damages City property and/or improvements, the City Clerk shall give the subdivider a 14-day written notice to perform such repairs. If the repairs are not begun within the 14-day period and completed within a reasonable time thereafter, as determined by the City Council, the City may complete the repairs. The cost of the repairs shall be billed to the subdivider and paid by the subdivider within a reasonable time, as determined by the City Council, or taken out of the cash deposit or letter of credit. If the City draws against the cash deposit or letter of credit, the subdivider shall, within 10 working days of such draw, replenish said moneys up to the aggregate amount. This financial guarantee shall not be a bar to any action the City might have for negligent workmanship or materials. Wisconsin law on negligence shall govern such situations. (ET495-39)

36-175 Minimum design and construction standards for public improvements

- A. **Specified standards and specifications.** Public improvements must be completed in accordance with this chapter and the most current engineering standards and specifications adopted by resolution of the City Council.
- B. **Unspecified standards and specifications.** Where no standards or specifications have been adopted by the City Council, public improvements must be completed in accordance with established engineering practices as determined and approved by the City Engineer. (Need a specific document name.) (Need to verify adoption and amendment process.)

36-176 Mandatory connection to public water and sanitary sewer

- A. **General requirement.** Proposed land divisions located within the City's urban service area must connect to the City's public water system and sanitary sewer system, unless the City Engineer determines in writing that a connection is not feasible.
- B. **Requirements if connection deemed infeasible.** If a connection is not feasible, the subdivider must provide adequate on-site water and/or wastewater systems. In addition, the subdivider must install piping and related improvements within the land division as if service is being provided. Once the City's public water system and/or sanitary sewer system becomes available to the land division, as determined by the City Engineer, property owners must abandon their on-site systems and connect to the previously installed piping. All costs associated with abandonment and connection to the City's system are the responsibility of the affected property owners.
- C. **Notation on plat, certified survey map, or condominium plat.** If a connection is deemed infeasible, a note must be added to the face of the final subdivision plat, certified survey map, or condominium plat as set forth in § 36- . (SP s. 16.20.060 (F) w/ edits)

36-177 Oversized and offsite improvements

In order to serve future developments, the City may require proposed developments to provide utilities that are oversized and installed to depths beyond that required to serve the proposed development. The city will require developments to install water mains up to 12 inches in diameter without additional cost to the utility owner. Sanitary sewers shall be installed to diameters up to 12 inches and to depths of 16 feet (as measured from the finished grade to the pipe invert) without additional cost to the utility owner.

36-178 Recapture agreement

- A. **Generally.** To ensure fairness and cost-sharing in the construction of public improvements, the City Council, at its sole discretion, may authorize a recapture agreement that allows a subdivider to recover a proportionate share of the cost of oversized or extended improvements from other property owners who subsequently benefit directly from those improvements.
- B. **Eligible costs.** Reimbursable costs may include design, engineering, permitting, construction, inspection, and other directly related expenses, as deemed appropriate by the **City Engineer** and approved by the City Council. Interest is not an eligible cost. Reimbursement is limited to the actual additional cost incurred in constructing the oversized improvements.
- C. **Benefiting properties.** The recapture agreement must identify the benefiting properties, specify the method of cost apportionment, and establish the duration of the recapture period, which may not exceed 10 years from the date of substantial completion of the improvements.
- D. **Payment terms.** Payment from benefiting properties must be made at the time of land division, development, or connection to the improvement, as specified in the agreement. The City may collect such payments and remit them to the subdivider in accordance with the terms of the agreement.
- E. **Recording and notice.** The recapture agreement must be recorded with the Rock County register of deeds office and constitutes notice to the benefiting properties.

36-179 Designated project manager

The subdivider must designate a project manager with full authority to make decisions related to the construction of required public improvements as they may arise during construction. The project manager must be readily available on site during construction and is responsible for coordinating and scheduling all work necessary to complete the required improvements. Any correspondence with, or verbal orders issued to, the project manager shall have the same force and effect as if made directly with the subdivider.

36-180 Approval of contractors and subcontractors required

Contractors and subcontractors retained by the subdivider to construct or install public improvements and to prepare contracts and contract specifications for such improvements are subject to the approval of the **City Engineer**.

36-181 Timing of work

- Prior to any land-altering activity, the subdivider and the City must enter into a development agreement in accordance with § 36-55.
- General site grading may commence with approval of the **City Engineer** after receiving the master grading plan.
- Work related to the street and public utilities may commence with approval of the **City Engineer** after receiving a complete set of civil drawings.
- Sidewalks are installed after water and sewer laterals have been extended from the public right-of-way into the individual lots.
- Street trees are installed after the curb and sidewalks have been installed.
- Signage is installed concurrently with the installation of the binder course.
- Monuments must be installed prior to recording of the final subdivision plat or certified survey map.

(To be updated as other sections are finalized.)

36-182 Submittal of “as built” plans for public improvements

After completing public improvements and before final acceptance, the subdivider must submit “as-built” plans for all such improvements. Plans must be prepared by a professional engineer licensed in Wisconsin and provided in a digital format acceptable to the City Engineer. If the City Engineer determines the submitted materials are incomplete or inaccurate, the subdivider must submit corrected materials within 30 days or by another deadline established by the City Engineer.

Question: does the city want signed/stamped hard copies?

36-183 Streets

The subdivider must construct all streets shown on the final plat or certified survey map in accordance with construction plans approved by the City Engineer.

36-184 Sidewalks

The city's current code addresses sidewalk in two section: 36-223 and 36-336. Both are included here and need to be reconciled and consolidated.

These provisions are from current code (s. 36-336).

- A. It is found and declared that division and subdivision of land in the City has necessitated and will continue to necessitate and construction, installation, maintenance and use of sidewalks to provide the safe, effective and appropriate movement of pedestrians, including, but not limited to, the elderly, children, persons with special physical attributes as well as residents and property owners of all kinds and nature; that the safe movement of vehicular traffic requires the installation and maintenance of sidewalks; that new areas of development provide the most efficient, effective and low cost means for installation; that the City has adopted a comprehensive plan and one or more other policies providing for sidewalk installation; that such plans require construction of sidewalks in new development areas, occasionally in areas removed from improved properties; that the ordinance codified in this section is enacted in order to facilitate the legitimate and pressing health, welfare and safety of pedestrian and vehicular needs and responsibilities of the City; that sidewalks are necessary and beneficial to the health, welfare and safety of the City, its residents and general public; and the necessity in the public interest for the provisions enacted in this article is declared a matter of legislative determination.
- B. The Plan Commission shall be the agency which shall review any initial determination made pursuant to this section.
- C. The City Engineer shall, consistent with Wisconsin Statutes and without the necessity for additional action by the City Council, order and/or cause the installation/construction of sidewalks within 12 months of issuance of occupancy permit or in the event that 80 percent or more of an existing or future subdivision, tract, plat, survey or area becomes developed, whichever occurs first. Nothing herein shall be construed as prohibiting any individual property owner from requesting or effectuating installation of a sidewalk in front of such owner's property.
- D. Notwithstanding any provision to the contrary in this section, each and every property owner shall comply with each and every other code provision pertaining to sidewalks, including, but not limited to, maintenance and sidewalk installation. (s. 336)
- E. Any plat, certified survey, or other division of land presented to the City for approval, and as a condition of approval, shall be required to contain and construct sidewalks on both sides of each street including cul-de-sacs set forth in and applied to all areas of the proposed plat, certified survey, or other land division. Sidewalk installation on both sides of the street in all new subdivisions is subject to the following conditions:
 - (1) Where an existing street ends at mid-block with no existing or designated sidewalks, and a certified survey map or plat is proposed to extend that street, no sidewalk shall be required for said new street portion to block corner unless authorized by the City Council.
 - (2) The City Council may modify this section where the sidewalk placement is not physically practical.

These provisions are from current code (s. 36-223) and seem to be inconsistent with s. 36-336 above.

- A. Before the City Treasurer signs any plat or certified survey, the subdivider shall list or show on the plat or certified survey the streets along which sidewalks are to be constructed, pursuant to Section 36-113 or 36-117(e). Such sidewalk placement is to be determined based on approved neighborhood plans for the area.
- B. Sidewalks listed or shown on plats or certified surveys may be constructed by the subdivider or by the owner of the property. If so constructed, sidewalks shall comply with the standards set forth in Sections 12-166 and 12-167.
- C. When 80 percent or more of the lots included in the certified survey have been developed or when 80 percent or more of the lots along any street in one block have been developed, the City Engineer shall place all the lots in the certified survey or all the lots along the one block of the street on the next occurring public works program for construction of any required sidewalk not yet constructed, but only if such proposed sidewalk would connect to an existing sidewalk unless pedestrian generators and destinations are both present in a localized area. The order for and cost of such construction shall be as provided for in Wis. Stats. § 66.615, as from time to time amended. If any such sidewalk is placed on a City Council agenda and is defeated, then the administration shall not place such sidewalk on a City Council agenda for the following two years.

36-185 Traffic calming features

The subdivider may propose, and the City Council may require, traffic calming features when necessary to promote safe and efficient circulation within a subdivision. Examples of traffic calming features include curb extensions, median islands, speed humps, speed tables, raised crosswalks, raised intersections, mini-roundabouts, chicanes, textured or patterned pavements, narrowed lanes, surface valley gutters, and other design features approved by the City Engineer.

Question: Does the city have design specifications for any traffic calming measures or any simple illustrations?

36-186 Mid-block pedestrian crossings

For any block longer than 900 feet, the developer may propose, and the City Council may require, a pedestrian walkway to provide convenient access to schools, playgrounds, commercial areas, transportation facilities, and other community facilities, or to otherwise enhance the walkability of the development. The walkway must be at least 5 feet wide and hard-surfaced with concrete, asphalt, pavers, or another durable, all-weather pavement material approved by the City Engineer. The walkway must also be located within an easement.

An example of a mid-block pedestrian crossing

Graphic forthcoming

36-187 Streetlights

The subdivider must install streetlights if required by the City Council, in accordance with specifications provided by the City Engineer. In evaluating the need for street lighting, the following factors should be considered:

- (1) safety of motorists and pedestrians,
- (2) the proximity to high traffic land uses, such as schools and parks,
- (3) anticipated traffic volumes along the roadway, and
- (4) any other factor relating to sound engineering practices. (Alg.)

36-188 Signage

The subdivider must install traffic control signs as specified by the City Engineer. (verify current practice)

36-189 Street trees

The subdivider must install street trees at intervals of 50 feet. Trees must be planted within the street terrace unless the City Engineer approves an alternative location. (Does the city currently require street trees? If yes, more details can be added here relating to species and planting size and more.)

36-190 Public sanitary sewer systems

- A. **Generally.** The subdivider must construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each proposed lot. The size, type, depth, minimum grade, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the City Engineer. The subdivider shall install and complete the installation of sewer laterals to the street lot line prior to any paving, curbing, or sidewalk construction.
- B. **Extension of laterals fronting a project.** Sanitary sewer lines shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the City Engineer, such extension is not necessary or desirable for the coordination of the layout of the project or for the advantageous development of the adjacent tracts. The minimum depth at the boundary lines shall be established by the Director of Public Works.
- C. **Oversized facilities.** The subdivider shall assume the cost of installing all sanitary sewers 10 inches in diameter or less in size. If a sewer line needs to be more than 10 inches in diameter to handle the contemplated sewage flows, the cost of such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewer and the excess cost either borne by the city or assessed against the total tributary drainage area. (verify this last sentence in particular)

36-191 Public water systems

- A. **General obligation.** The subdivider must construct water supply lines in such a manner as to make adequate water service available to each proposed lot. The size, type, and installation of all public water lines must be in accordance with plans and standard specifications approved by the City Engineer. The subdivider shall install and complete the installation of water laterals to the street lot line prior to any paving, curbing, or sidewalk construction. The minimum size water service to any lot may be not less than one inch.
- B. **Extension of water supply lines fronting a project.** Water supply lines must extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the City Engineer, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified by the city, state, and county.
- C. **Oversized facilities.** The subdivider shall assume the cost of installing all water mains 8 inches in diameter or less in size. If a water supply line needs to be more than 8 inches in diameter, the excess cost of such mains over and above the cost of an 8-inch main shall be borne by the city. (verify this last sentence in particular)

36-192 Stormwater drainage facilities

- A. **Geneal obligation.** The subdivider must construct stormwater drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, and detention or retention facilities as may be required by the City Engineer. All such facilities are to be of adequate size, grade, depth, and design to properly serve the subdivision and surface water conditions affecting the subdivision and downstream properties at the time of platting, as determined by the City Engineer.

- B. Oversized facilities.** The subdivider may be required to design such facilities to accommodate additional capacity. In such an event, the excess cost of design, construction, or providing sufficient land area for that additional capacity shall either be borne by the city or assessed against the remainder of the total tributary drainage area. verify this last sentence in particular)

(Also need to review s. 316 with staff; its not included in this initial draft)

36-193 Other utilities

- A. Provision of other utilities.** The subdivider must ensure that natural gas, electric, telephone, and other communication services are installed to provide adequate service to each lot within the land division or condominium. (Alg. - revised)
- B. Overhead lines prohibited.** All utility lines for electric power and telecommunication service must be placed underground within street rights-of-ways or within utility easements. The City Engineer may allow overhead poles when it is clearly evident that it is not possible to place the utilities underground.

36-194 Site grading

- A. General obligation.** The subdivider shall perform the site grading in accordance with the site grading plan as approved by the City Engineer.
- B. Commencement of work.** Grading may commence only after (1) the development agreement has been approved, (2) the City Engineer has approved the master site grading plan, and (3) the City Engineer has issued an erosion control permit for the proposed work. For purposes of this section, staging of equipment and materials does not constitute commencement of grading.

36-195 Erosion control

- A. General obligation.** The subdivider must fully implement erosion control measures in accordance with the erosion control permit issued by the City Engineer.
- B. Commencement of work.** Erosion control measures, but not any grading, may commence after the City Engineer has issued an erosion control permit. All such work, however, is done at the subdivider's risk.

36-196 Partition fences

When the land included in a subdivision plat or certified map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider must comply with fencing requirements established in Ch. 90, Wis. Stats. (ET)

36-197 Cluster mailbox units (CBUs)

- A. General requirement.** The subdivider must coordinate with the US Postal Service (USPS) to determine if a cluster mailbox unit (CBU) is needed to accommodate the proposed land division. If required, the number, type, and location of cluster mailbox units (CBUs) must be designed and located in accordance with USPS standards and the City's specifications.
- B. Location and access.** CBUs must be located within a public right-of-way or approved easement, unless otherwise authorized by the City Engineer and USPS. The location must ensure safe and convenient access for mail carriers and residents, including walkable access from adjacent lots. Placement must avoid conflicts with driveways, fire hydrants, stormwater inlets, ADA-accessible routes, and sight distance triangles.
- C. Required site improvements.** The subdivider must install a concrete pad, accessible pedestrian path, and any other required site improvements as specified by the City Engineer or USPS. Lighting, signage, and landscaping enhancements may be required to promote safety and appearance, subject to City Engineer approval.

- D. Review and approval.** The location and design of CBUs must be shown on the preliminary plat, certified survey map, or improvement plans and are subject to review and approval by the City Engineer and United States Postal Service (USPS).
- E. Maintenance.** Responsibility for ongoing maintenance of the mailbox pad, surrounding area, and any associated amenities shall be assigned in the development agreement or homeowner's association documents, as applicable.
- F. Notation on plat, certified survey map or condominium plat.** The final plat, certified survey map, or condominium plat must depict the approved location of a CBU along with necessary easements and include notes relating to any restrictions or maintenance responsibilities associated with CBUs in the land division.

An example of a cluster mailbox unit



© Civic Webware

36-198 Survey monuments

Survey monuments must be installed before approval of a final plat consistent with § 236.15, Wis. Stats., and as may be required by the City. Pursuant to § 236.15(1)(H), Wis. Stats., the City Council may defer the placing of monuments required under §§ 236.15 (b), (c), and (d), Wis. Stats., for a reasonable time on condition that the subdivider provides a financial guarantee to ensure the placing of such monuments within the time required. The amount of the financial guarantee will be established by the City Council, but may not be less than \$100.00 per lot, with a minimum of \$500.00.

36-199 through 36-229 reserved

ARTICLE 8. DEDICATIONS AND EASEMENTS

36-230 Dedication and reservation of lands

- A.** Every owner of land who desires to subdivide such land shall be required to provide land to the City for public sites and open spaces, or money in lieu of such land. If the master plan, master neighborhood plan, or official map indicates that public land, other than for streets or greenbelts, is proposed for the land within the subdivision, the owner shall dedicate such land to the City. The City shall not reimburse the owner for any land so dedicated, unless such dedication is for more than five percent of the total plat area. If such required dedication is less than five percent of the total plat area, the owner shall pay to the City a sum of money equal to five percent of the value of the total plat area less any land so dedicated. The City may accept, in lieu of such sum of money, land within the subdivision of equal value.
- B.** Subdividers who desire approval of a certified survey may be required to dedicate as set out in Subsection (a) of this section.
- C.** Any funds received by the City under this section shall be spent by the City solely for improvements in, acquisition of, changes or additions to public park lands, neighborhood parks or greenbelts in the area of the subdivision or in a community or regional City park wheresoever located. Any land accepted in lieu of such monies under this section may be sold by the City, and monies therefrom shall be spent by the City for improvements in, acquisition of, changes, or additions to any public park lands, neighborhood parks or greenbelts in the area of the subdivision or in a community or regional City park, wheresoever located.

The above provisions are from the current code (s. 36-255). It needs to be updated.

36-231 Public access to lakes and navigable streams (new)

- A. **Dedication required.** In accordance with § 236.16 (3), Wis. Stats., a subdivision abutting on a lake or a navigable stream must provide public access at least 60 feet wide providing access to the water's edge so that there will be public access, which is connected to existing public roads, at not more than one-half mile intervals as measured along the lake or the navigable stream shore except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of Administration, and excluding shore areas where public parks or open space streets or roads on either side of the navigable stream are provided.
- B. **Notation on face of subdivision plat.** If a public access is established, a note must be added to the face of the final subdivision plat as set forth in § 36- .

36-232 Utility easements

- A. **General requirement.** The subdivider must ensure that utility easements are provided to meet the needs of the service providers. Generally, a 10-foot wide utility easement is required off of the rear lot line and 8 feet off of the side lot line. (Is this last sentence still true?)
- B. **Depiction on map.** Utility easements must be depicted on the face of the final subdivision plat and certified survey map along with appropriate notes. (s. 192 with edits)

36-233 Corner easements

- A. **General requirement.** The subdivider must establish corner easement in accordance with the requirements in § 36- .
- B. **Depiction on map.** Corner easements must be depicted on the face of the final subdivision plat and certified survey map along with appropriate notes.

36-234 Stormwater access easements

- A. **General requirement.** When stormwater management facilities are constructed as part of a subdivision, certified survey map, or condominium, the subdivider must establish access easements to provide access to and around the facility to undertake any maintenance that may be required.
- B. **Depiction on map.** Stormwater access easements must be depicted on the face of the final subdivision plat and certified survey map, or condominium plat or recorded as a separate instrument in the Rock County register of deeds office. (new)

General question: Who is responsible for maintenance of on-site stormwater mgmt. facilities in subdivisions?

36-235 Restrictions for public benefit

Pursuant to § 236.293, Wis. Stat., any restriction placed on platted lands by covenant, grant of easement, or land division approval, which was required by the city and which names a public body or public utility as grantee, promise, or beneficiary, vests in the public body or utility the right to enforce the restriction by law or in equity against anyone who has interest in the land subject to the restriction. The restriction may be released or waived by a resolution of the City Council. (SP – a common provision)