

CITY OF FENNIMORE

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**20.01 PURPOSE**

The purpose of this Chapter is to promote the public health, safety and general welfare of the community and these regulations 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 provisions for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; 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.

**20.02 ABROGATION AND GREATER RESTRICTIONS**

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

**20.03 INTERPRETATION**

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

**20.04 JURISDICTION AND COMPLIANCE**

- (1) Jurisdiction. Jurisdiction of these regulations shall include all land within the corporate limits of the City of Fennimore as well as the unincorporated area within the extraterritorial plat approval jurisdiction of the City. The extraterritorial plat approval Jurisdiction for the City of Fennimore is the unincorporated area within one and one-half miles of the corporate limits of the City.
- (2) Compliance. No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which result in a subdivision or a replat as defined herein; no such subdivision or replat shall be entitles to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this ordinance and the provisions of Chapter 236, Wisconsin Statues; rules, of the Division of Health and Social Services regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made; rules of the Division of Highway, 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 subdivider abuts on a state trunk highway or connecting street; duly approved comprehensive plan, or comprehensive plan component including the Zoning Ordinance and official map of the City of Fennimore; and applicable local and county ordinance. In case of conflict between any of the above, the more stringent requirements shall be controlling.

**20.05 PLAT APPROVAL PROCEDURE**

- (1) Pre-Application. Prior to the filing of an application for the approval of the preliminary plat, a subdivider may consult with the City Plan Commission and/or staff of the City in order to obtain advice and assistance. This consultation shall be neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objections of these regulations, the comprehensive plan, comprehensive plan components

duly adopted plan implementation devices and to otherwise assist the subdivider in planning his development.

- (2) Preliminary Plat Review. Before, submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The preliminary plat shall be prepared in accordance with this Chapter and the subdivider shall comply with the provisions of Chapter 236 of the Wisconsin Statutes and shall file at least ten (10) copies of the plat and the application with the City Clerk at least thirty (30) days prior to the City Plan Commission meeting at which action is desired. The preliminary plat shall then be reviewed by the City Plan Commission for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it. The City Plan Commission shall then submit the preliminary plat, together with its findings and recommendations, to the Common Council for action.
- (3) Preliminary Plat Approval. The Common Council, within forty (40) days of the filing of the preliminary plat with the City Clerk, shall take action to approve, approve conditionally or reject the preliminary plat. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, the Common Council shall state in writing any conditions of approval or the reasons for rejection of the plat. The reasons for rejection or the conditions of approval shall be a part of the minutes of the Common Council meeting and a written statement of the reasons shall be given to the subdivider. Failure of the Common Council to act on the preliminary plat within forty (40) days shall constitute an approval. The forty (40) day time limitation may be extended by agreement between the Common Council and the subdivider. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except as indicated in Chapter 236, of the Wisconsin Statutes. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the Common Council at the time of its submission.
- (4) Final Plat Review. "The subdivider shall prepare a final plat and a letter of application in accordance with this Chapter and shall file twelve (12) copies of the plat and the application with the City Clerk at least 30 days prior to the meeting of the City Plan Commission at which action is desired. The City Clerk shall transmit ten (10) copies of the final plat to the City Plan Commission. The City Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat, this Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect the plat. The final plat may, if permitted by the Common Council, after review and recommendation by the City Plan Commission, constitute only the portion of the approved preliminary plat which the subdivider proposes to record at that time.
- (5) Final Plat Approval. The Common Council may refuse to approve the final plat if the final plat has not been submitted within six (6) months of the last required

approval of the preliminary plat. The City Plan Commission shall, within thirty (30) days of the date of the filing of the final plat with the City Clerk, recommend approval or rejections of the plat and shall transmit the final plat and application along with its recommendations to the Common Council. The time for the plat approval by the Plan Commission may be extended by mutual agreement between the City Plan Commission and the subdivider. The City Plan Commission shall, when it determines to recommend approval of the plat, notify the City Clerk of their recommendation. Prior to the final plat being proposed to the Common Council, the City Clerk shall give at least ten (10) days prior written notice of the intention to approve the plat to the Clerk of any municipality within one thousand (1000) feet of the plat. Within sixty (60) days of the submission of the final plat, the Common Council shall approve or reject such plat. The time limitation can be extended by mutual agreement between the Common Council and the subdivider. If the plat is rejected, the reasons shall be so stated in the minutes of the Common Council and a written statement of the reasons shall be supplied to the subdivider. If the final plat is approved, the City Clerk shall certify to its approval on the face of the plat. If the Common Council fails to approve or reject the plat within sixty (60) day requirement, the time not having been extended and no unsatisfied objection having been filed, the plat shall be deemed approved. After the final plat has been approved by the Common Council and required improvements either installed or a contract insuring their installation is filed, the City Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered within the time specified in Chapter 236 of the Wisconsin Statutes. The Subdivider shall file one (1) mylar and ten (10) copies of the final plat as recorded with the City Clerk for distribution to appropriate agencies and offices.

- (6) Plat Within the Extraterritorial Plat Approval Jurisdiction. When the land to be subdivided lies within the extraterritorial plat approval jurisdiction of the City, the subdivider shall indicate on the application which agencies are to receive -a -copy- of the plat and, if the City of -Fennimore is the' first agency to receive the application by the subdivider, the City Clerk shall transmit the copies of the plat to the other agencies and authorities according to the procedure set out in s. 236.12 of the Wisconsin Statutes. Approval agencies shall be as N\_ specified in s. 236.12 of the Wisconsin Statutes and the subdivider must comply with the land division regulations of said agencies or units of government. A subdivider may proceed with the installation of improvements under the regulations of the Town Board of the Town within whose limits the plat lies provided that none of the approval agencies object to such improvements. Whenever connection to any city utility is desired, permission for such connection shall be approved by the governing body. All improvement requirements specified by the Town Board, or other approval agencies or special improvement district in matters over which they have Jurisdiction, shall be met before the filing of the final plat.

## **20.06 REPLAT PROCEDURE**

When it is proposed to replat a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat according to the procedure as set out in Chapter 236 of the Wisconsin Statutes. When a replat does not alter areas dedicated to the public, the Common Council of the City of Fennimore shall hold a public hearing within sixty (60) days of the submission of the preliminary plat of the replat of lands and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed replat. Following the hearing, all of the other requirements stated in this ordinance applicable to original plats shall be applicable to the replat and shall be complied with prior to the adoption of the replat. In any replat in which it is proposed to alter the areas dedicated to the public, the procedures under s. 236.36 through s. 236.445 shall be followed.

**20.07 WAIVER OF REQUIREMENTS**

Where, in the judgement of the Common Council, after review and recommendation by the City Plan Commission, it would be inappropriate to apply literally the provisions of this Chapter, the Common Council may waive or modify any requirement to the extent deemed Just an proper. Such relief shall be granted without detriment to the public good without impairing the intent and purpose of this ordinance or the desirable general development of the City in accordance with the comprehensive plan or comprehensive plan component. Reasons for such waiver or modification shall be stated in the minutes of the meeting. The Common Council may waive the placing of monuments required under Chapter 236 of the Wisconsin Statutes for a reasonable time on condition that the subdivision execute a surety bond to insure the placing of such monuments within the time required.

**20.08 LAND SUITABILITY**

No land shall be subdivided which is held unsuitable for the proposed use by the Common Council, after review and recommendation by the City Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or the community. The Common Council, in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the Common Council may affirm, modify or withdraw its determination of unsuitability. With each submission of a preliminary plat there shall be included a topography which shows the contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%), and of not more than five (5) feet where the slope of the ground surface is ten percent (10%) or more.

**20.09 REQUIREMENTS OF PRELIMINARY PLAT**

A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information;

- (1) Title under which the proposed subdivision is to be recorded which shall not be a duplicate name or descriptively similar name of any plat previously recorded in Grant County.
- (2) Location of previous subdivision by: government lot, private claims, quarter section, township, range, county and state noted immediately under the title.
- (3) Date, scale and north point.
- (4) Names and addresses of owner, subdivider and land surveyor preparing the plat.
- (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Common Council, after review and recommendation by the City Plan Commission, may waive this requirement where it is unnecessary to fulfill the purpose and intent of this ordinance and undue hardship would result from strict compliance thereof.

**20.10 PLAT DATA**

All plats shall show the following:

- (1) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.
- (2) Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%) or more. Elevations shall be marked on such contours on U.S.G.S. (1929 Adjustment) datum.
- (3) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (4) Location and names of any adjacent subdivisions, assessor's plats, recorded certified survey maps, parks and cemeteries, and owners of record abutting unplatted lands.
- (5) Location, size and invert elevation of any existing or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or

immediately adjacent the tract, such sewers or watermains which might be extended and which are located within one (1) mile of the plat shall be indicated by their direction and distance from the tract, size and invert elevations.

- (6) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (7) Location, width and names of all proposed streets and public rights-of-way such as alleys and easements.
- (8) Approximate dimensions of all lots together with proposed lot and block numbers.
- (9) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use or which are to be used for group housing, shopping center, church sites, or other nonpublic uses not requiring plotting.
- (10) Approximate radii of all curves.
- (11) Existing zoning on and adjacent to the proposed subdivision.
- (12) Municipal boundary lines within or adjacent to the proposed subdivision.
- (13) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- (14) Any proposed lake and stream improvements or relocation.

**20.11 STREET PLANS AND PROFILES**

The City Engineer may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for the reasonable distance beyond the limits of -the- proposed subdivision when requested. All elevation shall be based upon U.S.G.S. (1929 Adjustment) datum, and plans and profiles shall meet the approval of the City Engineer.

**20.12 TESTING**

The City Engineer may require that boring and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth of bedrock and depth to groundwater table. Where the subdivision will not be served by central sanitary sewer service, the provisions of Chapter H-65 of the Wisconsin Administrative Code shall be complied with; and the appropriate data submitted with the preliminary plat.

**20.13 COVENANTS**

The subdivider shall submit to the City Plan Commission a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

#### **20.14 AFFIDAVIT**

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

#### **20.15 FINAL PLAT**

- (1) General. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Chapter 236 of the Wisconsin Statutes.
- (2) Additional Information. The plat shall show correctly on its face, in addition to the information required by Chapter 236 of the Wisconsin Statutes, the following:
  - (a) Exact length and bearing of the centerline of all streets.
  - (b) Exact street width along the line of any obliquely intersecting street.
  - (c) Railroad rights-of-way within and abutting the plat.
  - (d) Setbacks of building lines as required according to zoning regulations.
  - (e) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
  - (f) Special restrictions required by the Common Council relating to access control along public ways or to the provision of planting strips.
- (3) Deed Restrictions. Deed restrictions shall be filed with the final plat.
- (4) Surveying and Monumenting. All final plats shall meet all the surveying and monumenting requirements of Chapter 236 of the Wisconsin Statutes.
- (5) State Plane Coordinate System. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by a governmental unit having Jurisdiction, the plat shall be tied directly to one of the section or quarter corners so located, 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 shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the County's control survey where and when adopted.
- (6) Certificate. All final plats shall provide all the certificates required by Chapter 236 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this ordinance.

**20.16 DEDICATION AND RESERVATION OF LANDS**

- (1) Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainage way or other public way which has been designated in the comprehensive plan, comprehensive plan component, or on the official map, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in Section 20.20 of this Chapter.
- (2) Whenever a proposed playground, school site or park or other public land, other than streets or drainage ways, designated in the comprehensive plan, comprehensive plan component, or on the official map, is embraced, in whole or in part, in a tract of land to be subdivided, and *the City elects to accept such dedication*, these proposed public lands shall be made a part of Q the plat and shall be dedicated to the public by the subdivider at the rate of one (1) acre for each thirty-five (35) proposed dwelling units, and said proposed public lands, other than streets or drainage ways, in excess of the rate established herein shall be reserved for a period not to exceed two (2) years unless extended by mutual agreement for purchase by the public agency having jurisdiction.
- (3) If no playground, park, school site, or other public land has been proposed as of the date of the application of a subdivider, but the City determines that a public facility should be provided in the area of the proposed plat to carry out the spirit and intent of this chapter, the City may require dedication as set forth above.
- (4) In lieu of the above paragraph, the City may, at its option, if land within the tract is not designated for a proposed playground, school site, park, or other public land, other than streets or drainage ways, in the comprehensive plan or comprehensive plan component, *or on the official map, or if the City elects not to accept a proposed dedication of such land as provided under sub. (2)*, levy a public site fee against the subdivider at the time of application or final plat approval at the rate and according to the procedures established in Section 20.32(3) of this Chapter.
- (5) The purpose of this section is to assist the community to provide the proper public lands for use by residents of the tract.
- (6) In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainage ways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, or official map, such areas shall be made a part of the plat. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marches, lakes and ponds, watercourses, watersheds and ravines.

Ord. # 188  
Amended  
20.16(2)  
8/14/2000

Ord. # 188  
Amended  
20.16(4)  
8/14/2000

**20.17 IMPROVEMENTS**

Before final approval of a plat, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the approval of the plat, enter into a contract with the community agreeing to install the required improvements and shall file with said contract a bond meeting the approval of legal counsel or a certified check in a amount equal to the estimated cost of the improvements, said estimate to be made by the City Engineer, as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one (1) year from the date of recording of the plat or at a date approved of by the Common Council and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. Insofar as the cost of the street improvements are concerned the subdivider's cost shall be limited to the cost of material for said street paving excluding curb and gutter. The costs for street paving with the exception of material shall be paid by the City. Contractors and subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street right-of-way shall be subject to the approval of the City Engineer. Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

**20.18 PLATS OUTSIDE THE CORPORATE LIMITS**

Before final approval by the City of a plat located outside the corporate limits of the City, but within the plat approval jurisdiction, of the' City, the, subdivider shall give evidence that he has complied with all street and utility improvement requirements of the town in which the land being platted is located (as well as those required by the City).

**20.19 STATEMENT BY SUBDIVIDER IN REGARD TO IMPROVEMENTS**

A supplementary written statement shall be submitted by the subdivider along with the preliminary plat briefly describing' improvements, such as grading, paving, tree planting, installation of utilities, improvements to park and recreation areas, which the subdivider proposes to make and when he intends to make them.

**20.20 DESIGN STANDARDS**

- (1) Street Arrangement.
  - (a) In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the official map or comprehensive plan of the City. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.
  - (b) Major streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, shopping areas, recreation areas, and points beyond the

boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

- (c) Collector streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyances of this traffic from residential areas to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
- (d) Local streets, as hereafter defined shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- (e) Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by the topography or other physical conditions or unless, in the opinion of the Common Council, after review and recommendation by the City Plan Commission, 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.
- (f) Whenever the proposed subdivision contains or is adjacent to an existing or proposed arterial street (except minor arterial), adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reverse frontage, with screen planting contained in a non-access reservation along the rear property line, or by the use of frontage streets.
- (g) Parks shall have sixty (60) feet of public access platted to the parks edge at intervals of not more than one-half mile.
- (h) Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Common Council under conditions recommended by the City Plan Commission approved by the Common Council.
- (i) Alleys shall be provided in commercial and industrial districts for off-street loading and service access unless otherwise required by the Common Council, after review and recommendation by the City Plan Commission, but shall not be approved in residential districts. Deadened alleys shall not be approved, and alleys shall not connect to a major thoroughfare.
- (j) All streets shall be named in conformity with the street naming plan of the City or with adjoining streets. In the case of diverging streets, the names shall be repeated. New street names shall not duplicate the names of existing streets provided, however, that streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets. Long or continuous thoroughfares running north and south shall be named streets; those running east and west shall be numbered streets; diagonal thoroughfares shall be named roads; and curving thoroughfares shall be named drives; short or discontinuous thoroughfares running north and south shall be named courts; those running east and west shall be numbered placed.

(2) Design Standards

- (a) The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, or official map, or if no width is specified therein, the minimum width shall be as certified in the following table:

Local	Type of Street	Minimum R.O.W.		Minimum Pavement Width
		Width to be Reserved	R.O.W. Width to be Dedicated	
	Residential	60 Feet	All	36 Feet
	Industrial	60 Feet	All	36 Feet
	Alleys	20 Feet	All	20 Feet
	Pedestrian Ways	10 Feet	All	4 Feet

(b) Cul-de-sac streets designed to have one end permanently closed shall not exceed five (500) feet in length. All Cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of fifty (50) feet and a minimum outside curb radius of thirty-eight (38) feet. The minimum distance between the outside curb and the right-of-way shall be ten (10) feet.

(c) Unless necessitated by exceptional topography subject-to-approval of the Common Council, after review and-recommendation by the City Plan Commission, the maximum centerline grade of any street or public way shall not exceed the following: Collector streets: eight percent (8%) Local streets, alleys, and frontage streets: twelve percent (12%) Pedestrian Ways: twelve percent (12%), unless steps of acceptable design are provided. The grade of any street shall in no case exceed twelve percent (12%) or less than four tenths, percent (.4%). Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for all major streets and one-half this minimum for all other streets.

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

1. Collector Streets: 300 Feet
2. Local Streets: 100 Feet

A tangent at least one hundred (100) feet in length shall be provided between reverse curves on arterial and collector streets.

(3) Street Intersections.

- (a) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- (b) The number of street converging at one intersection shall be reduced to a minimum, preferably not more than two. Intersections of local streets shall be at least one hundred twenty-five (125) feet from each other.
- (c) Number of intersections along major streets shall be held to a minimum.
- (d) Local streets shall not necessarily continue across major streets; but if the center lines of such local streets approach the major streets from opposite sides within three hundred (300) feet of each other, measured along the centerline of the arterial street, then the location shall be so adjusted that the adjoinment across the major street is continuous.

(4) Blocks.

- (a) The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenience, access, control and safety of street traffic; and the limitations and opportunities of topography.
- (b) Block in residential areas shall not as a general rule be less than three hundred (300) feet nor more than twelve hundred (1200) feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
- (c) Pedestrian ways of not less than ten (10) feet in width are required near the center and entirely across any block over nine hundred (900) feet in length to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.
- (d) Blocks shall have sufficient width to provide for two tiers or lots of appropriate depth except where otherwise required to separate residential development from through traffic. 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 of contemplated and the zoning restrictions for such use.
- (e) All utility lines for electric power and telephone service shall be placed on mid-block easements along the rear lot lines unless otherwise approved by the City Engineer.

(5) Lots.

- (a) The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.
- (b) Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- (c) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantage of topography and orientation.
- (d) Every lot shall front or abut for a distance of at least forty (40) feet on a public street and shall be not less than sixty (60) feet in width at the building setback line.
- (e) The area and dimension of lots shall conform to the requirements of the zoning ordinance, the State Department of Health and Social Services, and in areas not served by public sanitary sewer and water facilities, shall contain a minimum of one (1) acre of land, unless in the considered opinion of the Common Council, after review and recommendation by the City Plan Commission, such services will be made available to the subdivision within five (5) years of the date of the submission of the preliminary plat. Lots not served by public sanitary sewer or water facilities, and will not in the considered opinion of the Common Council, after review and recommendation by the City Plan Commission be served by such facilities within five (5) years of the date of the submission of the preliminary plat, shall have a minimum width of one hundred fifty (150) feet. Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow resubdivision of any such parcels into normal lots in accordance with the provisions of this ordinance.

- (f) Lots shall have a minimum average depth of eighty (80) feet. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide off-street service and parking required by the use contemplated and the area zoning regulations for such use.
  - (g) Width of lots shall conform to the requirements of this ordinance and appropriate zoning regulations.
- (6) Building Setback Lines. Building setback lines shall conform to the setback lines in the City zoning ordinance.
- (7) Easements.
- (a) The Common Council, after review and recommendation by the City Plan Commission, may require utility easements of widths deemed adequate if no alleys are provided for in the intended purpose of each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits, storm and sanitary sewers, and gas, water and other utility lines.
  - (b) Where a subdivision is traversed by a water course, drainage way channel or stream, an adequate drainage way or easement shall be provided as may be required by the Common Council, after review and recommendation by the City Plan Commission. The location, width, alignment and improvement of such drainage way or easement shall be subject to the approval of the City Engineer; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volume of flow. These design details are subject to review and approval by the City Engineer.

## 20.21 REQUIRED IMPROVEMENTS

- (1) Survey Monuments. The subdivider shall cause survey monuments to be installed in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and as may be required by the City Engineer.
- (2) Grading. After the installation of temporary block corner monuments by the subdivider and establishment of street grades according to standard approved by the Common Council, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the City Engineer. The subdivider shall grade the roadbeds in the street right-of-way to subgrade. The Common Council, after review and recommendation by the City Plan Commission, may waive the grading of the full width of the right-of-way in area which due to topography, the grading for the full width of the right-of-way would be detrimental to the development of the area.
- (3) Surfacing. After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in street proposed to be dedicated to the widths

prescribed by these regulations and/or comprehensive plan or comprehensive plan components. Said surfacing shall include both base material and wearing course and said surfacing shall be done in accordance with plans and standard specifications approved by the City Engineer. The cost of surfacing in excess of thirty-six (36) feet in width and to standards over and above those which would be required for local streets that are not required to serve the needs of the subdivider shall be borne by the community.

- (4) Curb and Gutter. After the installation of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutter in accordance with plans and standard specifications approved by the City Engineer. This requirement may be waived where permanent rural section has been approved by the City Engineer. Provision shall be made at the time of construction for driveway access curb cuts. The cost of installation of all inside curbs and gutters for dual roadway pavements shall be borne by the community.
- (5) Rural Street Sections. When permanent rural street sections have been approved by the community the subdivider shall finish grade all shoulders and road ditches, install the necessary culverts at intersections, and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the City Engineer.
- (6) Sidewalks.
  - (a) The subdivider shall grade all areas for final sidewalks. The grading of all sidewalks shall be in accordance with plans and standard specifications approved by the City Engineer. The Common Council, after review and recommendation by the City Plan Commission, may waive the grading of sidewalks in areas which, due to topography, would not be suited for sidewalks, grading and construction.
  - (b) Wider than standard sidewalks may be required by the Common Council in the vicinity of schools, commercial areas and other places of public assemblage; and the Common Council may require the construction of sidewalks in locations other than required under the preceding provisions of this chapter if such sidewalks are necessary, in their opinion, for safe and adequate pedestrian circulation.

## **20.22 CENTRAL SANITARY SEWERAGE AND PRIVATE SEWAGE DISPOSAL SYSTEMS**

- (1) The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot with the subdivision. In extraterritorial areas if central sewer facilities are not available, the subdivider shall make provisions for adequate private sewage disposal systems as specified by the community Board of Health and the Division of Health, Department of Health and Social Services; however, any lot (i) containing less than one (1) acre of land and being less than one hundred fifty (150) feet wide must be served by public sanitary sewer facilities unless in the considered opinion of the Common Council, after review and recommendation by the City Plan Commission, such services will be made available to the subdivision within five (5) years of the date of the submission of the

preliminary plat. The Common Council may require the installation of sewer laterals to the street lot line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but, in the opinion of the Common Council, after review and recommendation by the City Plan Commission, will become available with a period of five (5) years from the date of submission of the preliminary plat, the subdivider may be required by the Common Council to install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this section and shall cap all laterals and sewers as may be specified by the City engineer. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the City Engineer. All sanitary sewer facilities shall be flood proofed.

- (2) The subdivider shall assume the cost of installing all sanitary sewers eight (8) inches in diameter or less in size in residential subdivisions or twelve (12) inches in diameter or less in size in nonresidential subdivisions. If greater than eight (8) inch diameter sewers are required to handle the contemplated sewage flows in residential subdivisions or if greater than twelve (12) inch diameter sewers are required to handle the contemplated sewage flows in nonresidential subdivisions the cost of, such larger sewers shall be prorated in proportion to the ration 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 borne by the community.

### **20.23 STORM WATER DRAINAGE FACILITIES**

- (1) The subdivider shall construct storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, the type of facility required, the design criteria and the sizes and grade to be determined by the City Engineer. Storm drainage facilities shall be so designed as to present no hazard to life or property; minimize shoreland erosion and siltation of surface waters; shall prevent excess run-off on adjacent property; and shall provide positive drainage away from on-site sewage disposal facilities. The size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the City Engineer.
- (2) If greater than 24 inch diameter sewers are required to handle the contemplated flows, the cost of such larger sewers shall be prorated in proportion to the ratio 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 borne by the community.

### **20.24 CENTRAL WATER SUPPLY FACILITIES**

- (1) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. In extraterritorial areas, if municipal water service is not available, the subdivider shall make provisions for adequate private water systems as specified by the community board of Health and the

Department of Natural Resources. The Common Council may require the installation of water laterals to the street lot line. The size, type and installation of all public watermains proposed to be constructed shall be in accordance with plans and standard specifications approved by the City Engineer.

- (2) The subdivider shall assume the cost of installing all water mains six (6) inches in diameter or less in size in residential subdivisions of eight (8) inches in diameter or less in size in nonresidential subdivisions. If greater than six (6) inch diameter water mains are required in residential subdivisions or if greater than eight (8) inch diameter watermains are required in nonresidential subdivisions the excess cost of such mains over and above the cost of a six (6) inch main in residential subdivisions or an eight (8) inch main in nonresidential subdivisions shall be borne by the community. All water systems shall be flood proofed.

**20.25 OTHER UTILITIES**

No electrical, cable television or telephone service shall be located on overhead poles unless otherwise allowed by the Common Council, after review and recommendation by the City Plan Commission due to exceptional topography or other physical barrier. Electrical power, cable television and telephone transmission lines may be located on overhead poles. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission line required to service the plat shall be approved by, the City Engineer.

**20.26 SUBDIVIDER MAY REQUIRE CITY TO CONSTRUCT IMPROVEMENTS**

The subdivider may request the City to construct the above improvements including grading and surfacing of streets, curb and gutter installation, grading for sidewalks and installation of sewer and water utilities. The Common Council shall at its option, approve or deny the request. If the Common Council approves the request, all such work done by the City shall be constructed in the normal course of rotation with all of the other street and utility construction in the City. The subdivider shall reimburse the City for costs of street pavement materials and shall reimburse the City for all costs of materials and construction for all of the other improvement work performed by the City which the subdivider is required to perform by the terms of this ordinance. If the subdivider constructs all of the above improvements, the City shall reimburse the subdivider for the costs of the materials used in street paving.

**20.27 STREET TREES**

The subdivider shall plant or leave at least one (1) tree of a species acceptable to the Park Board and at least six (6) feet in height for each fifty (50) feet of frontage on all street proposed to be dedicated at the time of the sale of the lot. The required trees shall be planted in the curb lawn area between the sidewalk and curb in accordance with plans and standard specifications.

**20.28 IMPROVEMENTS ON BOUNDARIES OF SUBDIVISIONS**

Any public improvement occurring on the boundaries of the subdivisions shall use normal assessing value for establishing payments.

### **20.29 EROSION AND SEDIMENT CONTROL**

The City Plan Commission and Common Council shall review each plat on the basis of size, topography, erosion hazards and other factors relating to sedimentation to determine the need for erosion and sediment control measures. If it is determined that such measures are needed, the City Engineer should direct the subdivider to undertake such erosion and sediment control as the City Engineer deems necessary.

### **20.30 SUBDIVISION AREA TO BE MAINTAINED**

The subdivider shall adequately maintain the undeveloped portion of a subdivision until such time as the entire subdivision is completely developed. The maintenance shall include the control and removal of noxious weeds, lawn mowing, rubbish and debris removal and the general care and upkeep of the subdivision property.

### **20.31 CONSTRUCTION**

- (1) Commencement. No construction or installation of improvements shall be commence in a proposed subdivision until the preliminary plat has been approved and the City Engineer has given written authorization.
- (2) Building Permits. No building or zoning permits shall be issued for erection of a structure on any lot of record until all the requirements of this ordinance have been met.
- (3) Plans. The following plans and accompanying construction specifications may be required by the City Engineer before authorization of improvements.
  - (a) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
  - (b) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
  - (c) Storm sewer plans and profiles showing the locations, sizes, grades, cross sections, elevations and material facilities.
  - (d) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
  - (e) Grading plans for the entire subdivision if it appears that erosion and sediment control will be a problem.
  - (f) Additional special plans or information as required.
- (4) Inspection. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the City Engineer, if the plat is located in the City, to provide for adequate inspection. The City Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

**20.32 FEES**

- (1) Plat Review Fee. The subdivider shall pay the City a fee amounting to fifteen dollars (\$15) plus one dollar (\$1) for each lot or parcel within the preliminary plat to the City Clerk at the time of the first application for approval of any preliminary plat to assist in defraying the cost of review. Reapplication fee amounting to five dollars (\$5) shall be paid to the City Clerk at the time of reapplication for approval of any plat which has previously been reviewed.
- (2) Inspection Fee. The subdivider shall pay a fee equal to the actual cost to the City for such inspection as the City Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the City or any other governmental authority.
- (3) Public Site Fee. If *no public land will be dedicated* within the plat as provided in s. 20.16, a fee for the acquisition of capital improvement of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the City Clerk at the time of the first applications for approval of a final plat of this subdivision in the amount of *one hundred dollars (\$100)* for each possible dwelling unit within the plat allowed by the zoning ordinance or private covenant, whichever allows the fewer.
- (4) Engineering Fee. The subdivider shall pay a fee equal to the actual cost to the City for all engineering work incurred by the City in connection with the plat. Engineering work shall include the preparation of construction plans and standard specifications. The City Engineer may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fee shall be levied for such plans and specifications.
- (5) Administrative Fee. The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the City in connection with the plat. Legal work shall include the drafting of contracts between the City and the subdivider.

Ord. # 188  
Amended  
20.32(3)  
8/14/2000

**20.33 DEFINITIONS**

- (1) Alley. Alley means a public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.
- (2) Collector Street. A street used, or intended to be used, to carry traffic from minor streets to the major system streets including the principal entrance streets to residential development.
- (3) Comprehensive Plan. The general plan of the City adopted by the City including proposals for future land use, transportation and public facilities.
- (4) Cul-de-Sac Street. Minor street closed at one end with a turn-around provided for vehicles.

- (5) Division of Land less than a Subdivision. The division of land by the owner of subdivider resulting in the creations of two (2) parcels or building sites, any one of which is five (5) acres in size or less.
- (6) Double Frontage Plots. Lots having frontage on opposite property boundaries with public streets.
- (7) Frontage Street. A local treet auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (8) Half-Street. A street located on the boundary of a plat whose centerline meets the boundary at an angle of less than 30 degrees or whose required right-of-way width is reduced by that boundary.
- (9) Local Street. A street used, or intended to be used, primarily for access to abutting properties.
- (10) Preliminary Plat. Is a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.
- (11) Public Way. Any public road, street, highway, walkway, drainage way or part thereof.
- (12) Reverse Frontage Lots. Corner lots with no provisions for extra width to permit side yard to be the same as front yards on that side.
- (13) Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
- (14) Subdivision is a division of a lot, parcel or tract of land by the owner thereof or the owner’s agent for the purpose of sale or building development, where:
  - (a) The act of division creates 5 or more parcels or building sites of 1 ½ acres each or less is the area; or
  - (b) Five or more parcels or building sites of 1 ½ acres each or less in area are created by successive divisions within a period of (5) years.

Ord. 211  
amended  
Sec. 20.33(14)  
1/27/2003

**20.34 PENALTIES**

Any person violating any provisions of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code and other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than twenty dollars (\$20) nor more than two hundred dollars (\$200) and the cost of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and cost of prosecution, but not exceeding ninety (90) days for each violation. In addition to such penalty, the City Attorney is authorized to bring action to enjoin any violation and the Zoning Administrator is authorized to refuse to issue a zoning permit for construction on any premises contrary to this ordinance. Surveyors laying out a subdivision as defined in this ordinance without preparing the recordable plat shall be subject to the penalties provided above.

Appendix A

*City of Fennimore ~ Replat Procedure*

*Prepared: November 14, 1997*

- 1. Public hearing held by the Common Council within 60 days of receiving certified survey map*
- 2. Requires Class 1 Notice*
- 3. Notify affected property owners and property owners within 200 feet of the affected property*
- 4. City Council gives preliminary approval and refers to Plan Commission for recommendation*
- 5. Plan Commission reviews and makes recommendation to City Council*
- 6. City Council gives final approval of certified survey*
- 7. Mayor signs certificate on map*
- 8. Returns to surveyor/property owner for recording*

(Updated 7/30/2015)