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SUBDIVISION AND PLATTING
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SUBDIVISION AND PLATTING 18.01

18.01 **GENERAL PROVISIONS.** (1) TITLE. This chapter shall be known as "The Subdivision and Division of Land Code, Fond du Lac, Wisconsin."

(2) PURPOSE AND JURISDICTION. (a) The purpose of this chapter shall be to regulate and control subdivision and division of land within the corporate limits and the area of extraterritorial plat approval jurisdiction of the City to:

1. Regulate the subdivision of land to promote public health, safety and general welfare.
2. Further the orderly layout and use of land;
3. Prevent the overcrowding of land.
4. Lessen congestion in the streets and highways.
5. Provide for adequate light and air.
6. Facilitate adequate provision for water, sewerage and other public requirements.
7. Provide ingress and egress.
8. Promote proper monumenting of land subdivided and conveyancing by accurate legal description.

(b) The approvals to be obtained by the subdivider as required in this chapter are based on requirements designed to accomplish the purposes above.

(3) APPLICABILITY. (a) The provisions contained in Ch. 236, Wis. Stats., governing the subdivision and platting of land and such other State laws as may apply and in any revisions or amendments enacted by the State Legislature; the rules of the State Department of Industry, Labor and Human Relations relating to lot size and lot evaluation if the subdivision is not served by a public sewer and provisions for such service have not been made; and the rules of the State Department of Transportation to safety of access and preservation of the public interest and investment if the streets of the subdivision abuts on a State trunk highway or connecting street; are all made a part of this chapter, with the same force and effect as if fully set out herein, except that where the provisions of this chapter are more restrictive, the provisions of this chapter shall apply.

(b) Any division of land within the City or its extraterritorial plat approval jurisdiction which results in a subdivision as defined herein shall be and any other division may be surveyed and a plat made, approved and recorded as required by this chapter and by Ch. 236, Wis. Stats.

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(c) Any division of land other than a subdivision within the City or its extraterritorial plat approval jurisdiction of which a plat has not been approved and recorded, shall be surveyed and a certified survey map of such division shall be approved and recorded with the Register of Deeds as required in this chapter and Ch. 236, Wis. Stats.

(d) The provisions of this chapter insofar as they may apply to divisions of less than 5 parcels shall not apply to:

1. Transfers of interests in land by will or pursuant to court order.
2. Leases for a term not to exceed 10 years, mortgages or easements.
3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.

18.02 RULES AND DEFINITIONS. (1) **GENERAL.** In this chapter, all terms used which are defined in Ch. 236, Wis. Stats., shall have the same meaning as in that chapter, and as the chapter may be amended, unless otherwise defined in this chapter or unless the context and/or subject matter clearly indicates otherwise. All words used in the present tense include the future tense; the singular includes the plural and the plural includes the singular; the word "person" includes associations, co-partnerships or corporations; and the term "shall" is mandatory while the word "may" is permissive.

(2) DEFINITION OF WORDS AND PHRASES.

APPLICANT. A person who applies or is required to apply for approval of a plan including the land owner and the person engaging in land development activities.

ALLEY. A right-of-way which affords secondary means of access to properties abutting upon a street.

BLOCK. A tract of land bounded by streets or by a combination of one or more streets and parks, cemeteries, shorelines of waterways, corporate limits, railroad right-of-way or other lines of demarcation.

BUILDABLE AREA. (For the purpose of measuring lot width.) The narrowest width within the 30' of lot depth immediately in back of the required front yard setback line.

BUTT LOT. A lot located at the end of a block between 2 corner lots.

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BUILDING INSPECTOR. The Building Inspector of the City or his authorized representative.

BUILDING SETBACK LINE. A line within a lot or other parcel of land so designated on a preliminary plat which denotes the area between such line and the adjacent street right-of-way line where an enclosed building and other obstructions are prohibited, except those obstructions that are permitted by zoning ordinance regulations.

CALENDAR DAY. Every day shown on the calendar, including Sundays and holidays.

CITY. The City of Fond du Lac, Fond du Lac County, Wisconsin.

CITY CLERK. The Clerk of the City of Fond du Lac, Wisconsin.

CITY ENGINEER. The engineer of the City of Fond du Lac, Wisconsin or his authorized representative.

COLLECTOR STREET. A street within a subdivision which has a wider roadway width than that of a minor street and which is a prime entrance or circulation street. Its primary function is to collect and distribute traffic from minor streets.

CUL-DE-SAC. A minor street with a single outlet.

DAY. Calendar day unless otherwise specified.

DESIGN STORM. The storm of any given duration and intensity used to design the storm facility. The average period of time in which this storm can be expected to be equaled or exceeded is expressed in years (same as storm frequency). For minor storm water conveyance and storage facilities as described in the storm water management system plan, the design storm is a 5-year storm event unless the City Engineer has specified a different storm event for reasons consistent with the purposes of this chapter. For major storm water conveyance and storage facilities as described in the storm water management system plan, the design storm is a 100-year storm event.

DETENTION. The temporary storage of surface runoff, either on, below or above the ground surface, accompanied by the controlled release of the stored water.

DIVIDER. An owner as defined herein commencing proceedings under the land division provisions of this chapter.

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DOUBLE FRONTAGE LOT. A lot which has a pair of opposite lot lines along 2 substantially parallel streets.

EASEMENT. A quantity of land set aside over or under which a liberty, privilege or advantage in land without profit is dedicated and is distinct from ownership of the land is granted either to the public, a particular person or a combination of both.

EXCAVATION. Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include conditions resulting therefrom.

EXISTING GRADE. The vertical location of the existing ground surface prior to excavation or filling.

FILL. Any act by which earth, sand, gravel, rock, construction rubble or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved to a new location and shall include conditions resulting therefrom.

FINAL PLAT. A map or plan of subdivision and any accompanying material as described in §18.03(3).

FRONTAGE ROAD. A minor street which is parallel to and either adjacent to or within the right-of-way of a thoroughfare.

HALF STREET. A street of less than the total required width along one or more property lines of a subdivision.

LAND DEVELOPMENT ACTIVITY. Any land alterations or disturbances that result in alteration of or increase in runoff, including but not limited to, removal of ground cover, grading, excavating and filling of land, and any other man-made improvements made to improved or unimproved real estate. This term does not include agricultural land uses.

LAND IMPROVEMENT. A sanitary sewerage system, storm sewer system, water supply and distribution system, roadway, terrace, sidewalk, pedestrian way, no-access strip, off-street parking area or other improvement which the City may require under this chapter.

LAND OCCUPIER OR OCCUPIER OF LAND. Any person who has a fee simple interest in the land either as sole owner, as a tenant in common or a joint tenant, or who holds as a trustee, assignee, or land contract vendee.

SUBDIVISION AND PLATTING 18.02(2)

LAND USER. Those who use land, individually or collectively, as owners, operators, lessors, renters, occupiers who are providing a service that requires access to or alterations of the land in order to perform the service, and any other person who disturbs private or public land for any purpose.

LOT. A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.

MASTER PLAN. Refers to the composite elements of the master plan of the City and its environs, or any segment thereof, in the form of plans, maps, charts and textual material as adopted by the Plan Commission.

MINOR STREET. A street of limited continuity. Its primary purpose is to serve abutting properties.

MINOR SUBDIVISION. A division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of development where:

1. The act of division creates 2 or more parcels or building sites of 1½ acres or less in area.
2. Creates 2 or more parcels or building sites of 1½ acres or less within a period of 5 years.
3. The act of division does not create a subdivision as defined in this subsection.

NO-ACCESS STRIP. A land area at least 12' wide along the rear lot line of a double frontage lot and abutting a thoroughfare.

OWNER. Includes any firm, association, partnership, private corporation, public or quasi-public corporation or a combination of any of them or other legal entity having sufficient proprietary interest in the land sought to be subdivided or divided to commence and maintain proceedings under the provisions of this chapter.

PARCEL. All contiguous lands under the ownership or control of a land occupier or land user.

PEAK FLOW. The maximum rate of flow of water at a given point in a channel, watercourse or conduit resulting from a predetermined storm or flood.

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PEAK RUNOFF RATE. The maximum rate at which runoff flows across the ground surface (the top of the hydrograph for a given storm event).

PEDESTRIAN WAY. A right-of-way across or within a block designated for pedestrian use.

PLAN COMMISSION. The Fond du Lac City Plan Commission.

PRELIMINARY PLAT. A tentative map or plan of a proposed subdivision as described in §18.03(2).

ROADWAY. That portion of the street designated for vehicular use.

RUNOFF. The port of rainfall, melted snow, irrigation water or sump drainage that flows across the ground surface.

RURAL STREET. A street with no curb and gutter and no enclosed storm water drainage facilities having instead road ditches and open channels for water drainage purposes.

S.C.S. TR-55. The Soil Conservation Service Technical Release 55 entitled "Urban Hydrology for Small Watersheds", June 1986 edition.

SIDEWALK. That portion of the street designated for pedestrian use.

STORM FREQUENCY. The average period of time in which a storm of given duration and intensity can be expected to be equaled or exceeded, expressed in years. The 100-year recurrence interval storm, or that storm having a 1% probability of being equaled or exceeded in any given year, is generally used for floodland zoning regulations. Other common storm events include the 50-year recurrent interval storm, or that storm having a 2% probability of being equaled or exceeded in any given year; and the 2-year recurrence interval storm, or that storm having a 50% probability of being equaled or exceeded in any given year. A 24-hour storm as defined in S.C.S. TR-55 will be used unless otherwise allowed by the City Engineer.

STORM WATER MANAGEMENT PLAN. The document which consists of a written or graphic description, or condensation of written or graphic description of the methods for controlling runoff in a development.

STORM WATER RUNOFF. The water derived from rain or melted snow within a tributary drainage basin, flowing over the surface of the ground or collected in channels, watercourses or conduits.

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STREET. A right-of-way that affords primary means of access by vehicles and pedestrians to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane or however otherwise designated.

STREET WIDTH. The shortest distance between the right-of-way lines of a given street.

STRUCTURAL MEASURES. Any works of improvement to prevent or control erosion, sedimentation or runoff which include, but are not limited to, gully control structures, grass waterways, riprap, detention basins, sediment basins, flood retention dams, diversions, and lining channels with rock, concrete or other materials. Contour strip cropping is not a structural measure.

SUBDIVIDER. Any owner commencing proceedings under this chapter.

SUBDIVISION. A division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building development, where:

1. The act of division creates 5 or more parcels or building sites of 1½ acres each or less in area.
2. Five or more parcels or building sites of 1½ acres each or less in area are created by successive divisions within a period of 5 years.
3. The act of division involves the creation of a new street.

SUBDIVISION DESIGN STANDARDS. The basic land planning principles established as guides for the preparation of preliminary plats.

TERRACE. An unpaved strip of land situated within the street.

THOROUGHFARE. A street with a high degree of continuity which also serves as an arterial traffic way between the various districts of the City and its environs.

WATERCOURSE. A lake, pond, stream or other waters that are navigable under the laws of the State.

WORK DAY. A calendar day, except Saturdays, Sundays and City-recognized holidays.

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18.03 **PROCEDURE.** (1) PRELIMINARY CONSULTATION. The subdivider may, before submitting a plat for official filing, consult the City Engineer or meet with the Plan Commission and its staff for advice and assistance. This step does not require formal application, fee or filing of a plat with the Plan Commission or City Council but may include a preliminary sketch.

(2) PRELIMINARY PLAT. (a) General. Any person contemplating the subdivision of land within the City or within its extraterritorial plat approval jurisdiction, before submitting a final plat for approval shall file with the City Clerk at least 10 days prior to a regular meeting of the Plan Commission, black or blue line prints of a preliminary plat conforming to the Master Plan and applicable regulations contained in this chapter governing preliminary plats. The subdivider shall be provided 7 such prints at his expense.

(b) Official Filing. The submission of the prints of the preliminary plat shall constitute official filing and the City Clerk shall note on each print the date filed and immediately forward copies to the following:

1. One copy for the official file.
2. Four copies to the Plan Commission.
3. Two copies to the City Engineer with a request for a report which shall be forwarded to the Plan Commission not less than one week prior to its meeting when such preliminary plat is to be acted upon; and
4. State Director of Regional Planning if so directed by the City Engineer, in which event 6 additional copies shall be provided by the subdivider.

(c) Official Approval. 1. The Plan Commission shall, within 40 days of the submission of the preliminary plat, review the plat and negotiate with the subdivider on changes deemed advisable, and approve or reject such plat for good and sufficient reason. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection.

2. Upon approval by the Plan Commission, 4 copies of the approved preliminary plat shall be signed by the Chairman of the Plan Commission. One copy shall be retained for the Plan Commission on file and 3 copies transmitted to the City Clerk for distribution as follows:

- a. One copy for the official files.
- b. One copy to the subdivider.
- c. One copy to the City Engineer.

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(d) Qualifications Covering Conditional Approval of Preliminary Plat. 1. The Plan Commission may require such changes or revisions as are deemed necessary in the interest and needs of the community in keeping with the provisions of this chapter.

2. Subsequent to the conditional approval of the preliminary plat and prior to submittal by the subdivider of a final plat, the Plan Commission shall require proposed plans from the subdivider pertaining to contemplated detailed grading of blocks and lots and storm water runoff or drainage from the interior of blocks in the subdivision.

3. No land will be approved for subdivision which is subject to periodic flooding or which contains inadequate drainage facilities, unless the resultant divisions become unified parts of a contiguous lot or parcel. However, if the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make such land completely safe for residential occupancy and provide adequate drainage, the preliminary plat for subdivision may be approved. Such approval will be based upon specific engineering data shown on the preliminary plat.

(3) FINAL PLAT. (a) Official Filing. 1. Within 6 months after receiving the approval of the Plan Commission of the preliminary plat or a period of time beyond 6 months that may be granted by the Plan Commission, there shall be submitted to the City Clerk by the subdivider at his expense the original inked drawings and the required number of prints of the final plat containing all or part of the land area included in the preliminary plat and it shall retain the design characteristics of the approved preliminary plat.

2. Where less than the entire land area shown in the preliminary plat is contained in the final plat to be filed for record, the recordations of such final plat shall automatically extend the approval of the unrecorded balance of the preliminary plat for successive 6 month periods.

3. Within 2 days following receipt of any such final plat the City Clerk shall forward copies to the following agencies:

- a. One copy to the official file.
- b. The original drawing and 2 copies to the Plan Commission.
- c. One copy to the City Engineer.
- d. Two copies to the State Director of Regional Planning.
- e. If the subdivision abuts or adjoins a State trunk highway or connecting street as defined in §236.13, Wis. Stats., 2 copies to the State Department of Transportation.

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f. If the subdivision is not served by a public sanitary sewer and public domestic water supply and provision for such service has not been made, 2 copies to the Department of Industry, Labor and Human Relations.

(b) Official Approval. 1. The Plan Commission shall make its report in writing, indicating approval or disapproval of the final plat within 40 days after receipt of such plat from the City Clerk; and if its advice is negative the report shall set forth the basis of disapproval. However, should the Plan Commission require amendment of the final plat, the time for ruling by the Commission on the amended final plat may be extended 40 days after receipt of such amended plat. The amended final plat shall be re-filed, in keeping with provisions of this section, with the City Clerk for referral to the Plan Commission.

2. When the Plan Commission has approved the final plat, it shall be signed by the chairman and attested by the recording secretary on the form approved.

3. After approval by the Plan Commission the original drawing and one copy of the final plat shall be forwarded to the Council together with a letter of transmittal calling attention to variations, if any, recommended by the Plan Commission and its reasons for recommending them, and conveying to the Council such other information as the Plan Commission may deem necessary. The Commission shall also submit to the Council the supporting documents submitted with the final plat.

4. The subdivider shall enter into a Subdivider's Agreement with the City of Fond du Lac that sets forth the mutual obligations of the City and the subdivider with respect to the actions required to be taken in connection with the Final Plat. The requirement for a Subdivider's Agreement shall apply to any new subdivision within the municipal boundaries of the city and/or the expansion of any existing subdivision within the municipal boundaries of the City. The Subdivider's Agreement may require the filing of a performance bond, certified check, certified letter of credit, sufficient collateral or other acceptable surety with the municipality, agreeing and ensuring that the subdivider will cause construction and completion of the required improvements within a time period specified. The amount of the bond, or value of other acceptable surety, shall equal at least one hundred twenty-five percent (125%) of the estimated full amount of the obligation being ensured.

5. The Council shall approve or reject the final plat within 60 days of its submission by the subdivider, unless the time is extended by agreement with the subdivider and the time of such extension is entered upon the minutes of the Council. If the plat is rejected the reasons shall be stated in the minutes of the Council meeting and a copy thereof or a written statement of such reasons shall be supplied the subdivider and his surveyor.

6. The City Clerk shall certify on the face of the original drawing that the copies referred to above were forwarded to such State agencies as required and the date

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thereof and that no objections to the plat have been filed within a 20 day limit set by §236.12(4), Wis. Stats.

7. Upon approval by the Council, the City Clerk shall secure from the subdivider at his expense one linen or mylar tracing of the final plat and 3 copies of supporting documents, if any. The final plat in exact form as approved by the Council shall be filed for record with the Register of Deeds by the subdivider. The City Clerk shall also have the recording data placed upon the above linen tracing. The subdivider shall pay recording fees.

8. The City Clerk shall deliver to the City Engineer for retention in his files the linen or mylar tracing of the final plat as recorded.

9. The City Clerk shall receive from the City Engineer 2 copies of the final plat as recorded, one for the official file and the other for the Plan Commission.

18.04 **PLAT AND DATA SUBMISSION REQUIREMENTS.** (1) PRELIMINARY PLAT. The preliminary plat shall show the following:

(a) Identification and Description. 1. Proposed name of subdivision, not duplicating the name of any plat previously recorded in the City.

2. Graphic (engineering) scale not smaller than one inch to 100'.

3. North point.

4. Date of preparation.

(b) Existing Conditions. 1. Boundary line of proposed subdivision clearly indicated or defined and sufficiently accurate as to boundary lengths and corner angles to insure that the preliminary plat is a good representative of the subsequent final plat's appearance.

2. Approximate total acreage therein.

3. Existing zoning districts in the area of the proposed subdivision and in those areas abutting it and lying within 300' of the boundaries of the proposed subdivision.

4. Location, widths and names of all existing or previously platted streets or other rights-of-way, parks and other public open spaces, easements, section lines and corporation lines within the tract and to a distance of at least 300' beyond the boundaries of the subdivision.

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5. Approximate location of permanent buildings and other structures within the proposed subdivision boundaries and to a distance of 100' beyond such boundaries.

6. Location map drawn at a scale of not less than one inch equals 1,000' indicating boundary lines of adjoining un-subdivided or subdivided land within area bounded by nearest arterial streets or other natural boundaries, type of use of adjoining land and alignments of existing streets. The location map shall illustrate the relationship of the proposed subdivision to existing community facilities which serve or influence it, such as main traffic arteries, schools, parks and playgrounds; drainageways; wetlands and floodplain areas, railways and airport.

7. Location of watercourses, marshes and other significant features.

(c) Subdivision Design Features. 1. The preliminary plat should be in substantial accord with the Master Plan or any changes or amendments thereto approved by the City Plan Commission.

2. Layout of streets showing street widths and names (not duplicating the name of any street previously used in the City or its environs, unless the street is an extension of or in line with an already named street, in which event that name shall be used). Proposed collector streets shall be designated and through streets shall be extended to boundaries of the subdivision.

3. Location and width of alleys, pedestrian ways, utility easements, "no access" strips.

4. Layout, number and typical dimensions of blocks and lots scaled to the nearest foot.

5. Minimum front and side street building setback lines, indicating dimensions.

6. Areas, other than those listed in subpar. 2., 3. and 4. above, if any, intended to be dedicated or reserved for nonresidential purposes, indicating in each the approximate acreage. Such areas shall be designated by letter or number.

(d) Certification.

NOTICE OF APPROVAL OF PRELIMINARY PLAT

"Notice is hereby given that the Preliminary Plat of the subdivision shown hereon has received approval by the Plan Commission of the City of Fond du Lac, Wisconsin, and upon compliance by the subdivider with revisions and stipulations required as stated hereon, if any, the Common Council will receive the Final Plat for consideration when submitted by the subdivider in such form and within such time as required by this ordinance."

The Plan Commission of the City of Fond du Lac, Wisconsin.

Date _____, 20_____

By _____
(Chairman)

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(2) FINAL PLAT. The final plat shall show the following:

(a) General. All information required by the Wisconsin Statutes is to be shown accurately and drawn in conformity with the requirements of §236.20, Wis. Stats.

(b) Certifications.

1. OWNER'S CERTIFICATE OF DEDICATION

As owner(s), I (we) hereby certify that I (we) caused the land described on this plat to be surveyed, divided, mapped and dedicated as requested on the plat. I (we) also certify that this plat is required by §236.10 or 236.12 to be submitted to the following for approval or objection (list governing bodies required to approve or who may object to the plat).

WITNESS the hand and seal of said owner(s) this day of _____, 20_____.

In presence of:

owner's name (SEAL)

owner's name (SEAL)

(STATE OF WISCONSIN)
() ss
(____ COUNTY)

Personally came before me this ____ day of _____, 20_____, the above named _____ to me known to be the person who executed the foregoing instrument and acknowledged the same.

(Notary Seal) _____

Notary Public, _____, Wisconsin

My commission expires _____

2. CORPORATE OWNER'S CERTIFICATE OF DEDICATION

Corporate name, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Corporate name, does further certify that this plat is required by S. 236.10 or S. 236.12 to be submitted to the following for approval or objection; (list governing bodies required to approve or who may object to the plat).

IN WITNESS WHEREOF, the said (corporate name) has caused these presents to be signed by _____, its President, and countersigned by _____, its Secretary (cashier), at _____, Wisconsin, and its corporate seal to be hereunto affixed on this _____ day of _____, 20_____.

In presence of:

Corporate Name

President

(Corporate Seal)

Countersigned:

Secretary or Cashier

(STATE OF WISCONSIN)
() ss
(____ COUNTY)

Personally came before me this ____ day of _____, 20_____, _____, President, and _____, Secretary (Cashier) of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to be known to be such President and Secretary (Cashier) of said corporation, and acknowledged that they executed

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the foregoing instrument as such officers as the deed of said corporation, by its authority.

(Notary Seal) _____
Notary Public, _____, Wisconsin

My commission expires _____

3. CONSENT OF MORTGAGEE

I, _____, mortgagee of the above described land, do hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat, and I do hereby consent to the above certificate of _____, owner.

WITNESS THE HAND SEAL of __, mortgagee, this ____ day of _____, 20____. In the presence of: _____ (SEAL)

Mortgagee

(STATE OF WISCONSIN)
(_____) ss
(_____ COUNTY)

Personally came before me this day of _____, 20____, the above named person who executed the foregoing instrument and acknowledged the same.

(Notary Seal) _____
Notary Public, _____, Wisconsin

My commission expires _____

4. CONSENT OF CORPORATE MORTGAGEE

Corporate name, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat and does hereby consent to the above certificate of _____, owner.

IN WITNESS WHEREOF, the said (corporate name), has caused these presents to be signed by _____, its President, and countersigned by _____, its Secretary (Cashier), at _____, Wis., and its corporate seal to be hereunto affixed this _____ day of _____, 20____.

In the presence of:

Corporate Name

(Corporate Seal) _____
President

Countersigned:

Secretary or Cashier

(STATE OF WISCONSIN)
(_____) ss
(_____ COUNTY)

Personally came before me this ____ day of _____, 20____, _____, President, and _____, Secretary (Cashier), of the above named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such President and Secretary (Cashier) of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

(Notary Seal) _____
Notary Public, _____, Wisconsin

My commission expires _____

SUBDIVISION AND PLATTING 18.04(2)(b)5.

5. SURVEYOR'S CERTIFICATE

I, _____, surveyor, hereby certify that I have surveyed, divided and mapped __, in the City of Fond du Lac, County of Fond du Lac and State of Wisconsin.

That I have made such survey, land division and plat by the direction of _____, owner of said land. [Metes and bounds description where required by S. 236.21(1)(b)].

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision thereof made.

That I have fully complied with the provisions of Ch. 236 of the Wisconsin Statutes and the subdivision regulations of the City of Fond du Lac in surveying, dividing and mapping the same.

(Surveyor's Seal) _____

6. CERTIFICATE OF TREASURERS

(STATE OF WISCONSIN)

(_____) ss
(_____ COUNTY)

We, _____, duly appointed, qualified and acting City Treasurer of the City of Fond du Lac, and _____, the duly elected, qualified and acting Treasurer of the County of Fond du Lac, do hereby certify that in accordance with the records in our respective offices there are no unpaid taxes, unpaid special assessments or unredeemed tax sales as of _____ on any of the land included in this plat.

_____(date) City Treasurer _____
_____(date) County Treasurer _____

7. CERTIFICATE OF CITY CLERK*

I, _____, being the duly appointed qualified and acting City Clerk of the City of Fond du Lac, Wisconsin, do hereby certify that copies of this plat were forwarded as required by §236.12, Wis. Stats., on the _____ day of _____, 20_____, and that within the 20 day limit set by §236.12(3) no objections to the plat have been filed (all objections to the plat have been met).

Date City Clerk

*Omit if the certifications of State agencies required to review the plat appear on the original drawing.

8. PLAN COMMISSION CERTIFICATE

(STATE OF WISCONSIN)
(_____) ss
(FOND DU LAC COUNTY)

Approved this _____ day of _____ A.D. 20_____

FOND DU LAC PLAN COMMISSION

Chairman

9. COMMON COUNCIL RESOLUTION

Resolved, that the plat of _____, in the City of Fond du Lac, Wisconsin, _____, owner(s), be and the same is hereby approved by the Common Council.

President of the Common Council

I hereby certify that the foregoing is a true copy of a resolution duly adopted by the Common Council of the City of Fond du Lac, Wisconsin, on the ___ day of _____, 20_____.

City Clerk

SUBDIVISION AND PLATTING 18.05(1)

18.05 **SUBDIVISION DESIGN STANDARDS.** (1) **STREETS.** The arrangement, character, extent, width and location of all streets shall be in substantial accord with the Master Plan or any changes or amendments thereto approved by the Plan Commission and shall be considered in their relation to existing and planned streets, to topographical conditions, to reasonable circulation of traffic within the subdivision and adjoining lands, to public convenience and safety, to run-off of storm water and in their appropriate relations to the proposed uses of the area to be served.

(a) **Minimum Standards.** All right-of-way widths shall conform to the following minimum dimensions:

Type	Residential Subdivision	Manufacturing or Business Subdivision
Collector Streets	80'	80'
Minor Streets	60' or as required by the Plan Commission	70'
Half Streets	One-half the total right- of-way of proposed street or as required by the Plan Commission	Not permitted
Cul-de-sac	60' or as required by the Plan Commission	70'
Frontage Roads	40'	50'

(b) **Right-of-way Widths and Design Standards.** Right-of-way widths and other design standards of thoroughfares, including freeways, expressways, parkways, major and secondary thoroughfares, shall be in accordance with those designated on the Master Plan or by federal, State or county authorities having jurisdiction, whichever has the greater width and design standard requirements.

(c) **Deflection in Centerlines.** Where there is a deflection in horizontal centerlines within a given block at any given point in excess of 10°, a curve shall be inserted with a radius of not less than:

1. Collector Streets. 300'.
2. Minor Streets. 100'.

SUBDIVISION AND PLATTING 18.05(1)(d)

(d) Connecting Different Gradients. Different connecting street gradients shall be connected with vertical curves. Minimum length in feet of these curves shall provide a sight distance of not less than 300', measured from an eye level 4' high, with a clear view of an obstacle not over 2' high.

(e) Minor Streets. Minor streets shall be so aligned that their use by through traffic will be discouraged.

(f) Street Jogs. Street jogs with centerline offsets of less than 125' should be avoided.

(g) Street Intersections at Right Angles. It must be evidenced that all street intersections and confluences encourage safe and efficient traffic flow and, in general, be at or near right angles, avoiding acute angles. An intersection of more than 2 streets shall be prohibited.

(h) Alleys. Alleys are not permitted in residential areas unless deemed necessary by the Plan Commission.

(i) Cul-de-sacs. Cul-de-sac streets in single family detached house residential districts shall be not more than 500' in length, measured along their centerlines from the streets of origin to the ends of their right-of-way, or may be longer than 500 lineal feet provided not more than 15 lots abut upon their rights-of-way lines. In multiple family residential districts, such streets shall not exceed 400' in length. Each cul-de-sac shall have a terminus of nearly circular shape, 120' in diameter with a landscaped island in the center.

(j) Half Streets. Half streets shall be prohibited, except where essential to the reasonable development of the subdivisions in conformity with the other requirements of these regulations; and where the Council finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever an existing or dedicated half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(k) Access to Residential Property. Provisions shall be made for vehicular and pedestrian access to residential property abutting a thoroughfare either by frontage roads or double frontage lots backing to the thoroughfare. Where the backup treatment is used, a no-access strip shall be provided. These standards are established for the purpose of providing protection to residential properties and to separate through and local traffic.

(l) Street Naming. The Plan Commission shall review all subdivision plats for proper street naming. The Council shall have final determination of street names.

SUBDIVISION AND PLATTING 18.05(1)(I)1.

1. Duplication of existing street names by similar word spelling or sound shall not be permitted. A street name that does not duplicate an existing street name but is unacceptable due to sound, definition or implication shall not be permitted.
2. Streets of a different name with different suffix shall not be permitted, except that a cul-de-sac or short loop street intersecting a through street may carry the through street name with a "court" or "circle" suffix.
3. Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the extra length of the street. Any street which changes alignment approximately 90° from its original direction shall change in name at the point of direction change. In considering whether a change of name is necessary due to curvilinear changes, the house numbering difficulties shall be considered the determining factor provided it would not be in conflict with other requirements herein.
4. A name which is assigned to a street which is not presently a through street due to intervening land over which the street extension is planned shall be continued for the separate portions of the planned through street. However, if a street is not presently a through street, due to intervening land uses which prohibits the possibility of street extension, the street name shall be discontinued at the point of obstruction by the indivisible land use.
5. Street names shall be continued along streets with a centerline offset of less than 125'. If the centerline offset is greater than 125', a new street name shall be used.
6. The below listed street designations shall be limited to the following conditions:
 - a. Boulevard. This term shall be reserved for streets with a divided pavement either existing or planned. If the divided pavement ends, but the street continues, the same street name and suffix shall be continued.
 - b. Drive, parkway, road. These terms shall be used for curving streets of length with no primary direction.
 - c. Lane, place, way, terrace. These terms shall be limited to streets one or 2 blocks long, not ending in a cul-de-sac.
 - d. Circle, crescent, court. These terms shall be limited to cul-de-sac streets or short loop streets.
 - e. Court. This term shall be limited to a cul-de-sac of 8 lots or less.

SUBDIVISION AND PLATTING 18.05(1)(I)7.

7. The desirable maximum number of street names at one intersection shall be 3.

8. Approval of street names on a preliminary plat will not reserve the street name nor shall it be mandatory for the City to accept it at the time of final platting.

(2) ALLEYS, PEDESTRIAN WAYS AND SIDEWALKS. (a) Alleys. Alleys shall be at least 20' wide where permitted in residential subdivisions. Alleys at least 24' wide shall be provided in commercial and manufacturing subdivisions.

(b) Pedestrian Ways. Pedestrian ways, where permitted, shall be at least 12' wide, and a 4' high chain link fence with a top rail shall be installed by the subdivider at his expense along the side boundary lines of such pedestrian ways to within one foot of terminating street, sidewalk or alley lines. After initial development, grading and seeding by the subdivider, maintenance of such pedestrian ways shall be assumed by the City. Pedestrian ways leading to schools, parks or other common destinations may be required by the Plan Commission.

(c) Sidewalks. Sidewalks shall be constructed on lots that abut on a public street in accord with Section 8.28 of the Fond du Lac Code of Ordinance.

(3) EASEMENTS. (a) A public utility easement shall be provided for any overhead or underground utility service including sanitary sewer and storm water drainage where deemed necessary by the City Engineer. Utility easements shall be a minimum of 7½' wide and situated at the rear of each lot and along side lot lines for residential and commercial development. For areas of industrial development, utility easements may be established along the front lot lines. Utility easements may be established along the front lot lines of land to be subdivided within the area of extraterritorial jurisdiction, provided that such lots are not located within the future urban area of the City of Fond du Lac. At deflection points in utility easements, if overhead utility lines are contemplated, additional easements shall be established for pole-line anchors.

(b) Associated equipment and facilities which are appurtenant to underground electrical and communications systems such as, but not limited to, substations, pad mounted transformers, pad mounted sectionalizing switches and pedestal mounted terminal boxes may be located aboveground, except in areas of residential zoning such equipment shall not be located in any front yard area of property within the corporate limits of the city or property within the future urban area of the City of Fond du Lac.

(c) Where a subdivision is traversed by a natural watercourse, drainageway, channel or stream, there shall be provided a drainage easement conforming substantially with the lines of such watercourse. It shall include an additional area of at least 15' wide adjoining both edges of the established area that has been affected by damaging floodwaters as certified by the subdivider's surveyor.

SUBDIVISION AND PLATTING 18.05(4)

(4) BLOCK STANDARDS. (a) Residential Districts. In residential subdivisions the maximum length of blocks containing lots less than 150' in width shall be 1,800 lineal feet, and the maximum length of blocks containing lots 150' and over in width shall be 2,640 lineal feet. No blocks shall be less than 900 lineal feet in length unless approved by the Plan Commission.

(b) Manufacturing, Business or Institutional Districts. In blocks designated for manufacturing, business or institutional development, maximum lengths of blocks shall be as approved by the Plan Commission. Blocks intended for commercial, industrial and institutional use must be designated as such and the plan must show adequate off-street areas to provide for off-street parking, loading docks and such other facilities as may be required to accommodate motor vehicles.

(c) Shape of Blocks. The shape of blocks shall be dictated by topographical features, the basic street system and traffic pattern, lot depths and areas designated for public and other nonresidential land uses.

(d) Bordering Railroad or Arterial Street. Where a subdivision borders upon or is traversed by a railroad right-of-way or arterial street the Plan Commission may require a street on one or both sides of such right-of-way or street approximately parallel to and at a distance removed suitable for the appropriate use of the intervening land, i.e., park purposes, deep residential lots fronting on it with a visual barrier established in a "no-access" strip along the rear property lines and off-street parking, business or other uses as permitted by zoning district regulations.

(5) LOT STANDARDS. (a) Shape. In general, lots should be as nearly rectangular in shape as practicable.

(b) Residential. The minimum lot area, lot depth and lot width shall be not less than the corresponding standards for the zoning district in which the property is located. Where installations of public or community sewerage and water supply systems are not possible, individual sewage treatment systems and private wells are permitted, provided they are installed in accordance with the State rules and regulations.

(c) Commercial or Institutional. Width, area and depth of lots designated for manufacturing, business or office development shall be not less than the corresponding standards for the zoning district in which the property is located.

(d) Abut Public Street. All lots shall abut upon a public street.

(e) Side Lines. Side lines of lots shall be at right angles or radial to the street line or substantially so.

SUBDIVISION AND PLATTING 18.05(5)(f)

(f) Double Frontage. Double frontage lots are not permitted, except: where lots back upon a thoroughfare, in which case a "no-access" strip shall be shown; or as specifically approved by the Plan Commission for lots designated for nonresidential uses.

(g) Abutting Watercourse, Etc. Lots abutting upon a watercourse, drainage way, channel or stream shall have an additional depth or width as required by the Plan Commission in order to provide acceptable building sites.

(h) Regard for Natural Features. In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, watercourses, historic spots or similar conditions.

(6) PUBLIC SITES AND OPEN SPACES. (a) Effect of Recording on Dedications. When any plat is certified, signed, acknowledged and recorded as prescribed by Ch. 236, Wis. Stats., every donation or grant to the public or any person, society or corporation marked or noted as such on the plat shall be deemed a sufficient conveyance to vest the fee simple of all parcels of land so marked or noted and shall be considered a general warranty against such donors, their heirs and assigns to the donees for their use for the purposes therein expressed and no other; and the land intended for the streets, alleys, ways, commons or other public uses as designated on the plat shall be held by the City, or other authority having jurisdiction outside the corporate limits in which the plat is situated, in trust to and for such uses and purposes.

(b) Dedications to Public Accepted by Approval. When a final plat of a subdivision has been approved by the City and all other required approvals are obtained and the plat is recorded, such approval shall constitute an acceptance for the purpose designed on the plat of the uses of all lands shown thereon as dedicated to the public.

(c) Dedication and Reservation of Lands. In order that adequate open space and sites for public use may be properly located as the community develops, and in order that the cost of providing park and recreation sites necessary to serve the community may be most equitably apportioned on the basis of the additional need created by the individual subdivision development, the following provisions shall apply:

1. Where the City of Fond du Lac Comprehensive Plan and/or Official Map identifies an area for a park or open space area, school or other public use in a tract of land to be subdivided, such proposed public lands or equivalent lands shall be made a part of the plat and shall be dedicated to the public by the subdivider. The rate of land dedicated shall be one acre per 35 dwelling units. Not more than 33% of the required land dedication shall include wetland and/or floodway areas. Where wetland and/or floodway areas are included as part of proposed public lands, the rate of dedication

SUBDIVISION AND PLATTING 18.05(6)(c)2.

shall be two acres per each 35 dwelling units. Where the purpose of a public land dedication adjacent to a waterway would be to provide for the development of a public trail, pathway or access corridor, such dedication may consist entirely of floodplain and/or wetland areas. Nothing contained herein shall preclude the dedication of floodplain and/or wetland areas additional to the required minimum.

2. In evaluating the suitability of land to be dedicated for the creation of a park, the Plan Commission shall consider the location of the park within a subdivision, the configuration of the park boundaries and the means of public access to the park. Any new park shall include access from at least one public street and said access shall be at least 200 feet in length along the frontage of the abutting public street.

3. If no park or open space area, school or other public use has been proposed upon submittal of the preliminary plat to the City of Fond du Lac by the subdivider, but the City determines at the time of preliminary plat submission that a public facility should be provided in the area of the proposed plat to carry out the spirit and intent of this chapter, the City may require dedication as set forth above.

4. Where the dedication of land for public use is not feasible or compatible with the City of Fond du Lac Comprehensive Plan and/or Official Map, the subdivider shall, in lieu thereof, pay to the City a public site fee pursuant to the procedures established by Section 18.08(3) of this chapter. The determination of feasibility of dedication shall be made by the City.

(7) **PLANNED DEVELOPMENTS.** (a) The requirements and standards of this chapter may be waived by the Plan Commission for planned developments providing such proposed developments shall be planned as a unit, be appropriate to the site and location, shall be of sufficient size to permit the unified development of the area and shall not conflict with other laws or requirements or with the purpose or intent of this chapter and is approved by the Plan Commission. 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.

(b) It is the intent of the section to permit, in addition to other types of planned development, cluster subdivisions and planned unit developments with owner occupied row housing and with privately owned common property comprising a major element of the development.

18.06 REQUIRED LAND IMPROVEMENTS. (1) **SURVEY MONUMENTS.** The subdivider shall cause survey monuments to be installed in accordance with the requirements of Ch. 236, Wis. Stats., and as may be required by the City Engineer.

SUBDIVISION AND PLATTING 18.06(2)

(2) **UTILITY AND STREET IMPROVEMENTS.** The City shall be responsible for: street lighting, grading, surfacing and curb and gutter of streets; sanitary sewer facilities; storm water drainage facilities; and water supply facilities. The City shall construct or cause to be constructed such streets and utilities in conformance with plans and standard specifications developed by the City Engineer and in conformance with the comprehensive plan. The costs of such improvements and plans shall be paid to the City by the subdivider through assessments in conformance with rates established in resolution establishing special assessment rates for public improvements, as amended from time to time, and that public hearings be held subject to the following:

(a) **Street Surfacing.** Street surfacing shall be of the type and width prescribed by the comprehensive plan and any cost of surfacing in excess of 36' in width and to standards over and above those which would be required for local streets that are not required to serve the needs of the subdivider shall be borne by the City.

(b) **Curb and Gutter.** Curb and gutter shall be constructed and the cost of installation of all inside curbs and gutters for dual roadway pavement shall be borne by the City.

(c) **Sanitary Sewer.** Sanitary sewer shall be constructed as to make adequate sanitary sewerage service available to each lot within the subdivision. The developer shall be responsible for the cost of, up to and including, ten-inch (10") diameter sewer in residential subdivisions and, up to and including, twelve-inch (12") diameter in non-residential subdivisions. The City shall bear the additional cost of the larger sewer pipe.

(d) **Water Mains and Hydrants.** Water mains and hydrants shall be constructed in such manner as to make adequate water service available to each lot within the subdivision. If greater than 8" water mains are required in residential subdivisions or if greater than 12" diameter water mains are required in nonresidential subdivisions, the excess cost of such mains over and above the 8" mains in residential subdivisions or 12" mains in nonresidential subdivisions shall be borne by the City.

(e) **Street Lighting.** Street lighting shall be of a type consistent with the nature of the street and its lighting requirements as specified by the Plan Commission and in accordance with the ornamental street lighting specifications on file in the Department of Public Works. The subdivider shall be responsible for the cost of residential ornamental street lighting and in cases where greater than residential lighting is required, all costs over and above the cost of normal residential street lighting shall be borne by the City.

(f) **Grading and Fill.** The placement of fill shall be completed in accord with the master drainage plan for a subdivision, to be accomplished as development occurs. The requirements of this section shall apply to any lot(s) within a subdivision whose final plat is recorded after adoption of this section. In addition, the following standards

SUBDIVISION AND PLATTING 18.06(2)(f)1.

must be met to assure that water will not pond within a lot or series of lots to create aesthetic, safety, health or other problems normally associated with standing water:

1. The owner of a lot to be developed shall take the necessary physical steps to insure that water will flow from any point within the lot to a natural or constructed drainage course in accord with the master drainage plan for the subdivision. The responsibility for the construction and maintenance of any drainage course within a lot, as specified by the master drainage plan for the subdivision, shall remain with the owner of said lot and such responsibility shall pass to any successive owner.

2. The owner of an undeveloped lot shall take appropriate measures to prevent the accumulation of water on such lot. Compliance with this requirement may necessitate temporary site modifications to assure proper drainage prior to the completion of final grading of all adjacent lots.

3. Where water accumulates to create a hazard or threat to public safety on an undeveloped lot, or on a lot where the construction of a new structure has commenced, the owner of such lot shall be responsible for abatement in accord with the provisions of Chapter 10, Public Nuisance, of the Fond du Lac Code of Ordinances.

(3) UNDERGROUND UTILITIES. (a) Lines to be Underground in Newly Platted Areas. 1. All new electric distribution lines (excluding lines of 15,000 volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, community antenna television cables and services installed within a newly platted area, mobile home park or planned development, shall be underground unless the Plan Commission shall specifically find after study that:

a. The placing of such facilities underground would not be compatible with the planned development.

b. Location, topography, soil, stands of trees or other physical conditions would make underground installation unreasonable or impracticable.

c. The lots to be served by such facilities can be served directly from existing overhead facilities.

2. Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to, substations, pad mounted transformers, pad mounted sectionalizing switches and above grade pedestal mounted terminal boxes may be located aboveground, except that in areas of residential zoning and development such equipment shall not be located in any front yard area of property within the corporate limits of the City of Fond du Lac or property within the future urban area of the City of Fond du Lac Comprehensive Plan Map.

3. The subdivider or his agent shall furnish proof to the Plan Commission that such arrangements as may be required under applicable rates and rules filed with the Wisconsin Public Service Commission have been made with the owner or owners of

SUBDIVISION AND PLATTING 18.06(3)(a)4.

such lines or services for placing their respective facilities underground as required by this subsection as a condition precedent to approval of the final plat or certified survey map.

4. Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed, subject to any exception permitted by the Plan Commission under subpars. 1.a., b. and c. above.

5. Easements shall be provided and dedicated at the rear of each lot and along side lot lines for residential and commercial development for the installation of electric and communications facilities. For areas of industrial development, utility easements may be established along front lot lines. Utility easements may be established along the front lot lines of land to be subdivided within the area of extraterritorial jurisdiction, provided that such lots are not located within the future urban area of the City of Fond du Lac. Utility easements shall be a minimum of 7½' wide unless otherwise required and noted as "utility easements" on the final plat or certified survey map. In addition, a public utility easement 20 feet in width parallel to the street right-of-way shall be provided within the front yard area of any lot located within the incorporated area of the City or land situated within the future urban area of the City's extraterritorial jurisdiction. This easement shall be for the use of any non-municipal utility for gas, electric, communication or television facilities.

a. Where the electric and communications facilities are to be installed underground the utility easements shall be graded to within 6" of final grade by the subdivider prior to the installation of such facilities and earth fill, piles or mounds of dirt shall not be stored on such easement areas.

b. Where the electric and/or communications facilities are to be installed underground a note shall be placed on the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than 6" by the subdivider, his agent or by other subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved.

(b) Lines to be Underground in Existing Plats. Utility lines and services of the kind described in par. (a) constructed in an area which was platted prior to the effective date of this provision and in which such lines and services have not previously been installed shall also be placed underground, subject to the applicable provisions of par. (a). To implement these provisions all owners of the lots in such platted area shall grant the necessary easements for such lines and services and shall make with the owner or owners of such lines or services such arrangements as may be required under applicable rates and rules filed with the Wisconsin Public Service Commission for the placing of such facilities underground.

SUBDIVISION AND PLATTING 18.06(3)5.(c)

(c) Aerial Lines to be Removed or Relocated When Existing Streets are Paved or Repaved. When the City Council has determined by resolution to pave or repave, with deep strength asphalt, concrete or with a concrete base and a bituminous surface some certain length of any existing street, highway or thoroughfare in the City and as part of such project and for the length thereof to install street lights of metal construction which are ornamental in nature, any owner of poles or aerial wires or cables and associated appurtenances on or along and within the limits of such street, highway or thoroughfare, upon the notice described to be given by the Director of Public Works below, shall at its expense before the expiration of the time provided for in such notice, remove so much of the aerial facilities described as it owns within the termini of such project and reconstruct, replacing facilities if necessary, in a permitted location elsewhere or replace such existing aerial facilities with underground facilities in such street, highway or thoroughfare prior to paving or repaving. However, it is understood that:

1. This requirement shall not apply to alleys.
2. This requirement shall not apply to sections of streets, highways or thoroughfares less than 1,000' in length, except in the area bounded by and including Marr St., Merrill Ave., Western Ave., Fifth St. and the East Branch of the Fond du Lac River.
3. This requirement shall not apply to aerial electric lines carrying circuits of 12,000 volts or more.
4. This requirement shall not apply to aerial facilities which merely cross the street, highway or thoroughfare to be paved or repaved; nor shall it be construed as prohibiting pad mounted transformers, pad mounted sectionalizing switches and above grade pedestal mounted terminal boxes.
5. The notice given by the Director of Public Works shall be given as soon as may be possible and shall include sufficient plans of the street project to permit the owner or owners of the lines concerned to plan their work and to procure materials, but in no case shall the notice require the removal of the aerial facilities described sooner than 9 months from the date thereof.
6. Any owner may appeal to the Plan Commission for a rescinding or an appropriate modification of such requirement for any reason such as the following and the Plan Commission shall have the power to rescind such requirement or to grant or deny any variance therefrom:
 - a. Insufficient time to accomplish such a requirement.
 - b. Physical conditions that would make such a requirement unreasonable or impractical.

SUBDIVISION AND PLATTING 18.06(3)(c)7.

c. Strikes by employees of owners, suppliers, contractors or others involved in such projects.

7. The customers served from such facilities shall at their expense make any necessary alterations to their service entrance wiring and equipment as may be necessary to receive such service from the relocated facilities and shall make such payments to the owner of the facilities as may be required for relocation of service conductors.

(d) Permits for Utility Services. Permits shall be obtained from the Director of Public Works for the installation of new communications, electric power, gas and other utility lines or services to be located in the public rights-of-way shown on the final plat or certified survey map when such rights-of-way are located within the corporate limits of the City, and any required fee shall be paid before installation is begun.

(4) SUBDIVISIONS IN THE EXTRATERRITORIAL JURISDICTION. The improvements contained in §18.06 shall be required of all subdivisions in the extraterritorial plat approval jurisdiction. However, the responsibility for construction or installation of improvements or any cost thereof shall not be borne by the City.

(5) SIDEWALKS. The subdivider shall construct sidewalks in accordance with §8.27 of this Code of Ordinances.

(6) STREET TREES. The City shall plant one tree at least 2" in diameter for every 75' of lot frontage on all streets. The cost of the tree and installation shall be assessed to the abutting property owners at the time of assessment for street construction. If the abutting property owner has been previously assessed for street construction, then the cost of the trees and installation shall be paid by the abutting property owner at the time of application for a building permit. Where the Developer of a subdivision constructs the street, the City shall install the trees and the cost of the trees and installation shall be assessed to the Developer upon approval of the final plat. The cost of the trees shall be based on the City bid prices for supply and planting of specimen tree stock. Installation of trees shall occur in the year following the construction of 50% of the houses on a street. The location of trees shall be at the discretion of the City Park Division. The City Park Division shall, where possible, consult with property owners in residential districts regarding the final placement of street trees to coincide with individual landscape plans.

(7) EROSION AND SEDIMENT CONTROL. The City Engineer shall review each plat on the basis of size, topography, erosion hazards and other factors relating to sedimentation to determine the need for erosion and sediment control measures. If it is determined that such measures are needed, the City Engineer shall direct the subdivider to take such erosion and sediment control measures as he deems necessary.

SUBDIVISION AND PLATTING 18.07

18.07 **OTHER LAND DIVISIONS.** (1) PROCEDURE. The division of a lot, parcel or tract of land not a part of a subdivision as described herein shall be governed by the following:

(a) The owner shall file with the City Clerk the original drawing and 3 copies of a certified survey map.

(b) Within 2 days after receiving such certified survey map, the City Clerk shall forward one copy to the Principal Planner and one copy to the City Engineer.

(c) Within 10 business days Planning and Engineering staff shall make its report in writing to the divider approving, approving conditionally, or denying the certified survey map. The report shall set forth the basis of its decision.

Where a decision of Planning and Engineering staff is not agreeable to the subdivider, the subdivider may request in writing that the Plan Commission review the certified survey map. Said written request shall specify in detail the reason for the request for Plan Commission review. Planning and Engineering staff shall submit to the Plan Commission in writing its justification and the reasons for not granting approval of the certified survey map. The Plan Commission shall then review the decision and approve, conditionally approve, or deny the certified survey map.

(d) Any land division created under the provisions of this section which requires a new street, right-of-way, alley or other public dedication shall conform to the official map and shall require approval of the Plan Commission and City Council.

(e) For the purpose of this chapter, the division of a lot or lots of record as herein defined shall not be deemed to be a division, provided that such division does not create more than 2 parcels of land, each resultant parcel exceeds 5 acres and meets all the requirements of the zoning code and that no new street is sought to be dedicated or is contemplated or projected through such lands. Any such division of a lot or lots of record shall be shown on a map which shall be filed with the City Engineer in triplicate. Such division shall be monumented in accordance with par. (2)(c).

(2) REQUIREMENTS. (a) Minor subdivisions within the City or within the City Growth Area under the Intergovernmental Land Use Agreement shall conform to the Master Plan and official map of the City and to the subdivision design standards contained in §18.05 of this chapter. Minor subdivisions within the City shall be required to construct or install the land improvements contained in §18.06 of this chapter. The City shall not be responsible for the construction or installation of improvements or any costs thereof for any minor subdivision in the extraterritorial plat approval jurisdiction.

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(b) The certified survey shall be performed and the map prepared by a registered surveyor.

(c) All corners shall be monumented in accordance with §236.15(1)(c) and (d), Wis. Stats.

(d) The certified survey map shall be prepared in accordance with §236.2(2)(a), (b), (c), (e), (f), (g), (i), (j) and (k), Wis. Stats., on tracing cloth or opaque or on durable white paper 8½" wide by 14" long. All lines shall be made with nonfading black ink to a scale of not more than 100' to one inch.

(e) If any lot in the land division is not to be served by a public sanitary sewer, percolation tests shall be submitted according to the procedures designated under the rules of the Department of Industry, Labor and Human Relations applicable to subdivisions.

(f) In accordance with the intent of this Code relating to dedication of lands or fees in lieu for each dwelling unit in a proposed subdivision, each certified survey map shall meet the requirements for plats contained in §§18.05 (5) and 18.08(3).

(g) The Certified Survey Map shall define actual location and show all clearances to lot lines of existing buildings and other structures within the boundaries of the survey.

(3) CERTIFICATES. (a) Certificate of Surveyor. The certified survey map shall include the certificate of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with nonfading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. public land survey or some corner providing reference to a corner marked and established in the U.S. public land survey. Such certificate shall include the statement of the surveyor to the effect that he has complied with the requirements of this section.

(b) Certificate of Approval. The certificate of approval of the City Engineer shall be typed, lettered or reproduced legibly with nonfading black ink on the face of the map.

(4) RECORDING. Upon approval, the City Clerk shall secure from the divider at the divider's expense one mylar copy of the certified survey map for retention by the City Engineer. If the property described is within the City, the certified survey in its exact form as approved by the City Engineer shall be recorded with the Register of Deeds at the divider's expense. The City Clerk shall have the recording data placed upon the mylar copy and then transmit same to the City Engineer.

18.08 **FEES AND SERVICES**. (1) RESPONSIBILITY OF SUBDIVIDER. The subdivider shall pay the City all fees required and at the times specified.

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(2) **PRELIMINARY PLAT REVIEW FEE.** A plat review fee shall be paid by the subdivider to the City Treasurer at the time of filing the preliminary plat at the office of the City Clerk. The review fee shall be paid in the amount set by resolution of the City Council.

(3) **PUBLIC SITE FEE.** If the City elects not to require dedication of public lands as provided in §18.05(6)(c), a fee for the acquisition or capital improvement of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the City for each dwelling unit. Public site fees shall be paid in the amount set by City Council resolution at the time of building permit issuance. Public site fees to be paid in lieu of dedication shall be paid into a nonlapsing fund to be used for capital improvements of park or recreation areas of service to the subdivision.

(4) **CITY ENGINEER'S SERVICES.** Where the subdivider wishes to design and install his own street improvements and the procedure has been authorized by City ordinance, the subdivider shall pay a fee equal to the actual cost to the City for such inspection as the City Engineer deems necessary to assure that the construction of the required improvements are in compliance with the plans, specifications and ordinances of the City or any other governmental authority.

18.09 VARIATIONS AND EXCEPTIONS. The Plan Commission may recommend variations from these requirements in specific cases which in its opinion do not affect the general plan or the intent of this chapter. Such recommendations shall be communicated to the Council or governing county authorities in writing, substantiating the recommended variation. The Council may approve variations from these requirements in specific cases which in its opinion do not adversely affect the general plan or the spirit of this chapter.

18.10 BUILDING PERMIT. No building permit shall be issued by any governing official for the construction of any building, structure or improvement to land or any lot within a subdivision or land division which has been approved for platting until there is compliance with all requirements of this chapter and other pertinent ordinances. No building permit shall be issued prior to the construction of an all-weather roadway to serve any lot or lots planned for development. Such roadway shall be excavated in accord with city approved design and standards, and shall include granular base course material in place.

18.11 OCCUPANCY PERMIT. No occupancy permit shall be granted by any governing official for the use of any structure within a subdivision or land division approved for platting or replatting until required utility facilities have been installed and made ready to service the property; and that all-weather roadways providing access to the subject lot or lots have been constructed or are in the course of construction and are suitable for vehicular traffic.

18.12 MASTER DRAINAGE PLAN. The subdivider shall submit a master drainage plan for review and approval by the City Engineer prior to Plan Commission approval of

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a final plat for lands within the incorporated boundaries of the City. The master drainage plan with storm water calculations shall bear the signature and certification of a registered engineer, land surveyor or architect as described in Chapter A-E of the Wisconsin Administrative Code and required by the Department of Licensing and Regulations. A drainage plan for the development of individual lots may be prepared by persons other than a licensed professional as described herein, to be submitted by the Builder, provided the plan includes stamped certification by a licensed professional of existing conditions at the time of drainage plan preparation. No deviation from the master drainage plan shall be permitted unless approved in writing by the City Engineer. The master drainage plan and individual lot plans shall show existing and proposed site grades, existing trees, drainage patterns and significant land features and buildings, and typical proposed drainage swale details as may be required. All necessary drainage easements shall be shown on the master drainage plan and on the final plat. Responsibilities pertaining to drainage easement shall be indicated in deed restrictions.

18.13 STORM WATER MANAGEMENT. This section shall apply to the use of lands within the incorporated boundaries of the City and lands subject to extraterritorial land division review pursuant to §18.06(4), provided that such lands drain toward or across lands laying within the City or City Growth Area. Storm water management activities shall be in accord with the provisions of Chapter 23, Construction Site Erosion Control and Post Construction Storm Water Management, of the Fond du Lac Code of Ordinances.

(1) **LAND DEVELOPMENT ACTIVITIES SUBJECT TO STORM WATER MANAGEMENT.** Land development activities shall be subject to the provisions of this section if:

(a) The land development activity will result in a residential development requiring a subdivision plat or certified survey map; or

(b) The land development activity will result in a multi-family residential development or planned unit development not requiring a subdivision plat or certified survey map; or the land development activity will result in a development other than residential; or

(c) Runoff from the land subject to development activity will, regardless of the size of the parcel, exceed the available capacity of the receiving watercourse or drainage facility or cause undue channel erosion; or

(d) The land development activity will, regardless of the size of the parcel, significantly increase flood stages, significantly increase water pollution, or otherwise adversely affect property or the public health, safety or welfare. An increase in the stage of a 100-year reoccurrence interval flood in a natural watercourse of one-hundredth of a foot (0.01') shall be considered significant.

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(2) **STANDARDS FOR STORM WATER MANAGEMENT AND ON-SITE DETENTION FOR LAND DEVELOPMENT ACTIVITIES.** Storm water management facilities shall be constructed consistent with the storm water management system plan. Unless the storm water management system plan provides otherwise, storm water management facilities for a land development activity shall comply with the following standards:

(a) Storm water management facilities shall limit the calculated peak runoff rate to a rate equal to the calculated peak runoff rate of the property prior to the development activity for the design storm. Detention facilities shall be provided for detention of storm water runoff in excess of the calculated peak runoff rate of the property prior to the development activity for the design storm. Storm water detention may be provided by the landowner/land user on-site or adjacent to the site.

(b) Peak flows from lands subject to development activities shall not cause surcharging of engineered or constructed drainage facilities.

(c) To the extent practical, storm water management shall prevent development activities from causing any increase in flooding, erosion, sedimentation, pollution or other adverse environmental effects.

(3) **DESIGN CRITERIA AND ENGINEERING STANDARDS.** This section does not require the use of any particular type of structural or nonstructural measure to meet the standards of sub. (2) above. The applicant may employ any structural or nonstructural measures that will be effective in achieving all applicable standards set forth in this chapter.

(4) **CONSTRUCTION STANDARDS.** All work performed under this section shall comply with the applicable sections of the Wisconsin Department of Transportation Standard Specifications for Highway and Bridge Construction, State of Wisconsin Standard Specifications for Sewer and Water Construction, and Wisconsin Construction Site Best Management Practices Handbook.

(5) **STORM WATER MANAGEMENT PLAN REQUIRED.** Unless specifically excluded by this section, no land occupier or land user may undertake a land development activity subject to this section without preparing a storm water management plan and obtaining approval of the plan from the City Engineer prior to commencing the proposed activity. The application for approval of a storm water management plan shall be made on a form provided by the City Engineer and signed by the person engaging in land development activities and the owner of the land on which the development activities occur.

(a) Contents of the Storm Water Management Plan. The storm water management plan shall contain all information that the City Engineer may need to evaluate determinations of runoff rates and volumes and their control. The City

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Engineer may require the following, as well as any other information which, in his/her judgment is needed to evaluate the storm water management plan:

1. A legal description of the property by metes and bounds, by U.S. Public Land Survey Township and Range, and by U.S. Public Land Survey section and quarter-section; or by block number and lot number within a recorded subdivision or certified survey map.

2. A topographic map of the site, at a scale of not smaller than one inch equals 100 feet and with a vertical contour interval of not greater than one foot, including enough of the contiguous properties to show existing on-site drainage patterns and watercourses that may affect or be affected by the proposed development of the site. All existing physical features, site boundaries, and the date of topographic survey and survey firm shall be included on the topographic map.

3. Plans and, as may be appropriate, profiles and cross sections, and hydraulic design computations for all temporary or permanent storm water management measures. The plans shall be prepared at a scale of not smaller than one inch equals 100 feet and shall show:

The name, address and telephone number of the land owner, along with the name and telephone number of the party responsible for maintenance of any storm water management measures if different from the owner.

The limits of the natural floodplain, if any, on and immediately adjacent to the site, based on the 100-year recurrence storm event under both existing and proposed land use conditions. Peak flood stages referred to national geodetic vertical datum attendant to these floodplains shall be provided.

The estimated volume of runoff from the area under both existing and proposed land use conditions for the 100-year recurrence interval storm event and for the recurrence interval storm event used in the design of receiving engineered and constructed drainage facilities as determined by methods set forth in S.C.S. TR-55 or other methods approved by the City Engineer.

The estimated peak runoff from the area under both existing and proposed land use conditions for the 100-year recurrence interval storm event and for the recurrence interval storm event used in the design of receiving engineered and constructed drainage facilities as

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determined by methods set forth in S.C.S. TR-55 or other methods approved by the City Engineer. This rate shall be determined for the point of discharge from the site and for such locations on the site and downstream of the site as may be required by the City Engineer.

The location of any and all proposed on-site conveyance and storage facilities.

Proposed provisions to carry runoff to the nearest outlet from the site such as a curbed street, storm sewer, constructed drainageway or natural watercourse.

Design computations and applicable assumptions for all structural measures for storm water management. Volumes, peak rates of discharge and velocities of flow shall be provided for all conveyance and storage measures and outfalls.

Estimated starting and completion dates for the construction of storm water management measures.

4. Copies of review letters and permits issued by State and Federal agencies.

5. Prior to the approval of a storm water management plan the applicant shall furnish, when required by the City, a consent and waiver in a form approved by the City Attorney which shall be recorded in the office of the Register of Deeds. Such consent and waiver shall provide that the owner consents to the installation of storm water management measures at the discretion of the City, consents to the imposition of special assessments or special charges therefor, and waives all notice and hearing requirements for the imposition of such special assessment or special charges.

(b) Review of Storm Water Management Plan. The City Engineer shall receive and review all storm water management plans and shall determine if measures included in the plan to control runoff are adequate to meet all the applicable standards as set forth in this section and are consistent with the storm water management system plan. The City Engineer shall inform the applicant, in writing, whether he approves, conditionally with modifications, or denies the storm water management plan and shall specify a date when the storm water management measures shall be completed or the approval will become null and void. If additional information or modifications are required, the City Engineer shall so notify the applicant. In the event that the plan is denied, or modifications are required, the applicant may submit a new storm water management plan or may appeal the City Engineer's decision as provided in this section.

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(c) Compliance Conditions. All approvals shall be subject to the following conditions and requirements and any applicant who begins to perform any land

development activity shall be deemed to have accepted all of the following conditions and requirements:

1. All construction and development shall be carried out in compliance with the storm water management plan as approved by the City Engineer.
2. The applicant shall give written notice to the City Engineer at least two work days, and not more than ten work days, before the start of any land development activity.
3. The applicant shall file written notice of the completion of all land development activities and the completion of installation of all on-site detention facilities within ten work days after completion.
4. Approval in writing must be obtained from the City Engineer prior to any modifications to the approved storm water management plan.
5. The applicant shall be responsible for maintaining all public rights-of-way, streets, runoff and drainage systems, and drainageways as specified in the approved storm water management plan until they are accepted and become the responsibility of the governmental entity concerned.
6. The applicant agrees to permit the City Engineer to enter onto the land regulated under this chapter for the purpose of inspecting for compliance with the approved storm water management plan.
7. The applicant must provide and install, at his/her expense, all storm water management improvements, as required by this section and the approved storm water management plan. In the event the City determines it is necessary to construct storm water management facilities within a development to serve other land, or to construct storm water management facilities outside a development to serve the development, the City shall construct such storm water management facilities and the applicant shall share the cost thereof. The applicant's share of the cost shall be determined by the City Council after considering the area of the development served by the facilities, the total area served by the facilities, anticipated runoff from the areas served by the facilities, and such other factors as the Council considers relevant.
8. The applicant authorizes the City Engineer action pursuant to §66.0627, Wis. Stats., to perform any work or operations necessary to bring the condition of the lands into conformity with the approved storm water management plan, or plan as modified by the City Engineer, and further consents to the City placing the total of the costs and expenses of such work and operations upon the tax roll as a special charge

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against the property. Upon the completion of the construction of storm water facilities the plan designer shall certify compliance with the approved plan.

(6) **APPEALS.** The City Council shall hear and decide where it is alleged that there is error in any order, requirement, decision or determination made by the City Engineer in administering this section. The City Council may authorize upon appeal in specific cases such variance from the terms of this section as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this section would cause an undue hardship. Appeals may be taken by any person aggrieved or by any officer, department or board of the City affected by the order, requirement, decision or determination made by the City Engineer. Such appeals shall be filed with the City Clerk within 30 days after the date of the written notice of the decision or order of the City Engineer.

18.20 **ADMINISTRATION.** (1) **ENFORCEMENT.** No plat of any subdivision or land division shall be entitled to record in the office of the Register of Deeds or have any validity until it shall have been approved in a manner prescribed in this chapter.

(2) **PENALTY.** Except as otherwise provided, any person found to be in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in §25.04 of this Code of Ordinances.

Historical Updates			
Page	Paragraph	Ordinance No.	Date Adopted
17	18.05(3)	2772	02/22/95
18	18.05(5)(a) - (h)	2772	02/22/95
19	18.05(6)(c)2.	2772	02/22/95
22	18.06(3)(a)2.	2772	02/22/95
26-27	18.07(4)	2772	02/22/95
9	18.04(1)(b)6.	2791	07/12/95
16	18.05(1)(l)6.d.	2791	07/12/95
17	18.05(1)(l)8.9.10. 18.05(2)(a)(b)(c) 18.05(4)(a)	2791	07/12/95
18	18.05(5)(b)	2791	07/12/95
21	18.06(2)(c)	2791	07/12/95
24	18.06(6)	2791	07/12/95
26	18.07(2)(h)	2791	07/12/95
22	18.06(2)(f)	2854	02/26/97
28	18.10 & 18.11	2854	02/26/97
19-20	18.05(6)(c)	2981	09/22/99
19-20	18.05(6)(c)1. and 2.	3042	05/23/01
25	18.06(6)	3065	07/25/01
2-36	18.02(2);18.05(3)(a)(b)&(c) 18.06(3)(a)5.;18.08(2); 18.12;18.13	3116	08/28/02
28-29	18.07(1),(2), (3), and (4)	3179	10/22/03
27-28	18.06(6)	3227	10/27/04
31	18.13	3387	11/25/08
10	18.03	3473	09/28/11