

## Chapter 18 – SUBDIVISION AND PLATTING

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#### **18.01 (PURPOSE)**

The purpose of this Chapter is to promote the public health, safety, convenience and general welfare. The regulations are designed to lessen congestion in the streets; to foster the orderly layout and use of land; to insure safety from fire, panic and other dangers; to discourage any platting of land subject to flooding; to provide optimum light and air; to discourage overcrowding of the land; to lessen concentration of population; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with reasonable consideration of, but not limited to, the present character of the city and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry and providing for the most appropriate use of land in the City.

#### **18.02 (AUTHORITY)**

This Chapter is adopted pursuant to Sec. 236.45, Wis. Stats., which permits the adoption of regulations more restrictive than those contained in Chapter 236, Wis. Stats.

#### **18.03 (DEFINITIONS)**

(1) BUTT LOT. The lot the rear line of which abuts the side lot line of another lot or lots in the same block but not separated by an open space.

(2) CERTIFIED SURVEY MAP. A map intending to create not more than four (4) parcels of land as provided in Sec. 236.34, Wis. Stats. Certified survey maps shall, in addition to the provisions of Sec. 236.34, bear a certificate of approval of the City Council, certified by the City Clerk.

(3) DIVISION OF LAND. Any splitting up of a recorded tract of land, except as provided in Sec. 18.04(4).

(4) FINAL PLAT. A map of a subdivision with all necessary text, certificates, and affidavits to qualify it for recording in the office of the Register of Deeds.

(5) LOT WIDTH. The width of a lot measured at the setback line.

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

(7) PLAN COMMISSION. The City Plan Commission established in conformity with Sec. 62.23, Wis. Stats.

(8) PRELIMINARY PLAT. A map or sketch of a proposed subdivision or division of land.

(9) STREET. A public right-of-way for rubber-tired vehicular traffic.

(a) Major Thoroughfare. A thorough street with few stops except for signalized intersections and designed to handle large volumes of relatively high-speed traffic.

- (b) Collector-Distributor Street. A street which carries traffic from local streets to the system of major thoroughfares. These streets handle somewhat smaller amounts of traffic, moving at slower speeds.
- (c) Local Street. A street which is used primarily for access to abutting properties.
- (d) Marginal Access Street. A street which is parallel to and adjacent to major thoroughfares and which provides access to abutting properties and protection from traffic on the major street.
- (e) Alley. A public right-of-way which provides secondary access to abutting properties.
- (f) Pedestrian Pathway. A public right-of-way which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (g) 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 or part of the public.

(10) SUBDIVISION. As defined in Sec. 236.02(8), Wis. Stats.

(11) TENTATIVE APPROVAL. An approval with or without recommended alterations given to the preliminary plat by the Plan Commission. It shall constitute the necessary authority to proceed with the preparation and presentation of the final plat or certified survey map for the consideration of the City Council.

#### **18.04 (JURISDICTION AND APPROVAL)**

(1) No land within the corporate limits of the City or within the extraterritorial plat approval jurisdiction shall, after the adoption of this Chapter, be divided by a subdivision plat or certified survey map, nor may such document be entitled to be recorded in the office of the Register of Deeds, nor may any street be laid out, nor may any improvements be made to the land, until the provisions of this Chapter and Chapter 236, Wis. Stats., are met and the plat or certified survey map and the plan or plans of the subdivision shall have been approved by the Plan Commission and the City Council and certified thereto by the City Clerk.

(2) Any division of land, other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats.

(3) No building permit shall be issued by the city authorizing the building on or improvement of any parcel of land not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been met.

(4) The provisions of this Chapter shall not apply to:

- (a) Transfer of interest in land by will or pursuant to court order.
- (b) Leases for a term of not exceeding ten (10) years, mortgages, or easements.
- (c) Sale or exchange of parcels of land between owners of adjoining property, if additional lots are not created thereby and if the resulting lots are not reduced below the minimum sizes required by Chapter 236, Wis. Stats., or any other ordinance of the City.

#### **18.05 (PROCEDURE)**

Any owner of land (or his agent) who wishes to divide such land shall comply with the general principles of design and minimum layout requirements as set forth in Sec. 18.08 and the procedure shall in every case be as follows:

(1) PRE-APPLICATION CONFERENCE. The owner of the land which is located within the city (or his agent) shall first submit to the Plan Commission or its representative such information as may be required by the Plan Commission to describe or outline the existing conditions of the site and the proposed development thereof.

(2) PRELIMINARY PLAT OR CERTIFIED SURVEY MAP.

- (a) Before submitting the final plat or certified survey map for approval, the owner shall prepare a preliminary plat or map which shall conform to the provisions set forth in Sec. 18.08 and 18.09, and shall file with the City Clerk an application in writing for the tentative approval of said plat or map, accompanied by such copies as shall be required by the City Clerk to comply with Chapter 236, Wis. Stats. A review charge of \$100.00 for premises lying within the boundaries of the City of Prairie du Chien and \$25.00 for premises within the extra-territorial jurisdiction of the City of Prairie du Chien, shall be charged for review of plats or certified survey maps required hereunder.<sup>1</sup>

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<sup>1</sup> Chapter 18.05 (2) (a) - Amended by Ordinance 2004-10

(b) The preliminary plat or map shall be checked and reviewed as to its conformity to the Official Map and the principal standards and requirements set forth in this Chapter, and copies of plats shall be referred for review and recommendations to the Director of the planning function in the Department of Resource Development, as required by Sec. 236.12, Wis. Stats.

(c) After review of the preliminary plat or map and conferences with the owner on any changes deemed advisable and the kind and extent of public improvements which will be required, the Plan Commission shall, within twenty (20) days of submission, approve, conditionally approve or reject the plat or map.

(d) If the Plan Commission rejects the plat or map, it shall return it to the owner. If it approves or conditionally approves the plat or map, it shall so notify the City Council.

(e) If the Plan Commission approves the preliminary plat, the City Council shall, within forty (40) days of the date the plat was filed with the City Clerk, approve conditionally or reject such plat and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement by the subdivider. Failure of the City Council to act within forty (40) days or extension thereof shall constitute an approval of the preliminary plat. The Clerk shall communicate to the owner the action of the Council. If the plat or map is approved, the Clerk shall endorse it for the Council.

(f) Upon filing the preliminary plat or map with the city, the owner shall pay a fee of One Dollar (\$1.00).

(3) PUBLIC IMPROVEMENTS, PLANS AND SPECIFICATIONS. Simultaneously with the filing of the preliminary plat or map, the owner shall file with the City Clerk five (5) complete sets of preliminary plans and specifications for the construction of any public improvements required by Sec. 18.09.

(4) FINAL PLAT OR CERTIFIED SURVEY MAP.

(a) Simultaneously with the filing of the final plat or map, the owner shall file with the City Clerk four (4) copies of the final plans and specifications for public-improvements required by Sec. 18.09. If the plat has not been certified by the State agencies under Sec. 236.12(6), Wis. Stats., then copies as required by Sec. 236.12(2), Wis. Stats., shall also be provided.

(b) The City Clerk shall forward the plat or map and plans and specifications of public improvements to the Plan Commission. He shall forward copies of the plat to the Director of the planning function in the Department of Resource Development, as provided by Sec. 236.12(2), Wis. Stats.

(c) The Plan Commission shall refer the final plat or map and final plans and specifications for public improvements to the City Engineer for review.

(d) The City Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify in writing to the Plan Commission.

(e) If the plat or map or the plans and specifications are not satisfactory, the City Engineer shall return them to the owner and so advise the Plan Commission.

(f) If the plat or map and the plans and specifications of public improvements are satisfactory to the Plan Commission, it shall so certify in writing to the City Council; if they are not satisfactory to the Commission, they shall be rejected in writing and returned to the owner.

(g) When the City Council receives the approved plat or map and plans and specifications from the Plan Commission, it shall signify its action by motion or resolution; if rejected, the Clerk shall so notify the owner in writing; if approved, the Clerk shall endorse the plat or map as required by Chapter 236, Wis. Stats., and return it to the owner for recording.

(h) The approval of the final plat or map by the City Council shall constitute acceptance of the dedication of any public street, open space or other public areas shown thereon.

(i) If the final plat conforms substantially to the layout shown in the preliminary plat as approved, including any conditions of that approval, it shall be approved by the City Council. If the final plat is not submitted within six (6) months of the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat. If recommended by the Plan Commission, and if permitted by the City Council, the final plat may constitute only that portion of the approved preliminary plat which the owner proposes to record at that time.

**18.06 (CONSTRUCTION OF PUBLIC IMPROVEMENTS)**

(1) Upon notification by the City Clerk that the preliminary plat or certified survey map has been approved by the City Council, the owner shall construct and install the required public improvements at his expense without cost to the City.

(2) In lieu of (1) above, the owner may post, with the City, cash, negotiable securities or a surety bond running to the City, in value sufficient to cover the full estimated cost as certified to by the City Engineer to assure the

satisfactory installation of said improvements within two (2) years, as outlined in Sec. 18.09 of this Chapter and contained in the plans and specifications. Said survey bond shall be approved by the Mayor and City Council.

#### **18.07 (TECHNICAL DETAILS)**

(1) A preliminary plat (or certified survey map) shall be a legible print made from a drawing that shows correctly the following:

- (a) Date, scale and North point.
- (b) Proposed name of the subdivision, if a plat.
- (c) Name and post office address of owner or his agent.
- (d) Small drawing showing the location of the land to be divided.
- (e) Location and names of adjoining subdivisions and the owners of undivided lands.
- (f) Present zoning of land to be divided and adjoining lands.
- (g) Location, width and names of all existing and platted streets, alleys or other public ways and easements; railroad and public utility rights-of-way; parks, cemeteries, water courses, drainage ditches, permanent buildings, bridges and other pertinent data as required by the Plan Commission, within three hundred (300) feet of the proposed division of land or of property owned or controlled by the owner.
- (h) Water elevations of adjoining lakes or streams at the date of survey and the approximate high and low water levels thereof. All elevations shall be referred to City datum.
- (i) Layout, width and approximate grades of all streets and rights-of-way such as alleys, highways, easements for sewers, water mains and other public utilities.
- (j) Direction and distance to nearest water mains and sewer mains.
- (k) Approximate dimensions of and areas of all lots and parcels.
- (l) Proposed building setback lines, if different from those required by the City Zoning Code.
- (m) Contour lines at an interval of not more than 2 1/2 feet, with reference to City datum.

(2) CONSTRUCTION PLANS. As required by Secs. 18.08 and 18.09, the owner shall furnish with the preliminary plat or map necessary construction plans of public improvements. If the owner so chooses, he may obtain approval of a preliminary plat as to layout only. If only a portion of the preliminary plat is to be improved and submitted for final approval, construction plans and specifications need be prepared for only such portion. However, the design of public improvements shall be based on the needs of the whole area and such additional area as in the judgment of the Plan Commission is necessary.

(3) FINAL PLAT. A final plat of a subdivision shall comply in all respects with the requirements of Chapter 236, Wis. Stats.

(4) FINAL CERTIFIED SURVEY MAP. A final certified survey map of a division of land not requiring a plat shall comply in all respects to the requirements of Sec. 236.34, Wis. Stats.

#### **18.08 (DESIGN OF SUBDIVISIONS)**

(1) GENERAL. In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable ordinances of the city. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply.

(2) PUBLIC PARKS AND SITES FOR OTHER PUBLIC AREAS.

(a) Suitable sites for public areas such as, but not limited to, parks, recreational areas, parkways, public building areas or other public uses, but excluding schools, shall be provided in one or more of the following manners.

1. Dedication of eight percent (8%) of the total area of the subdivision.
2. Transfer of ownership by deed to the City of the areas of land equivalent to the requirements of paragraph 1 above.
3. Where the dedication of land under paragraphs 1 or 2 above would result in lands which would not be useful to the City, the Plan Commission may stipulate to the owner some other equitable means for making a dedication or a cash payment to the city in lieu thereof.

(b) When public parks and sites for other public areas, as shown on the Official Map, lie within the area proposed for development and are greater in area than required by (a) (1) 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.

(3) STREETS.

(a) Streets shall be provided for convenient access to all parcels of land to be created by the subdivision. All streets shall be dedicated to the public unless in areas outside the corporate limits the town board will permit private streets. Design of private streets shall be in full conformity with this Chapter.

(b) The layout of streets shall conform to the Official Map.

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

(d) Street Classification. Streets shall be classified as indicated below. Physical dimensions of streets shall conform to the established "Street Standards" which are appended to this Chapter.

1. Major Thoroughfares. Streets which have the greatest importance to the development of the City and which are shown on the Official Map or as designated in Sec. 18.08. In lieu of building pavements to standards required for this class of street, the owner shall pay the City a sum of money equal to the cost of improving the street to standards established in paragraph 3 for Local Streets.

2. Collector-Distributor Streets. Shall have a right-of-way width as established on the Official Map, or have a right-of-way width as established on the Official Map, or as designated in Sec. 18.08. In lieu of building pavements to standards required for this class of street, the owner shall pay to the city a sum of money equal to the cost of improving the street to standards established in paragraph 3 for Local Streets.

3. Local Streets. Shall have a right-of-way width of not less than sixty (60) feet, except for short dead-end streets which may be fifty (50) feet wide. They shall be provided with one (1) thirty-six (36) foot wide pavement. The pavement shall consist of seven (7) inch waterbound crushed stone or gravel base course with a two and one-half (2 ½ ) high hot-mix bituminous wearing surface or a six and one-quarter (6 ¼) inch Portland cement concrete pavement.

4. Marginal Access Streets. (As defined in Sec. 18.03) may not be less than fifty (50) feet wide.

(e) Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect.

(f) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Plan Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Deadend streets not over five hundred (500) feet in length will be approved when necessitated by the topography.

(g) Grades. The grade of major thoroughfares and collector distributor streets shall not exceed six percent (6%) unless necessitated by exceptional topography and approved by the Plan Commission. Grades of local streets shall not exceed ten percent (10%). The minimum grade of all streets shall be 0.3%.

(h) Horizontal Curves. A minimum sight distance with clear visibility measured along the centerline, shall be provided of at least five hundred (500) feet on major thoroughfares, two hundred (200) feet on collector distributor streets, and one hundred twenty (120) feet on all other streets.

(i) Vertical Curves. All changes in street grades shall be connected by vertical curves of a minimum length equivalent to thirty (30) times the algebraic difference in the rate of grade for major thoroughfares, and twenty (20) times this algebraic difference for all other streets.

(j) Tangents. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves and between curves and a street intersection on major thoroughfares and collector distributor streets.

(k) Street Names. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets.

(l) Reserve Strips. Reserve strips controlling access to streets shall be encouraged where their control is definitely placed in the city under conditions approved by the Plan Commission.

(m) Half Streets. Where a half street is adjacent to the subdivision, the other half street shall be dedicated by the subdivider.

(n) Intersections.

1. Property lines at street intersections of major thoroughfares shall be rounded with a radius of twenty-five (25) feet or of a greater radius where the Plan Commission considers it necessary.

2. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

(o) Alleys.

1. Alleys shall be provided in all commercial and industrial districts, except that the Plan Commission may waive this requirement where other definite and assured provisions are made for service access, such as off street loading and parking, consistent with and adequate for the uses proposed. No alley shall connect with a major thoroughfare.
2. Width of alleys shall be not less than twenty (20) feet.
3. Deadend alleys are prohibited.
4. Block and Lot Layout.
  - a. The length, width and shape of blocks shall be such as are appropriate to the locality and the type of development contemplated, but block length in residential areas shall not exceed fifteen hundred (1500) feet nor have less than sufficient width to provide for two tiers of appropriate depth between street lines. As a general rule, blocks shall not be less than six hundred (600) feet in length.
  - b. Pedestrian crosswalks not less than ten (10) feet wide may be required by the Plan Commission through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
  - c. Lots, General Conditions.
    1. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development contemplated, provided that no residential lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the city's Zoning Code and Map.
    2. Lot dimensions shall conform to the requirements of the Zoning Code, but in no case shall have a frontage of less than sixty (60) feet at the building line, or a depth of less than one hundred (100) feet.
    3. Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off street service and parking facilities required by the type of use and development contemplated, as required by the Zoning Code.
    4. Residential lots, fronting on major streets and highways, shall be platted with extra depth or designed to alleviate the effect of major street traffic on residential occupancy.
  - d. Corner lots for residential use shall have extra width to permit full building setback from both streets, as required by the Zoning Code.
  - f. Every lot shall abut or face a public street. Lots outside the corporate limits may abut or face a private street if permitted by the town board.
  - g. Butt lots will be permitted by the Plan Commission only in exceptional cases.
  - h. Side lot lines shall be substantially at right angles to or radial to abutting street lines.
  - i. In case a tract is divided into parcels of more than one and one-half (1 1/2) acres in area, such parcels shall be so arranged to permit redividing into parcels in accordance with this Chapter and the Zoning code.
  - j. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
5. Easements.
  - a. Utility easements shall be provided at the rear of all residential lots and along the side lot lines where required. Such utility easements shall be at least twelve (12) feet wide and normally centered upon the rear or side lot line. Evidence shall be furnished the Plan Commission that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.
  - b. Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
    1. There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course and such further width or construction or both as will be adequate for the purpose and as may be necessary to comply with this section; or
    2. The water course, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated water course, and such further width or

construction or both as will be adequate for the purpose and may be necessary to comply with this section.

3. Wherever piping is not possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. In all cases, such water course shall be of a minimum width established at the high water mark, or in the absence of such specification, not less than thirty (30) feet.

#### **18.09 (DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS)**

(1) IMPROVEMENTS COMPLETED. All improvements required under this Chapter shall be constructed by the subdivider at his expense in accordance with its provisions prior to filing the final plat with the City Clerk for approval by the City Council in lieu of construction of the public improvements, the owner may furnish a surety bond as provided in Sec. 18.06.

(2) GUARANTEE OF MATERIALS AND WORKMANSHIP. The owner shall provide a surety bond running to the City for a period of one (1) year after completion of construction, in the amount of twenty percent (20%) of the cost of the improvements to guarantee workmanship and materials of construction and to save the city harmless from the cost to repair or replace the improvements.

#### **(3) PROCEDURE.**

(a) Simultaneously with the filing of the preliminary plat with the City Clerk, or as soon thereafter as practicable, four (4) copies of the construction plans and specifications shall be furnished for the following public improvements.

1. Street grading and surfacing.
2. Sanitary sewerage, including house laterals.
3. Water mains and house laterals.
4. Curb, gutters and sidewalks.
5. Storm water drainage system.

(b) Action by the City Engineer. The City Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter. If he rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the City Engineer shall approve them in writing and so notify the Plan Commission so that it may approve the plans and specifications for transmittal to the City Council. The City Council shall approve the plans and specifications before the improvements are installed.

(c) Construction and Inspection.

1. Prior to starting any of the work covered by the plans approved as above, written authorization to start the work shall be obtained from the City Engineer upon receipt of all necessary permits and in accordance with the construction methods described in paragraph (6) of this section.
2. Construction of all improvements required by this Chapter shall be completed within two (2) years from the date of approval of the final plat by the Plan Commission, unless good cause can be shown for granting an extension of time by the Mayor and City Council.
3. During the course of construction, the City Engineer shall make such inspections as he deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost to the City of inspectors, engineers and other parties necessary to insure satisfactory work.

(d) As-Built Plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all valves, manholes, stubs, sewers and water mains, and such other facilities as the City Engineer shall require. This map shall be in black ink on tracing cloth and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the map shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

#### **(4) DESIGN STANDARDS.**

(a) Streets.

1. Major Thoroughfares. Shall have a right-of-way width as established on the Official Map or as designated in Sec. 18.08. In lieu of building pavements to standards required for this class of street, the owner shall pay the City a sum of money equal to the cost of improving the street to standards established in paragraph 3 for Local Streets.

2. Collector-Distributor Streets. Shall have a right-of-way width as established on the Official Map, or as designated in Sec. 18.08. In lieu of building pavements to standards required for this class of street, the owner shall pay to the city a sum of money equal to the cost of improving the street to standards established in paragraph 3 for Local Streets.

3. Local Streets. Shall have a right-of-way width of not less than sixty (60) feet, except for short deadend streets which may be fifty (50) feet wide. They shall be provided with one (1) thirty-six (36) foot wide pavement. The pavement shall consist of a seven (7) inch waterbound crushed stone or gravel base course with a two and one-half (2 1/2) inch hot-mix bituminous wearing surface or a six and one-quarter (6 1/4) inch Portland cement concrete pavement.

4. Streets in the Flood Plain. The construction of new streets or the elevation of existing streets in the floodway or flood plain shall be consistent with flood plain management standards, Wisconsin Administrative Code, DNR 116.

5. Turn-Arounds. At the end of deadend streets, shall be paved as provided for local streets with a thirty-six (36) foot wide pavement, with an outside diameter of the turn-around of eighty-four (84) feet and an inside diameter of twenty-six (26) feet, and be connected by smooth curves to the pavement of the main portion of the street.

(b) Alleys. Alleys provided to serve business, commercial or industrial areas shall be provided with a pavement of not less than sixteen (16) feet in width. The pavement shall consist of an eight (8) inch Portland cement concrete pavement; or an eight (8) inch waterbound macadam base with a three (3) inch plant mix bituminous concrete wearing surface.

(c) Curb and Gutter. All major thoroughfares, collector distributor or local streets shall be provided with curb and gutter in accordance with the standard specifications of the City.

(d) Sanitary Sewerage System. There shall be provided a sanitary sewerage system in conformity with the Master Plan of sewers as approved by the City Council. Systems to be extended or connections to existing systems in the Flood Plain District shall be floodproofed in accordance with Section 17.14 (7) (d).

(e) Water Supply System. There provided a water supply system in conformity with the Master Plan of the water system as approved by the City Council. The cost of providing and installing water pipe of sizes larger than required to serve the area shall be borne by the City as agreed upon prior to the approval of the final plat or certified survey map. Hydrants and valves will be furnished by the City at no cost to the owner. Systems to be extended or connections to existing systems in the Flood Plain District shall be floodproofed in accordance with Section 17.14 (7) (d).

(f) Sidewalks. Shall be provided to serve the following areas:

1. Commercial Property. Shall be provided with concrete sidewalks at least eight (8) feet wide and four (4) inches thick.

2. Residential Property. When required by the Plan Commission shall be provided along each side of the street with a concrete sidewalk five (5) feet wide and four (4) inches thick.

(5) FINAL CONSTRUCTION PLANS. Shall be legible prints of a size acceptable to the City Engineer and shall include the following:

(a) Map of plat or subdivision of lands, including title of plat or map.

(b) Layout of Streets.

(c) Layout of sanitary sewers.

(d) Layout of water supply system.

(e) Plans and profiles of streets and sewers at scale of not more than forty (40) feet per inch horizontal and four (4) feet per inch vertical.

(f) All necessary details.

(6) MATERIAL STANDARDS. All improvements constructed under this Chapter shall be of the standards, where applicable, established by the Wisconsin State Highway Commission "Standard Specifications for Roads and Bridges". Where the Highway Commission's specifications do not apply, the standards shall be as approved by the City Engineer.

#### **18.10 (EXCEPTIONS)**

In exceptional cases, where topography or other physical conditions would cause unnecessary hardship to the owner, and not provide the City substantial benefit, the Plan Commission may recommend to the City Council special provisions to relieve such hardship, provided that such provisions to not violate state law or regulations.

#### **18.11 (VIOLATIONS AND PENALTIES)**

Any person who violates any provisions of this Chapter shall be subject to the penalty as provided in sec. 25.04 of this Municipal Code.

### **18.12 (WOODRIDGE ACRES REGULATIONS)**

(1) **AUTHORITY.** Whereas, the City of Prairie du Chien ("City") is the owner of the property identified on the Subdivision Plat, known as Woodridge Acres, attached as Exhibit "A" ("Subdivision") and the City desires to subject each Subdivision lot to the following conditions, covenants, and restrictions for the benefit of the Subdivision as a whole and for the benefit of each owner of a Subdivision lot, now, therefore, the City declares that the following conditions, covenants, and restrictions are intended to run with, burden, and benefit the Subdivision lots and all Subdivision lot owners, their successors and assigns.

(2) **PURPOSE.** The purpose of this Ordinance is to ensure the use of the Subdivision property for attractive residential purposes only, to prevent nuisances, to prevent the impairment of the attractiveness of the Subdivision, to regulate the use and appearance of the Subdivision, and to secure for each Subdivision lot owner the full benefit and enjoyment of the owner's home, with no greater restriction on the free and undisturbed use thereof than is necessary to ensure the same advantages to all other Subdivision lot owners.

(3) **LAND USE AND BUILDING TYPE.** A Subdivision lot, whether alone or in combination with one or more other lots in the Subdivision, shall be used only for single family residential purposes and shall be restricted as follows:

- (a) No dwelling shall exceed two (2) stories at the front elevation
- (b) All dwellings, except with prior written approval of the Plan Commission, shall have either a one-and-a-half (1 1/2)-car attached garage, a two (2)-car attached garage or a three (3)-car attached or detached garage, but no more than one (1) garage.
- (d) All dwellings shall have a roof pitch of not more than 6/12 on the main roofline and shall be constructed of either shake-like or tile-like shingles or a metal roof with hidden fasteners or standing seams, or better quality.
- (e) The City Plan Commission has ability to make deviations.
- (f) All dwellings, except with prior written approval of Plan Commission, must have 25% masonry or masonry-like fronts.

(4) **ARCHITECTURAL CONTROL.**

- (a) No dwelling, house, structure, swimming pool, fence, or any additions thereto which were previously approved, may be erected on any lot in this Subdivision until the plans and specifications have been submitted to and approved in writing by the Zoning Administrator.
- (b) For purposes of this Ordinance, a structure shall be defined as any item for which a building permit is required from the City of Prairie du Chien prior to construction or installation.
- (c) Any subsequent remodeling or renovation shall comply with the design standards set forth herein.
- (d) The exterior colors of the structures shall be earth tones, pastels, whites or wood colors. No bright or shiny colors on exterior siding, for example, bright oranges, royal blues, pinks, purples, and the like, are allowed. Colors are to be compatible with the balance of the neighborhood.
- (e) (Repealed).<sup>2</sup>

(5) **PLANS AND SPECIFICATIONS.**

- (a) The City Zoning Administrator shall be given a complete set of plans of all residences to be permanently filed and approved prior to the start of construction. The design shall be harmonious with other residences within the Subdivision and shall conform to setback lines.
- (b) Variations will be approved only where, at the discretion of the Plan Commission, it is deemed to be pleasing to the effect of the entire neighborhood or where variations are required by the topography of the land.
- (c) Refusal or approval of plans and specifications by the Plan Commission may be based on any grounds, including purely aesthetic grounds, which, in the sole and uncontrolled discretion of the City, shall seem sufficient.
- (d) If the City does not approve or disapprove such plans and/or specifications within thirty (30) days after receipt of the plans, the plans and specifications shall be deemed to have been approved.

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<sup>2</sup> Chapter 18.12 (4) (e) – Repealed by Ordinance 2014-6

(6) **SETBACK LINES.** Setback lines shall conform to local zoning regulations, except that City may, in promoting overall harmony, establish other requirements in addition to such regulations.

(7) **MINIMUM FLOOR AREA AND DESIGN.**

(a) Any dwelling which fails to conform to the following specified minimum areas shall not be permitted on any lot, except with prior written approval of the Plan Commission.

(b) The square footage of the main structure, exclusive of open porches, breezeways, basements and garages, shall be not less than:

Large Lots (In excess of 18,000 square feet)

Dwelling Type	Minimum Size
One story above grade	1,600 square feet
Story-and-a-half above grade	1,800 square feet
Two stories above grade	2,100 square feet

Small Lots (Less than 18,000 square feet)

Dwelling Type	Minimum Size
One story above grade	1,400 square feet
Story-and-a-half above grade	1,600 square feet
Two stories above grade	1,900 square feet

(8) **BASEMENT.** All homes shall have either basements or standard four (4)-foot frost walls.

(9) **GRADE.** No structure, lawn, or culvert shall be constructed or installed until proper grades for each have been set in accordance with the approved drainage plan for the Subdivision by a licensed land surveying firm in the State of Wisconsin, the cost of which shall be borne by the lot owner.

(10) **DRAINAGE.**

(a) No lot owner shall block, dam, or otherwise obstruct the flow of surface water drainage so as to cause such water to back-up onto the lot of another property owner or so as to restrict the use or enjoyment of any other lot by any other lot owner.

(b) Each lot owner, as a part of the post-home construction finish grading/landscaping, is responsible for bringing the lot into specific compliance with the approved Subdivision drainage plan.

(c) Property owners shall not use or allow anyone to use the detention basin for any use that would not be compatible with the purpose of the detention basin, and no debris or brush should be placed in the detention basin.

(d) For structures located adjacent to the detention basin, the minimum elevation of the first floor foundation and openings (doors or windows) in the basement wall must be at or above the elevation 644.

(11) **PRE-CONSTRUCTION MAINTENANCE.**

(a) No building material shall be placed on any lot more than thirty (30) days prior to the time that construction is to begin.

(b) All trash and waste shall be kept in sanitary containers and out of the public eye.

(c) The owner of any lot is required to perform all necessary maintenance and upkeep of the lot.

(d) No trash, waste, brush, weeds, or long grass shall be permitted.

(12) **CONSTRUCTION SITE MAINTENANCE.**

(a) At all times during construction, the site shall be maintained to City's reasonable satisfaction in a neat and orderly manner.

(b) Construction debris shall be contained at all times in a manner as will prevent such material from blowing onto neighboring properties and/or streets.

(c) Construction on the exterior of any structures may only be done between the hours of 7:00 AM and 7:00 PM, Mondays through Saturdays.

(d) Property owners shall be responsible for installing and maintaining erosion control during construction to avoid sediment from leaving their site. In the event that sediment reaches the City street or storm sewer, the property owner shall be responsible to remove the sediment at their cost.

(e) Property owners shall be responsible to protect the public concrete sidewalk and the curb and gutter during construction to avoid damage. In the event that any of the aforesaid items are damaged, the property owners shall be responsible to replace it at their cost at the direction of the City.

(13) FILL. The City reserves the right to direct the disposition of any fill, including excess excavation material which is to be removed from any lot, at the lot owner's expense. However, such disposition, if directed by City, shall be within a one (1)-mile radius of the lot from which it is being removed. If the City does not require specific disposition of any excess fill, the lot owner shall be responsible to locate a site for such disposition and pay all costs associated therewith.

(14) COMPLETION OF HOME.

- (a) Construction of a home must start within twelve (12) months of the purchase of a lot from the City.
- (b) The City reserves the option to repurchase a lot which is in non-compliance with Subsection A above or if the owner wishes to sell the lot without having commenced constructions, at the price at which the City sold the lots.
- (c) All homes shall be completed twelve (12) months after commencement of building and shall not be occupied until issuance of an Occupancy Permit by the City Building Inspector.
- (d) All landscaping must be completed within twelve (12) months after occupancy, except that a variance may be approved by City.
- (e) The City reserves the right to complete the construction, landscaping, or construction of driveway which has been commenced but not completed within the timeframe set forth in Subsection a above.
- (f) Any costs incurred by the City, including reasonable attorney's fees and court costs, during the course of enforcing or applying this Section shall be payable by the owner of the lot and a lien shall be placed on the lot.

(15) DRIVEWAYS.

- (a) All owners of dwellings shall, within one (1) year of completion, install a paved driveway of stable, permanent and concrete or asphalt construction extending from the garage to the street. Until such time that the street is permanently paved, the owner will be required to maintain a temporary asphalt apron.
- (b) The back of the concrete curb on the City street shall be neatly saw cut at an angle to maintain the flow line of the gutter. The curb shall not be saw cut vertically in the bottom of the flow line and re-poured as this creates a joint which fails over time

(16) USED BUILDING. No used buildings shall be moved onto any lot.

(17) ACCESSORY STRUCTURES.

- (a) No exterior accessory structure, including but not limited to swing sets, hot tubs, kennels, and similar structures, except flag poles and basketball hoops and poles, shall be permitted forward of the rear line of the residence. All accessory structures must have prior approval of the Plan Commission.
- (b) There shall be no above ground swimming pools permanently installed on any of the lots in the Subdivision, unless the pool is attached to a deck or extension of the primary structure in the rear yard, and said deck or extension is attached and surrounds a minimum of 75 percent of the pool.
- (c) Temporary swimming pools, not exceeding 30 square feet, shall be allowed as long as said pool is not stored forward of the rear line of the residence for more than three (3) days.
- (d) Dog kennels with concrete floors will be permitted, as long as said kennel does not exceed ten (10) feet by twenty (20) feet in size, is located in the rear yard, and is kept in a clean and odor-free condition at all times.
- (e) Solar panels are permitted in the back yards, as long as the total area covered by the panels does not violate the city's coverage requirements.

(18) TEMPORARY STRUCTURES, OUTBUILDING OR TRAILERS.

- (a) Except as may be authorized by the Plan Commission, no structures of a temporary nature, such as shacks, basements, barns, or other outbuildings, shall be permitted on any lot either temporarily or permanently. Tents may be placed temporarily for no more than three (3) consecutive days.
- (b) No structure other than a completed residence shall be occupied.
- (c) Snowmobiles, mini-bikes, fishing shanties, and the like must be stored inside garages.
- (d) Recreational vehicles, boats and trailers may be stored, as long as said items are placed on a non-permeable surface adjacent to any garage, and the front of said item is not located forward of the front line of the garage.
- (d) No outside clotheslines are allowed in the front and side yards.
- (e) Firewood may be stored in the rear yard, as long as the storage is not visible from the public right-of-way. If storage is required in an area of the rear yard that is visible from the public right-of-way, said storage must be placed in an area that is screened or fenced from the view of adjacent property owners.

(19) UNATTACHED BUILDINGS.

- (a) Subject to the approval of the Public Works Committee, an unattached building may be built, so long as it is of the same exterior design, material, and quality of the home.
- (b) Any such building must comply with all setback lines, easements, and restrictions.
- (c) No more than one (1) unattached building may be constructed for each primary residence, regardless of the number of lots the structures cover.
- (d) No unattached building may exceed 200 square feet. No unattached buildings may be constructed unless the design and placement are approved in writing by the Plan Commission, and the building is permanently attached to a concrete foundation.

(20) FENCES, TREE AND BERMS

- (a) No fence shall be erected on a Subdivision lot without the prior approval of the Plan Commission.
- (b) Invisible pet fences are permitted.
- (c) In the event the City or its designee constructs a berm, fence, and/or Subdivision identification signage along/upon selected lots in the Subdivision, neither current nor subsequent owners of these lots shall alter such berm, the plantings on it, or any fence or signage that may be erected upon it, or elsewhere in the Subdivision. All owners of these lots shall maintain the portion of the fence and/or signage on their lot to the reasonable satisfaction of the City, so long as the City shall own any lot in the Subdivision.
- (d) Trees shall not be planted in the tree bank of the City streets.
- (e) Property owners shall be required to plant not less than one tree or more than two trees in the front yard, and said trees must conform to the City's Urban Forestry Plan and be a species approved by the City Forester.

(21) SIGNS.

- (a) No sign of any kind shall be displayed on any lot except an address sign of not more than one (1) square foot and one (1) sign of not more than six (6) square feet advertising the property during the construction and sales period, except that the City may utilize signs of any size and quantity for advertising properties for sale in the Subdivision.
- (b) Subdivision lot owners are allowed to erect a sign for the resale of their property.
- (c) Subdivision lot owners are allowed to erect a sign advertising a lawn or garage sale, as long as said sign is not more than five (5) square feet, and said sign is not placed more than one (1) day prior to and one (1) day after the event occurs.

(22) ANTENNAS.

- (a) Satellite dishes less than 20" in diameter, mounted on the principal residence structure shall be permitted on each lot in the Subdivision.
- (b) All other TV antennas shall be permitted as long as they are located on a tower located in the backyard of the home, adjacent to the home, and have a height that does not exceed three (3) feet above the highest point of the roof.

(23) DIVISION AND COMBINING OF LOTS.

- (a) No one (1) lot shall be re-subdivided.
- (b) Two lots may be combined, at the discretion of Public Works Committee, so long as the combination of the two lots does not create a lot exceeding 20,000 square feet.

(24) UNLICENSED VEHICLES AND SALVAGE MATERIALS. No unlicensed vehicles, junk yards, or storage areas for cars or other salvage materials of any nature shall be permitted on any lot or combination of lots within the Subdivision.

(25) COMMERCIAL BUSINESSES. Except as may be permitted by local zoning regulations and as authorized by Plan Commission, no commercial business shall be allowed or conducted at any time from any lot or combination of lots within the Subdivision.

(26) TRASH.

- (a) All trash and waste shall be kept in sanitary containers.
- (b) No sanitary container is to be put outside of any dwelling sooner than the day before regularly scheduled pick-up.
- (c) All sanitary containers must be stored in a primary or accessory structure, or in the open but not in the view of the public right-of-way, within one (1) day being picked up by a licensed handler.

(27) NUISANCES. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an unreasonable annoyance or nuisance to other lot owners or occupants of dwellings in the Subdivision.

(28) MAINTENANCE AND UPKEEP.

- (a) Lot owners shall, at their sole expense, repair their residence, keeping it in a condition comparable to that at the time of its initial construction, excepting only normal wear and tear.
- (b) If all or any portion of a residence is damaged or destroyed by fire or other casualty, then the owner shall, with all due diligence, promptly rebuild, repair, or reconstruct the residence in a manner which will substantially restore it to its apparent condition immediately prior to the casualty.

(29) UTILITIES AND EASEMENTS.

- (a) Each property owner's electric, natural gas, and telephone service lines shall be underground throughout the length of service from the provider's point of delivery to the owner's building.
- (b) The cost of hookup to respective utilities, and maintenance thereof, shall be borne by the lot owner upon whose lot the service line is located.
- (c) Appropriate easements are hereby dedicated and reserved to each lot owner, together with the right of ingress and egress over abutting lots or properties to install, operate, or maintain service lines to the providers' termination points. Easements are as recorded on the plat map for the Subdivision. All easements shown on the plat will be maintained and preserved in their present condition and no encroachment thereon and no change in the grade or elevation thereof will be made by any person or lot owner without the express written consent of the respective utility providers and the Developer. Aboveground transformers and pedestals may be installed at appropriate points in any easement.

(30) ZONING, HEALTH, AND OTHER LAWS AND REGULATIONS. All zoning, health and other laws, ordinances, and regulations promulgated by governmental agencies having jurisdiction over the Subdivision shall be strictly observed and complied with.

(31) ANIMALS.

- (a) No animals, except customary household pets, shall be kept, bred, or raised on any lot in this Subdivision.
- (b) Pets shall not be allowed to roam either freely or on a leash upon other owners' properties.
- (c) Pet noises shall be curtailed to avoid unreasonable annoyance to neighboring property owners.
- (d) No more than four (4) customary household pets that have the mobility to enter or exit a home are permitted per lot, with no more than three (3) of a particular species permitted.

(32) VARIATION. Variations may be permitted by the Plan Commission and the City where it is reasonably satisfied that such variations will be pleasing and generally in keeping with adjacent properties and not be a detriment to the Subdivision as a whole.

(33) ENFORCEMENT.

- (a) The City may enforce this Ordinance using any available legal or equitable remedies including, but not limited to, affirmative or restrictive injunctions.
- (b) In the event of litigation to enforce these conditions, covenants, and restrictions, the non-performing party or the party violating any of the sections of this Ordinance shall reimburse the City for all out-of-pocket expenses, including actual attorneys' fees and court costs, incurred in successfully enforcing this Ordinance.

(34) TERM. This Ordinance shall remain perpetually in effect.

(35) ORDINANCE TO RUN WITH THE LAND.

- (a) All future transfers of any Subdivision lots shall be made subject to the conditions, covenants, obligations, and restrictions set forth herein.
- (b) It is understood that the acceptance of a deed by any purchaser is to be considered an agreement to observe and abide by these covenants, conditions, and restrictions for the protection of all lot owners.

(36) INVALIDITY. Should any section of this Ordinance, for any reason be declared invalid, such declaration shall not affect the validity of the remainder of the Ordinance, which shall remain in full force and effect as if the invalid covenant had not been a part of the Ordinance.