

**CITY OF RICHLAND CENTER
AND EXTRATERRITORIAL ZONE (ETZ)**

ADOPTED THIS 7th DAY OF FEBRUAR, 2006

LAND DIVISION AND SUBDIVISON ORDINANCE

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CHAPTER 448

SUBDIVISION ORDINANCE FOR THE CITY OF RICHLAND CENTER

448.01 DEFINITIONS.

The following definitions shall be applicable in this Ordinance:

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

Arterial Street. A street, which provides for the movement of relatively heavy traffic to, from or within the City. It has a secondary function of providing access to abutting land. US Highway 14, _____ are classified as Arterial Streets.

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

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

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

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

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

Certified Survey Map. A map or plan of record of a land division, not a subdivision, meeting all the requirements of Sec. 236.34, Wis. Stats., the Richland County Land Division Ordinance, and this Ordinance.

Collector Street. A street, which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

Commission. The Plan Commission created by the City Council pursuant to Sec. 62.23 of the Wisconsin Statutes.

Comprehensive Development Plan. A total site plan for a contiguous area of land under the control of a developer(s) at the time of submission for review. Said plan specifies and illustrates the location, relationship and nature of all uses, easements, streets, pedestrian paths and common open space.

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

Division of Land/Land Division. Any action which creates a subdivision, plat, or certified survey, or which creates a new parcel or makes sub-standard an original parcel.

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

Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city and within three (3) miles of all other cities.

Final Plat. The final map, drawing or chart on which the land divider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.

Frontage Street. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development. Greenway. An open area of land included under the definition of "Park-way", the primary purpose of which is to carry storm water on the surface of the ground in lieu of an enclosed storm sewer. Greenways may serve the following multiple public purposes in addition to their principal use, including but not limited to, vehicular and/or pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basins, and park development.

Improvement. Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the City may ultimately assume the responsibility for maintenance and operation.

Joint Extraterritorial Zoning Board. Alternatively referred as the Joint Committee, shall consist of three citizen members of the Plan Commission and three town members of the Town of Richland.

Local Street. A street of little or no continuity designed to provide access to abutting property and leading into collector streets.

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

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

Lot. Corner. A lot abutting intersecting streets at their intersection.

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

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

Lot Lines. The peripheral boundaries of a lot as defined herein.

Lot Width. The width of a parcel of land measured along the front building setback line.

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

Master Plan. The plan, also called a comprehensive plan, adopted by the City Council pursuant to Section 62.23 of the Wisconsin Statutes, including proposals for future land use, transportation, development and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building setback line ordinances and capital improvement programs shall also be considered part of the master plan.

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

Official Map. The map indicating the location, width and/or extent of existing and proposed streets, highways, parkways, parks and playgrounds, as adopted by the Common Council pursuant to Sec. 62.23(6), Wis. Stats.

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

Parcel. Contiguous lands under the control of a land divider(s), not separated by streets, highways or railroad rights-of way.

Park Commission. The Parks & Recreation Board of the City.

Pedestrian Pathway. A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.

Plan Commission. The City of Richland Center Plan Commission.

Planned Unit Development A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering buildings, provision of common open space, and mixing of different housing types

Plat. The map, drawing or chart on which the land divider's plat of subdivision is presented to the City for approval.

Preliminary Plat. The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission/City for their consideration as to compliance with the Master Plan or Comprehensive Plan and these regulations along with required supporting data.

Recreational Easement. An easement to the City to place, replace, maintain or operate recreational facilities according to the rules and regulations of the City.

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

Reserve Strips. A narrow strip of land that is reserved to block streets and or utilities from being

developed on adjacent land.

Restrictive or Protective Covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Sanitary District Commission. A board established under Sec. 60.30 or Sec. 66.072, Wis. Stats.

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

Subdivider/Land Divider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a major subdivision, minor subdivision or replat.

Subdivision, Major. Any land division, which is not a "minor subdivision".

Subdivision, Minor. The division of land by the owner or land divider resulting in the creation of not more than four (4) parcels or building sites, except where the act of division creates five (5) or more parcels or building sites by successive division within a period of five (5) years, whether done by the original owner or by a successor owner

City. The City of Richland Center, Wisconsin.

County, Richland County, Wisconsin.

Wetlands. An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (Sec. 23.32 (1), Wis. Stats.)

Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Ordinance 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

448.02 INTRODUCTION

(1) **Authority.** The provisions of this ordinance are adopted under the authority granted by section 236.45 of the Wisconsin Statutes. Therefore, the City of Richland Center, Wisconsin does ordain as follows:

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

(3) **Intent.** It is the general intent of this ordinance to regulate the division of land so as to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the

overcrowding of and; to avoid undue concentration of populations; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this ordinance; to provide penalties for its violation and in general to facilitate enforcement of community development standards as set forth in the comprehensive plan, comprehensive plan components, zoning ordinance, building code and official map of the City of Richland Center.

(4) **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, or permits previously adopted or issued pursuant to laws. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

(5) **Interpretation.** In their interpretation and application, the provisions of this ordinance 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.

(6) **Severability.** This ordinance is intended and declared to be fully severable, and in the event that any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance not so adjudged shall remain in full force and effect and shall not be affected by such adjudication.

(7) **Effect of Conflict with Other Ordinances.** In the event that any provision of this ordinance is in conflict with any provision of any other ordinance, the provision which is the more restrictive or which imposes the higher standard shall be deemed controlling.

(8) **Title.** This ordinance shall be known as, referred to, and cited as the Subdivision and Land Use Ordinance of the City of Richland Center. It may be alternatively referred to herein as this Chapter.

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

448.03 GENERAL PROVISIONS

(1) **Territorial Jurisdiction.** Jurisdiction of the provisions of this ordinance shall include all lands within the corporate limits of the City of Richland Center as well as the unincorporated area within 1 ½ miles of the corporate limits as provided in section 236.10 and section 62.32 of the Wisconsin Statutes. The provisions of this ordinance as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:

(a) Transfers of Interest in land by will or pursuant to court order.

(b) Leases for a term not to exceed ten years, mortgages or easements.

(c) Sale or Exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by the provisions of this ordinance, the zoning ordinance, or other applicable laws or ordinances.

(2) **Compliance.** No person, firm or corporation shall divide any land located within the jurisdictional limits of the provisions of this ordinance which results in a subdivision, land division, or a replat as defined herein; no such subdivision, land division or replat shall be entitled to record; and no

street shall be laid out or improvements made to land without compliance with all requirements of this ordinance and;

(a) The provisions of chapter 236, and sec. 82.18, Wisconsin Statutes.

(b) The rules of the Dept. of Commerce contained in the Wisconsin Administrative Code for subdivisions not served by public sewer.

(c) The rules of the Division of Highways, Wisconsin Department of Transportation contained in the Wisconsin Administrative Code.

(d) The rules of the Wisconsin Department of Natural Resources contained in the Wisconsin Administrative Code for Flood Plain, Shorelands and Wetlands management.

(e) The duly approved master plan, the zoning ordinance, the official map and all other applicable ordinances of the City of Richland Center.

(f) Any applicable ordinances of Richland County and the Town of Richland.

(3) **Dedication and Reservation of Lands.**

(a) Whenever a tract of land to be subdivided embraces all or any part of any arterial street, drainageway or other public way which has been designated in the master plan or official map of the City of Richland Center, 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 448.07 of this ordinance.

(b) Whenever a proposed playground, park, school site or other public land other than streets or drainageways designated in the master plan, outdoor recreation plan or official map of the City of Richland Center is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider as specified in section 448.09 of this ordinance.

(4) **Improvements.**

(a) The subdivider shall, before the recording of the plat or certified survey map, enter into a contract with the City agreeing to install the required improvements and shall file with said contract a bond or letter of credit meeting the approval of the City Council or a certified check in an amount equal to the estimated cost of the improvements plus 25 % to cover inflation and other factors, said estimate to be approved by the City council after review and recommendation by the City Administrator or his designee, as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than two years from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. In addition:

1. Contractors and subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street right-of-ways shall be subject to the approval of the City Administrator and the Building Inspector.

2. Governmental units to which these bonds and contract provisions apply may file, in lieu of said contract and bond, a letter of credit from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

3. Survey monuments. Before final approval of any plat within the City, the subdivider shall install survey monuments placed in accordance with the requirements of chapter 236 of the Wisconsin Statutes and as may be required by the City Council.

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

(5) **Waivers and Modifications.** Where, in the judgment of the City Council, it would be inappropriate to apply literally the provisions of section 448.07, 448.08, or 448.09 of this ordinance, the City Council upon a review and recommendation from the Plan Commission may waive or modify any requirement to the extent deemed just and proper and shall provide reasons for justification. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this ordinance or the desirable general development of the community in accordance with the master plan of the City. A simple majority of the entire membership of the City Council shall be required to grant any modification of this ordinance.

(6) **Land Suitability.** No land shall be divided for residential use which is held unsuitable for such use by the City Council for reason of flooding, inadequate drainage, inadequate water supply, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. Limitations and additional requirements will be placed on development on slopes greater than 20 %. The City Council, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the sub/divider an opportunity to present evidence regarding such unsuitability if he/she so desires. Thereafter the Council may affirm, modify, or withdraw its determination or unsuitability.

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

(8) **Penalties.**

(a) Forfeiture. Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1000) and the costs of prosecution for each violation and in default of payment

of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.

(b) **Injunctive Relief.** In addition to imposition of a forfeiture, the City may bring suit for injunctive relief or for other remedy at law or in equity to prevent or abate a violation of a threatened or contemplated violation of this ordinance.

(c) **Remedies Not Exclusive.** The imposition of a forfeiture for any violation of this ordinance shall not be deemed to waive the right of the City to seek injunctive relief or for other remedy at law or in equity to prevent or abate a violation or a threatened or contemplated violation of this ordinance. Conversely, the bringing of suit for injunctive relief or for other remedy at law or in equity to prevent or abate a violation of a threatened or contemplated violation of this ordinance shall not be deemed a waiver of the City's right to seek a forfeiture for such violation.

(9) **Appeals.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal to the Zoning Board of Appeals, as provided in sections 236.13(5) and 62.23(7)(e) of the Wisconsin Statutes.

448.04 PROCEDURE

(1) **Pre-Application.** It is required that, prior to the filing of an application for the approval of a certified survey or preliminary plat, the subdivider consult with the City Plan Commission in order to obtain their recommendation. This consultation is intended to inform the subdivider of duly adopted ordinances, rules, regulations, and plans of the City and to otherwise assist the subdivider in planning the development. The subdivider shall also consult with the Extraterritorial Zoning Board for any subdivisions in the Extraterritorial Zone. Any subdivisions in the Extraterritorial Zone will require the Extraterritorial Zoning Board to make a recommendation on the preliminary plat review and preliminary plat approval process.

(2) **Preliminary Plat Review.**

(a) Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and submit a preliminary plat application in accordance with section 488.05 of this ordinance to the Plan Commission and the Extraterritorial Zoning Board for a recommendation. The subdivider shall file twenty (20) copies of the preliminary plat with the City Clerk. The Extraterritorial Zoning Board will only address sub/divisions in the Extraterritorial Zone.

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

(c) The City Clerk shall schedule a public hearing per State Statute (Class 2 Notice) before the City Plan Commission in conjunction with the Extraterritorial Zoning Board if in the Extraterritorial Zone and shall mail notices of the public hearing to the owners of all properties within 300 feet of all exterior boundaries of the proposed subdivision within the City limits or the Extraterritorial Zone.

(d) The City Plan Commission and the Extraterritorial Zoning Board in ETZ sub/divisions, are hereby designated as principal review for all conceptual and preliminary plats, and shall examine the preliminary plat for conformance with this ordinance and all ordinances, rules, regulations, master plans

and master plan components, which affect it. The City Plan Commission and the Extraterritorial Zoning Board shall submit its recommendation to the City Council.

(3) Preliminary Plat Approval.

(a) The City Council may schedule a public hearing (Class 2 notice) before the Council and shall instruct the Clerk to mail notices of the public hearing to the owners of all properties within 300 feet of all exterior boundaries of the proposed subdivision within the City limits or the Extraterritorial Zone.

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

(c) Failure of the City Council to act within ninety (90) days shall constitute an approval unless additional relevant data that has been requested has not been provided by the sub/divider.

(d) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within twelve (12) months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in section 236.11 (1)(b) of the Wisconsin Statutes, the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the City Plan Commission, the Extraterritorial Zoning Board and City Council at the time of its submission.

(4) Final Plat Review.

(a) The sub/divider shall prepare a final plat and submit a final plat application in accordance with section 488.06 of this ordinance. The sub/divider shall file twenty (20) copies of the final plat with the City Clerk.

(b) The City Clerk shall, within two (2) days after filing, transmit two (2) copies to each of the state agencies required to review the plat as specified in section 236.12 of the Wisconsin Statutes. The City Clerk shall also submit an adequate number of copies to the City Plan Commission, the City Council and the Extraterritorial Zoning Board.

(c) The Plan Commission and or the Extraterritorial Zoning Board in the Extraterritorial Zone may also schedule a public hearing at the time of the final plat review before the Commission or ETZ Board and shall mail notices of the public hearing to the owners of all properties within 300 feet of all exterior boundaries of the proposed subdivision within the City limits or the Extraterritorial Zone.

(d) The City Plan Commission and the Extraterritorial Zoning Board in ETZ sub/divisions are hereby designated as principal review and advisory commission for all final plats, and shall examine the final plat for conformance with the approved preliminary plat, any conditions of approval of the preliminary plat; this ordinance and all ordinances, rules, regulations, master plan, and master plan components which affect it. The City Plan Commission and the Extraterritorial Zoning Board shall submit its recommendation to the City Council.

(5) Final Plat Approval.

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

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

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

(6) Replat. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider, or person wishing to replat, shall then proceed as specified in paragraphs 448.03 (1) through (5).

(7) Certified Survey Maps.

(a) When it is proposed to divide land into less than five (5) parcels or building sites, the sub/divider may subdivide by use of a certified survey map in lieu of a plat. The sub/divider shall prepare a draft of the certified survey map and submit an application in accordance with section 488.07 of this ordinance and shall file six (6) copies of the draft of the certified survey map with the City Clerk.

(b) The City Clerk shall, within two (2) days after filing, transmit copies of the draft certified survey map to the City Administrator, the City Plan Commission, the Extraterritorial Zoning Board if in the Extraterritorial Zone and the City Council.

(c) The City Clerk shall also schedule a public hearing before the City Plan Commission and the Extraterritorial Zoning Board if in the Extraterritorial Zone and shall mail notices of the public hearing to the owners of all properties with 300 feet of the exterior boundaries of the proposed land division within the City limits or the Extraterritorial Zone.

(d) The City Plan Commission and the Extraterritorial Zoning Board if in the Extraterritorial Zone shall review the draft of the certified survey map for conformity with this ordinance and all other ordinances, rules, regulations, the master plan, and master plan components which affect it. The City Planning Commission and the Extraterritorial Zoning Board shall recommend approval, conditional approval or rejection of the Map, and shall transmit the Map along with its recommendations to the City Council.

(e) The City Council shall approve or reject the draft of the certified survey map within sixty (60) days from the date of filing of the map. Alternatively, the City Council may grant approval conditioned

upon the inclusion of specified changes into the final version of the certified survey map. If the draft map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the sub/divider. If the Map is approved or approved with specified changes, the City Council shall cause the appropriate City officers to so certify on the final version of the Map showing any changes required by the City Council.

(f) Recording - The sub/divider shall record the approved certified survey map with the Richland County Register of Deeds pursuant to section 236.34 of the Wisconsin Statutes, and shall transmit back to the City Administrator two (2) copies of the recorded map, showing recording data.

448.05 PRELIMINARY PLAT

(1) General.

(a) A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat legibly prepared at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- (1) Title under which the proposed subdivision is to be recorded.
- (2) Location of proposed subdivision by: Government lot, quarter section, township, range, country, and state.
- (3) Date, scale and north point.
- (4) Names and addresses of the owner, sub/divider, and land surveyor preparing the plat.

(b) The entire area contiguous to the proposed plat owned or controlled by the sub/divider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The City Council may waive this requirement where it is unnecessary to fulfill the purposes and intent of this ordinance and undue hardship would result from strict application thereof.

(2) Plat Data. The following data shall be shown on all preliminary plats:

(a) Total area of the land included in the plat expressed in acres and any portion of an acre in square feet.

(b) Proposed use.

(c) Exact length and bearing of the exterior boundaries of the proposed subdivision, referenced to a monumented corner established by the U.S. Public Land Survey and the total acreage encompassed thereby.

(d) Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of not more than five (5) feet where the slope of the ground surface is ten (10) percent or more. Elevations shall be marked on such contours based upon USGS datum.

(e) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to USGS datum.

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

(g) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.

(h) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all referred to USGS datum.

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

(j) 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 of being subdivided or immediately adjacent thereto.

(k) Location, width and names of all proposed streets and public right-of-ways such as alleys, pedestrianways and easements, except that the subdivider may choose to omit street names, in which case the City Council will name the streets.

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

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

(n) Approximate radii of all curves.

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

(p) Corporate limit lines.

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

(r) Any proposed lake, stream or drainageway improvement or relocation.

(3) **Street Plans and Profiles.** The City Plan Commission and the Extraterritorial Zoning Board shall require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All plans and profiles shall meet the approval of the City Council.

- (4) **Testing.** The City Plan Commission **and the Extraterritorial Zoning Board** if in the Extraterritorial Zone may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table.
- (5) **Covenants.** The Plan Commission, **the Extraterritorial Zoning Board** if in the Extraterritorial Zone and the City Council may require submission of a draft of any protective covenants whereby the sub/divider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.
- (6) **Property-Owners Association.** The City Council and or the City Plan Commission or the **Extraterritorial Zoning Board** may require submission of a drafter of any legal instruments and rules for proposed property-owners associations where the sub/divider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners.
- (7) **Surveyor's Affidavit.** The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this ordinance.

448.06 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 section 236.20 of the Wisconsin Statutes.
- (2) **Partial Platting.** The final plat may, if permitted by the City Council, constitute only that portion of the approved preliminary plat, which the subdivider proposes to record at the time.
- (3) **Submission of Final Plat.** If the final plat is not submitted with six (6) months of the last required approval of the preliminary plat, the City Council may refuse to approve the final plat.
- (4) **Plat Data.** The plat shall show correctly on its face, in addition to the information required by section 236.20 of the Wisconsin Statutes, the following:
- (a) Exact length and bearing of a right-of-way lines of all streets.
 - (b) Exact street width along the line of any obliquely intersecting street.
 - (c) Exact location and description of street lighting and lighting utility easements.
 - (d) Railroad right-of-ways within and abutting the plat.
 - (e) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
 - (f) Special restrictions required by the City Council relating to access control along public ways or to the provision of planting strips and screening.
- (5) **Deed Restrictions.** The City Council shall require that all deed restrictions and covenants be filed with the final plat.

- (6) **Property-Owners Association.** The City Council shall require the legal instruments creating a property-owners association for the ownership and/or maintenance of common lands be filed with the final plat.
- (7) **Surveying and Monumenting.** All final plats shall meet all the surveying and monumenting requirements of section 236.15 of the Wisconsin Statutes.
- (8) **Plat Certification.** All final plats shall provide all the certificates required by section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this ordinance.

448.07 CERTIFIED SURVEY MAPS

- (1) **General.** A certified survey map prepared by a registered land surveyor shall be required for all land divisions. It shall comply in all respects with the requirements of section 236.34 of the Wisconsin Statutes.
- (2) **Certified Survey Map Data.** The certified survey map shall show correctly on its face, in addition to the information required by section 236.34 of the Wisconsin Statutes, the following:
- (a) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
 - (b) Existing zoning on and adjacent to the proposed land division.
 - (c) All lands reserved for future acquisition.
 - (d) Date of the map.
 - (e) Graphic scale.
 - (f) Name and address of the owner, subdivider, and the surveyor.
- (3) **Certificates.** The surveyor shall certify on the face of the map that the land division fully complies with all the provisions of this ordinance. The City council, after recommendation by the reviewing agencies, may if it approves the certified survey map, certify its approval on the face of the map.

448.08 DESIGN STANDARDS

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

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

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

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

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

(f) Street names shall not duplicate or be similar to existing street names, and existing street names shall be continued wherever possible, except that the City may demand a different name if the continuation is likely to cause confusion.

(2) **Limited Access Highway and Railroad Right-of-Way Treatment.** Whenever the proposed subdivision or land division contains or is adjacent to a limited access highway, the design shall provide the following treatment:

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

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

(3) **Street Design Standards.**

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

<u>Type of Street</u>	<u>R.O.W. Width To Be Dedicated</u>	<u>Pavement Width (Face of Curb to Face of Curb)</u>
Collector Streets	66 feet	40 feet
Minor Streets	60 feet	36 feet
Alleys	20 feet	20 feet
Pedestrian Ways	10 feet	5 feet

(b) Cul-de-sac streets designed to have one end permanently closed shall not exceed five hundred (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 sixty (60) feet and a minimum inside curb radius of forty-five (45) feet.

(c) Temporary dead-ends or cul-de-sacs: All temporary dead ends shall have a maximum length of 800 feet and a temporary cul-de-sac having a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of forty-five (45) feet.

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

<u>Type of Street</u>	<u>Maximum Grade</u>
Collector Streets	Six (6) percent
Minor Streets, and Alleys	Ten (10) percent
Pedestrian Ways	Twelve (12) percent unless steps of acceptable design are provided

(e) The grade of any street shall in no case exceed twelve (12) percent or be less than one-half of one (0.5) percent.

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

(g) radii of curvature: When a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following: Collector Streets – 300 feet, Minor Streets – 100 feet.

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

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

(j) If a sub/division remains in the township (ETZ), the township road regulations may apply if not in conflict with City long range plans and policies.

(4) Street Intersections.

(a) Streets shall intersect with each other at as nearly right angles as topography and other limiting factors of good design permit.

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

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

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

(e) Minor streets shall not necessarily continue across arterial or collector streets. However, if the centerlines of such minor streets approach the major streets from opposite sides within one hundred fifty (150) feet of each other, measured along the centerline of the arterial or collector street, then the location of the minor street shall be so adjusted that the minor street continues on a straight line through the intersection, thereby avoiding a jog in the minor street.

(5) Blocks.

(a) The widths, lengths, and shapes of blocks shall be suited to: the platted use of the land; zoning requirements; the need for convenient access, control, and safety of street traffic; and the limitations and opportunities of topography taking into consideration elevation and water regulations.

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

(c) Block Width: Blocks generally should have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

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

(6) Lots.

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

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

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

(d) Access: Every lot shall front or abut on a public street as required by Chapters 400 through 411, the Richland Center Zoning Ordinance.

(e) Area and dimensions of lots shall conform to the requirements of the City of Richland Center Zoning Ordinance. Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned so as to allow resubdivision of any such parcels into normal lots in accordance with the

provisions of this ordinance, the City of Richland Center Zoning Ordinance and the Extraterritorial Zoning Ordinance.

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

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

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

(7) Utility Easements.

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

(8) Drainage Easements.

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

(b) The City will identify and define the watershed area of drainage exiting a subdivision project and require adequate storm drainage for the area.

(c) Cost of upgrading or developing exit drainage may be assessed by the City upon all properties in the defined watershed area.

(d) Exit drainage storm water systems serving watershed areas shall be completed prior to issuance of building permits.

(e) Any curb, gutter, sidewalks and one layer of asphalt in streets shall be completed prior to issuance of building permits.

(f) Driveways and exits shall be designed in the plan and approved by the City prior to issuance of building permits, or the proposed locations will be submitted as part of the Plat.

(g) When reasonable, the City may require the drainage for an area to include retention ponds, rain gardens, and adequate tree canopy for designed unoccupied space. These design details are subject to review and approval by the City Council.

(9) **Public Sites and Open Spaces.** In the design of the plat or certified survey map, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes if designated on the master plan, master plan component, or official map, such areas shall be made a part of the plat as stipulated in section 448.09 of this ordinance. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

(10) **Planned Unit Developments.** The requirements and standards of paragraphs 448.08 (1) through (9) of this ordinance may be modified by the City Council and **the Extraterritorial Zoning Board** for planned unit developments providing such proposed developments are zoned for or have all required City or **Extraterritorial** permits for the Planned unit development, and shall not conflict with other laws or requirements or with the purpose or intent of this ordinance, and is approved by the City Council. In addition, continued provision, maintenance, and use of open space, recreation areas, services, and amenities shall be assured in a manner acceptable to the City Council **and the Extraterritorial Zoning Board.**

448.09 REQUIRED IMPROVEMENTS

(1) **Survey Monuments.** The subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes.

(2) **Grading.** After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the City Council, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance the City's standard specifications according to a plan approved by the City Administrator or his designee. The subdivider shall grade the roadbeds in the street right-of-ways to subgrade.

(3) **Roadway Surfacing.** After the installation of all utility and stormwater drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by the provisions of this ordinance. Said surfacing shall be done in accordance with plans and standard specifications **approved by the appropriate governing body.**

(4) **Curb and Gutter.** The subdivider shall construct concrete curbs and gutters on all streets in accordance with plans and specifications approved by the City Administrator or his designee. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts. The City Council **and the Extraterritorial Zoning Board** in the Extraterritorial Zone may approve alternate plans for drainage not requiring curb and gutter for all or part of the subdivision.

(5) **Sidewalks.** The subdivider shall construct a concrete sidewalk on both sides of all collector streets and minor streets within residential subdivisions and land divisions in accordance with plans and specifications approved by the City Administrator or his designee. The City Council and the **Extraterritorial Zoning Board** in the Extraterritorial Zone may waive the construction of sidewalks on one or both sides of minor streets that serve subdivisions and land divisions with a gross density of less than four (4) dwelling units per acre.

(6) **Public Sanitary Sewerage and Private Sewage Disposal Systems.**

(a) The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. The size, type, and installation of all

sanitary sewers proposed to be constructed and operated shall be in accordance with plans and specifications approved by the City Utility Manager.

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

(7) Stormwater Drainage Facilities.

(a) The subdivider shall construct stormwater drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate the 25-year storm. Storm drainage facilities shall be so designated as to present no hazard to life or property; and the size, type, and installation of all storm/water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the City Administrator/Utility Manager or his designee and by the City Council.

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

(8) Public Water Supply Facilities.

(a) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. The size, (minimum pipe size of 8 inch and whenever reasonably possible, watermains shall be looped) type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the City Utility Manager or his designee.

(b) If the City determines that oversized watermains will be required to adequately service the proposed subdivision and future adjacent subdivisions, it may require such oversizing, and the additional cost of mains and all related apputenances will be negotiated with the developer under a development agreement . The developer can reserve the right to recovery of costs through a tap-on fee. The Utility may also apply a connection fee per household.

(c) The working pressure under normal operating conditions in the distribution system shall not be less than 35 psi or greater than 100 psi as measured either at the water meter or at the ground level. The system shall be designed so that under fire flow conditions, the residual pressure in the distribution system is not less than 20 psi at the ground level.

(d) All water main extension shall be approved by the City Engineer and City Utility Manager. New, annexed or re-subdivided subdivisions shall be required to tie into the existing city water supply system, except as provided in (e). All water mains shall be extended to the subdivision property limits and/or be in conformance with the adopted Water Supply Plan.

(e) Individual wells shall not be permitted, except in the Extraterritorial Zoning Districts and in extreme instances within the City where expressly recommended by the City Engineer, City Utility Manager and approved by the City Council. Individual wells shall not be allowed in Well Head Protection Zones. In such authorized instances, if a connection to a public water main will be provided eventually, as determined by the Plan Commission, the subdivider shall make arrangements for future

public water supply service as negotiated under a Development Agreement

(f) The City Engineer and City Utility Manager shall jointly adopt and maintain a compendium of water supply specifications establishing required types of material, corrosion treatment, capacity, sizing, spacing, and methods, and shall conform to the applicable minimum standards established in the Recommended Standards for Water Works by the Great Lakes Upper Mississippi River Board of State Public Health and Environmental Manage.

(9) Other Utilities.

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

(b) Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be filed with and approved by the City Administrator / Utility Manager or his designee.

(10) Street Lamps. The subdivider shall install street lamps (UL approved covered down lighting) along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and cul du sacs and at such interior block spacing as may be required by the City Administrator / Utility Manager or his designee.

(11) Street Trees. The subdivider shall plat at least one (1) tree of a species approved by the City Tree Board of at least six (6) feet in height for each fifty (50) feet of frontage on all streets proposed to be dedicated. The required trees shall be planted in accordance with plans and specifications of the Tree Ordinance.

(a) Species prohibited by the Tree Ordinance of the City may not be planted in a new subdivision. New additions to the Tree Ordinance shall not be in force for plants established by the subdivider as part of the subdivision preparation, prior to a specie's addition as prohibited. All prohibited species existing in a subdivision shall be removed during preparation of the subdivision.

(b) Trees and shrubbery shall not be planted within three (3) feet of a lot line, or within three (3) feet of utility easements, and trees planted along the front lot line shall be a minimum of six feet (6) or more from front lot line.

(c) Subdivision developer shall provide a copy of the City's landscaping covenants to the lot purchaser.

(d) Lot line fencing and interior fencing in excess of six feet (6) is prohibited.

(e) The developer shall include sufficient and legal recognition of these covenants.

(12) Street Name Signs and Posts. Shall be provided by the Developer but will be installed by the City or the Township at all street intersections.

(13) Hillside Protection. No land division for residential, commercial or industrial purposes shall be approved which would result in, or authorize a use of disturbance of the land, including construction of private roads and driveways, on hillsides with slope of twenty percent (20%) or more, unless the land divider has submitted and the City has approved, construction plans and specifications, including an

erosion control plan, demonstrating that the proposal meets the City's approval. For purposes of this section, twenty percent (20%) means a vertical elevation differential of ten feet (10) in fifty horizontal feet (50), the horizontal distance being measured perpendicular to the slope.

448.10 PARK AND PUBLIC LAND DEDICATIONS

(1) **General.** In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, recreation areas and public schools may be equitably apportioned on the basis of additional need created by the development, each subdivider shall be required to dedicate land or fees-in-lieu of land for park or other public uses.

(2) **Land Dedication.** All subdividers shall be required to dedicate land to the City for park, school, or other public uses, other than streets or drainageways, at a rate of .04 acres (1742 square feet) per dwelling unit. Whenever a proposed playground, park, or other public area, other than streets or drainageways, designated in the master plan, comprehensive outdoor recreation plan, or official map of the City of Richland Center is embraced, all or in part, in the tract of land to be divided, these lands shall be made part of the required land dedication.

(a) Unknown Number of Dwelling Units: Where the plat does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the zoning ordinance.

(b) Lands Deeded or Dedicated to the City: Land dedicated for public purposes shall be deeded or dedicated to the City at the time the final plat is approved.

(c) Access to Dedicated Land: All dedicated land shall have frontage on a public street and shall have unrestricted public access.

(d) Utility Extensions: The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land.

(e) Final Grading and Seeding: The subdivider shall provide final grading and reseeding to grass for all dedicated park land.

(3) **Reservation of Additional Land.** When public parks and sites for other public areas as shown on the master plan, master plan component or official map lie within the proposed area for development and are greater in area than required by section 448.09 (2) above, the owner shall reserve for acquisition by the City, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year from final plat approval unless extended by mutual agreement.

(4) Fees-in-Lieu of Land Dedications.

(a) Where the dedication of land under the above provision 448.10 (2) would result in lands which would not be useful or appropriate to the City as determined by the City Council, the City Council may set by resolution to the owner some other equitable means for making a dedication or a cash payment to the City in lieu thereof.

(b) Where a fee is required to be paid in lieu of land dedication, the amount of such fee shall be equal to the fair market value of the amount of land which would otherwise be required to be dedicated. The determination of "fair market value" shall be in accordance with the following method:

1. The fair market value as determined by the City Council based upon current full value assessment as of the time of the filing of the final plat or certified survey map;

2. If the subdivider objects to such amount of evaluation he may, at his own expense, obtain an appraisal of the property by a qualified real estate appraiser approved by the City, which appraisal may be accepted by the City Council if found reasonable; or

3. The City and the subdivider may mutually agree upon a fair market value.

(c) Fees paid to the City under this requirement shall be used exclusively for the acquisition and/or development of public park and recreation facilities within the City of Richland Center.

(5) Dedications for Planned Unit Developments.

(a) All developers of projects in planned unit development Districts shall be required to dedicate land to the City for park, school, or other public uses, other than streets or drainageways, at the rate of 0.04 acre (1742 square feet) per dwelling unit. Whenever a proposed playground, park or other public area, other than streets and drainageways, designated in the master plan, or outdoor recreation plan is embraced all or in part in the tract of land to be developed, these lands shall be made part of the required land dedication. Private recreation or open space available only to residents of a proposed subdivision or PUD may not be considered a substitute for the dedication of public parkland.

(b) The City Council may reserve additional land or accept fees-in-lieu-of-land as provided in section 448.09 (3) and 448.09 (4) of this ordinance.

(6) Dedications Outside the City. Outside the corporate limits of the City, but within the extraterritorial plat approval jurisdiction of the City, land or fees-in-lieu-of-land shall be provided as required by the Richland County subdivision ordinance and applicable town ordinances; proposed subdivisions and land divisions within the extraterritorial plat approval jurisdiction shall be required to have reasonable access to public parks and recreation areas.

448.11 CONSTRUCTION

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

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

(3) Plans.

(a) The following plans and accompanying construction specifications shall be required by the City Council before authorization of construction or installation of improvements:

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

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

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

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

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

6. Planting plans showing locations, age, caliper, and species of any required grasses, vines, shrubs, and trees.

7. Additional special plans or information as required by the City of Richland Center.

(4) Construction Site Erosion Control.

(a) The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications approved by the City Administrator / Utility Manager or his designee. In addition:

1. Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.

2. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.

3. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.

4. Sediment basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

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

(6) Inspection. The subdivider, prior to commencing any work within the subdivision or land division, shall make arrangements with the City Administrator / Utility Manager or his designee to provide for adequate inspection. The City shall approve all completed work prior to release of sureties.

Adopted this ____ day of January 2006

Signature on File
Mayor Rita Kidd

Attest:

Signature on File
Jude Elliott, City Clerk / Treasurer