

Chapter 19

SUBDIVISION AND PLATTING

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Article I. In General

Sec. 19-01. Purpose, jurisdiction and compliance.

(1) The purpose of the regulations in this chapter is to regulate and control the division of land within the corporate limits and extraterritorial plat approval jurisdiction of the city in order to promote the public health, safety and general welfare of the community. The regulations are designed to lessen congestion on the streets and highways; to further the orderly layout and use of land; to ensure proper legal description and proper monumenting of subdivided lands; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and avoid undue concentration of the population; to facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds and other public requirements. This chapter is formulated to facilitate enforcement of development standards as outlined in the building code, zoning code, the Comprehensive Plan and official map of the city and the implementation of guide plans approved by the city.

(2) The jurisdictional limits of this chapter shall be to all lands within the corporate limits of the city and all unincorporated areas within three miles of its corporate limits. Less strict standards may apply in areas where the City does not have zoning authority as determined by the City Engineer.

(3) No person shall divide any land located within the jurisdictional limits of this chapter which results in a major subdivision, minor subdivision or replat as defined in this chapter, and no such major subdivision, minor subdivision or replat shall be entitled to be recorded without full compliance with all the requirements of this chapter and ch. 236 Wis. Stats.

(4) The provisions of this chapter for minor subdivisions shall not apply to:

- (a) Transfer of interest in land by will or pursuant to court order.
- (b) Leases for a term not to exceed ten (10) years, mortgages or easements.
- (c) Sale or exchange of parcels of land between owners of adjoining properties 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, except that a lot line adjustment survey must be approved and recorded for such exchanges for the purpose of verifying that additional lots are not thereby created and the lots resulting there from are not reduced below the minimum sizes required by law.

(Code 1982, § 18.01; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-02. Definitions.

For the purpose of this chapter certain words and phrases used in this chapter are defined as follows:

(1) *Alley* means a public or private right-of-way shown on a plat, which provides secondary access to a lot, block or parcel of land.

(2) *Arterial Street* means a major and minor street which provides for the movement of relatively heavy traffic to, from or within the City. It has a secondary function of providing access to abutting land and to collector and minor streets.

(3) *Bike route* means any portion of a roadway or trail specifically designated for use by bicycles.

(4) *Block* means an area of land within a subdivision that is entirely bounded by a combination of streets, exterior boundary lines of the subdivision and streams or water bodies.

(5) *Boundary street* means a street which is dedicated as part of a plat or map and the remainder of the right-of-way is outside the subject plat or map.

(6) *Buildable Area* means the available space on a parcel that is suitable for the development of structures and does not include floodplains, wetlands, slopes equal to, or greater than, twenty-five percent (25%), and setbacks.

(7) *Building Line or Building Setback Line* means a line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the City of Marshfield Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line.

(8) *Collector street* means a street which carries traffic from local streets to the system of major and minor arterials and includes the principal entrance streets to residential developments and streets for circulation within such developments.

(9) *Comprehensive Plan* means the long-range master plan for the desirable use and development of land in the City as officially adopted and as amended from time to time by the Plan Commission and approved by to the Common Council.

(10) *Concept Plan* means a preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.

(11) *Cul-de-sac street* means a local street with only one outlet which terminates in a turnaround for the reversal of traffic.

(12) *Dead-end street* means a street that has only one end with access to a street system opened to traffic and does not have a turnaround.

(13) *Dedications* means a conveyance of private property for a public use.

(14) *Development* means any subdivision of land; any consolidation or accumulation of tracts of land; any material change in the use or appearance of any lot of land; any activity that affects lot lines, easement locations, number of lots, setback, locations of structures, dedications of streets or

utilities; or the act of building buildings, structures or improvements on, in, under or over land.

(15) *Development Review Team* means a partnership amongst the City departments: Planning and Economic Development Department, Department of Public Works, Engineering Division, Building Services Division, Marshfield Utilities, Fire Department, and such other departments as determined by the Planning and Economic Development Department to meet with developers of proposed large scale development and serve as the basis for discussions between the developer, the Planning Department, and other City representatives for the purpose of an orderly and efficient review of the proposed plans.

(16) *Director* means the director of regional planning and community assistance, Wisconsin Department of Administration, or such other official as may be delegated by law to approve plats at the state level.

(17) *Division of Land* means splitting of a lot, parcel or tract of land by the owner thereof or the owner's agent for any purpose, including sale or development.

(18) *Drainageway* means an open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry stormwater.

(19) *Easement* means granting a legal right for the specific use of land owned by others.

(20) *Extraterritorial plat approval jurisdiction* means the unincorporated area within three miles of the corporate limits of the city.

(21) *Final Plat* means the final drawing of the subdivision and dedication prepared for filing for record with the county register of deeds and containing all elements and requirements set forth in this chapter.

(22) *Flag lot* means a lot lacking the requisite minimum lot width or frontage on an existing or proposed street, having direct access to the street through a narrow leg or land where access to a road is provided along the long, narrow "flag pole" and the usable land itself is the rectangular flag at the end of the pole.

(23) *Floodplain* means land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

(24) *Frontage street* means a street which is parallel with and adjacent to a primary arterial street and which provides access to abutting properties and protection from through traffic.

(25) *Greenway* means a parcel of land containing a natural waterway or drainageway intended to be used in whole or in part for open space, surface drainage, parks, recreation, utilities, streets or any other purpose deemed by the city to be for the public good or welfare.

- (26) *Holding tank* means an approved watertight receptacle for the retention of raw sewage.
- (27) *Landing* means a platform adjacent to a doorway or entrance of a structure that if placed within any required yard setback, cannot exceed a five (5) foot by five (5) foot dimension.
- (28) *Local street* means a street which is used primarily for access to abutting properties.
- (29) *Lot* means a parcel of land having frontage on a public street occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter and any applicable zoning ordinance.
- (30) *Lot Line Adjustment* means an adjustment or relocation of property line(s) between adjacent lots or a combination of one or more lots that does not result in the creation of additional lots and where the existing lot is not reduced in size below standards identified in the zoning ordinance or below minimum lot design standards of this chapter.
- (31) *Lot Line Adjustment Survey* means a plat of survey prepared by a registered land surveyor to accomplish the alteration of existing property boundaries.
- (32) *Map* means a visual representation illustrating the spatial relationship of a given area.
- (33) *Official Map* meaning a map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, and other facilities, as adopted by the Common Council pursuant to ch. 62, Wis. Stats.
- (34) *Outlot* means a parcel of land, other than a lot, so designated on a plat or certified survey map and does not meet the requirements of a lot, which is not intended for building or structure development in the proposed land division.
- (35) *Parcel* means any area of land as shown on the last assessor's roll of the county or the records of the City.
- (36) *Partial street* means a street in a subdivision in which part of the right-of-way is within the subdivision but the rest of the right-of-way is not dedicated to the public.
- (37) *Plat* means the drawing required for a major subdivision.
- (38) *Preliminary Plat* means a drawing with supporting data, indicating the proposed layout of the subdivision to be submitted to the Plan Commission for its consideration as to compliance with the Comprehensive Plan and these regulations along with required supporting data.
- (39) *Protective Covenants* means contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of

development.

(40) *Public Improvement* means any sanitary sewer, water mains, storm sewer, streets, sidewalks, signage, pedestrian and bicycle trails, television cable lines, and utilities, including streetlights, gas, electrical power and telephone facilities.

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

(42) *Right-of-Way* means property dedicated to the public for specific uses.

(43) *Roadway* means that portion of the street which is used for vehicular traffic.

(44) *Setback* means the minimum horizontal distance between the face edge of a building wall or structure, excluding steps and landings, and the property line in the same yard.

(45) *Street* means a right-of-way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however other-wise designated and includes all of the area between the roadway or right-of-way lines

(46) *Structure* means any man-made object with form, shape, and utility, either permanently or temporarily attached to, placed upon, or set into the ground.

(47) *Subdivider* means any person, or any agent thereof, dividing or proposing to divide land resulting in a subdivision.

(48) *Subdivision*, when used alone, shall include both major and minor subdivisions.

(49) *Subdivision, major*, means the division of a lot, parcel or tract of land by the owner or his agent for the purpose of sale or of building development, where

a. The act of division creates five (5) or more parcels or building sites of one and one-half (1½) acres each or less in area; or

b. The act of division creates five (5) or more parcels or building sites of one and one-half (1½) acres each or less in area within a period of five years.

(50) *Subdivision, minor*, means the 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 the act of division creates not more than four parcels or building sites, inclusive of the remaining parcel. This may include a block, lot or outlot in a recorded plat if the exterior boundaries of such block, lot or outlot are not changed. Parcels of property within a subdivision boundary being created by bisecting proposed or existing public streets may be shown as lots or outlots. These lots or outlots can be platted by means of a certified survey map if not more than four lots or outlots are created. The outlots may

be further subdivided by means of a certified survey map if no more than four lots are created within an outlot. Outlots cannot be used for development purposes until platted by means of a major or minor subdivision as defined in this section.

(51) *Subdivision, Large Lot*, means the division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building rural development where the act of division creates parcels or building sites exceeding one and one-half (1 ½) acres in size.

(52) *Trail* means a multimodal route completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic and built to City design standards.

(53) *Wetlands* mean an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

(Code 1982, § 18.02; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-03. General provisions.

(1) *Subdivisions*. General provisions for subdivisions shall be as follows:

- (a)
- (b)
- (c)
- (d)

(2) *Replat*. Where it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries, the subdivider shall vacate or alter the recorded plat as provided in ch. 236 Wis. Stats. The subdivider shall then follow the same procedure for the replat as for an original plat as required by this chapter.

(3) *Land suitability*. Where a proposed subdivision contains land deemed by the City Plan Commission to be unsuitable for development because of poor drainage, flood conditions, soil conditions, subsurface conditions, topography or any other feature, approval shall be withheld. Conditional approval of the preliminary plat shall be granted if the subdivider shall, at his own expense, prepare and submit to the commission engineering plans designed to correct the adverse condition and carry out the plans or provide a performance bond to ensure that the plans will be completed prior to approval of the final plat.

(4) *Requirements*. The proposed subdivision shall conform to:

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g)

(5) *Required dedications*. Wherever a subdivision embraces any part of a street or greenway designated in the official map, such part of such proposed street or greenway shall be included in the subdivision or map in the location and at the width indicated. Such streets or greenways shall

be dedicated to the city. All other streets not designated in the official map shall be platted in accordance with section 19-64 of this chapter, design standards, and the full width indicated on the plat shall be dedicated to the city when within the corporate limits or to the proper governmental unit when outside of the corporate limits. Wis Stat. § 236.13(2)(b).

(6) *Withholding of approval.* The plan commission shall withhold approval of a subdivision within the corporate limits of the city if sanitary sewer facilities are not available and are not anticipated to be available within one year unless the subdivider provides holding tank agreements satisfactory to the board of public works.

(7) *Lot Line Adjustment Survey.* A Lot Line Adjustment Survey prepared by a registered land surveyor shall be required to accomplish the alteration of existing lots which does not result in the creation of additional lots, from what was originally platted or mapped. The petitioner shall follow the procedures for lot line adjustment surveys as outlined in this chapter.

(8) *Extraterritorial Plat Approval Jurisdiction.* Jurisdiction of these regulations shall include all lands within the corporate limits of the City as well as the unincorporated area within the extraterritorial jurisdiction of the City of Marshfield. The City of Marshfield has elected to approve plats under its extraterritorial plat approval jurisdiction as provided in chs. 236 and 66.32 of Wis. Stats. The Extraterritorial Plat Approval Jurisdiction area includes the following areas and regulations:

(a) *Intergovernmental agreement areas.* Areas in which the City of Marshfield has developed a cooperative agreement that relates to land use activities including annexations, boundary agreements, subdivisions, and zoning, with an adjacent municipality.

(b) *3 Mile Extra-Territorial Review Area.* Areas in which the City of Marshfield has the authority by statute to review plats. Areas within the three mile review area and beyond sewer service areas, intergovernmental agreement areas, or the one mile area are generally low density. Uses that would require sanitary sewer and water service extensions are not permitted.

(c) *1 Mile Priority Plat Review Area.* All areas within one mile of the City boundary, not including lands under an intergovernmental agreement. Scattered rural development patterns are not encouraged in this area. Sanitary sewer and water services cannot be provided until the area is annexed.

(9) The City may not review a plat or CSM within the extraterritorial plat approval jurisdiction, based upon the lands proposed use, unless approval/denial is based upon a plan or regulation adopted under s. 62.23 (7a)(c) Wis. Stats.

(Code 1982, § 18.03(1); Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-04. Numbering of houses and buildings.

All houses and buildings in the city shall be numbered in accordance with the provisions of this section.

(1) *Administration.* The City Engineer or designee shall be responsible for the preparation and maintenance of house numbering maps, the assigning of numbers to individual lots or parcels of land and the distribution of such numbers.

(2) *Baselines established.* The following baselines are established:

(a)
(b)
(3) *Numbering system.* The numbering system shall be as follows:

(a)
(b)
(c)
(4) *Specifications.* Specifications for numbers shall be as follows:

(a)
(b)
(c)
(d)
(e)
(5) *Numbers required.* Numbers shall be required as follows: No permit for the construction of a building shall be issued until an address number has been assigned. No permit for the repair or alteration of a building shall be issued unless the proper number is affixed to the building in accordance with this section.

(6) *Sale of standard numbers.* The Building Services Division of the Department of Public Works shall maintain a supply of house numbers and frames in its office. They shall be available for sale during regular office hours at actual cost of the materials plus an administrative charge.

(7) *Violation and penalty.* The Building Services Supervisor shall serve by mail a notice upon the owner or occupant of any building which is found not to comply with this section. If after thirty (30) days from the receipt of this notice the building still does not comply, the owner or occupant shall be subject to the penalty provisions in section 1-05 of this Code.

(Code 1982, § 14.17; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-05. Penalties and remedies.

Any person who shall violate any provision of this chapter or any regulation, rule or order made under this chapter shall be subject to a penalty as provided in Subchapter IV of ch. 236 Wis. Stats. Any person in violation of any provision of this chapter not stated in Subchapter IV of ch. 236 Wis. Stats. shall be subject to the provision of section 1-05 of this Code.

(Code 1982, § 18.03(7); Ord. No. 1190, § 2, 12-14-2010)

Secs. 19-6—19-30. Reserved.

Article II. Administration**Sec. 19-31. Variances.**

(1) For property within the City Limits where the plan commission finds that extraordinary hardships or particular difficulties may result from strict compliance with this chapter, it may recommend variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this chapter; and further provided that the plan commission shall not recommend variations or exceptions to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case that all three of the following criteria are met:

(a) *Unnecessary Hardship.* That an unnecessary hardship exists if the property owner shows that they have no reasonable use of the property without a use variance or when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome without an area variance;

(b) *Unique Property Limitations.* That the need for a variance is due to unique physical limitations of the property, such as steep slopes or wetlands, that prevent compliance with the ordinance; and

(c) *No Harm to Public Interests.* That granting of the variance will not result in harm to the public interests and will not materially impair the general purposes of this chapter as well as the general purpose of a specific zoning provision.

(2) When in the judgment of the Plan Commission, or City Engineer for minor subdivision, it would be inappropriate to apply literally a provision of this chapter because the subdivision is located outside the corporate limits within the extraterritorial plat review area, it may waive such provision or vary it in the manner that would best serve the public interest.

(Code 1982, § 18.08; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-32. Interpretation.

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

(Code 1982, § 18.09; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-33. Rules and regulations of the plan commission.

The City Plan Commission may, at its discretion, adopt rules and regulations to facilitate the orderly and efficient conduct of the procedures outlined in this chapter.

(Code 1982, § 18.10; Ord. No. 1190, § 2, 12-14-2010)

Secs. 19-34—19-60. Reserved.**Article III. Plat Approval****Sec. 19-61. Procedure**

In planning and developing a subdivision within the city or the extraterritorial plat approval jurisdiction, the subdivider or his agent shall in every case follow the procedure outlined below:

(1) Concept Plan Conference.

(a) Before submitting a preliminary plat or map, the developer may request a Concept Plan Conference with appropriate City Staff that may include the Planning and Economic Development Department, Department of Public Works, Engineering Division, Building Services Division, Marshfield Utilities, the Marshfield Fire Department, and such other departments as determined by the Planning and Economic Development Department.

(b) To request a Concept Plan Conference, the developer shall submit an application and Concept Plan for the proposed subdivision five (5) days prior to the requested meeting date.

(2) Preliminary plat or map procedure. Before submitting a final plat or map for approval, the subdivider shall prepare a preliminary plat or map. The preliminary plat or map shall be prepared in accordance with this chapter and one (1) large 22" x 30" or larger copy along with an electronic copy in PDF format shall be submitted to the Planning and Economic Development Department least twenty-five (25) days prior to the meeting of the plan commission at which action is desired.

(a) Upon submittal of the preliminary plat, the subdivider shall be responsible for forwarding the original plat to the director in accordance with § 236.12(6)Wis. Stats.

(b) Public hearing & notification. Before taking action on a preliminary plat, the Plan Commission shall hold a public hearing following the guidelines of at least a Class I notice. Notice of the proposed plat and of the scheduled hearing shall be sent by regular mail at least ten (10) days before the date of such hearing to the owners of record of all properties located within 200 feet of the exterior boundaries of the proposed plat.

(c) When the City determines to approve a plat within the City, it shall give at least 10 days' prior written notice of its intention to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of such proposed plat but failure to give such notice shall not invalidate any such plat.

(d) *Staff review.* Prior to the public hearing, City staff shall review the preliminary plat for conformance with the municipal code. The Development Review Team may review the preliminary plat and may include the following departments: Planning and Economic Development Department, Department of Public Works, Engineering Division, Building Services Division, Marshfield Utilities, and such other departments as determined by the Planning and Economic Development Department.

(e) The Plan Commission shall within ninety (90) days of the filing of the plat or map approve, approve conditionally or reject the plat or map, following review of the preliminary plat or map and other materials submitted, for conformity with all ordinances, administrative rules and regulations. The plan commission may negotiate with the subdivider regarding changes deemed advisable, and the kind and extent of changes which will be required. Failure of the Plan Commission to act within the 90 days, or extension thereof, constitutes an approval of the preliminary plat.

(f) The action of the Plan Commission shall be noted on two (2) copies of the preliminary plat or map; one copy will be returned to the subdivider with the date and action endorsed thereon, and if approved conditionally or rejected, the conditions or reasons therefore in writing. The second copy shall be filed with the secretary of the commission.

(g) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within thirty-six (36) months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in § 236.11(1)(b) Wis. Stats. the final plat shall be entitled to approval with respect to such layout.

(3) Final plat or map procedure.

(a) The final plat or map, a written application for approval and such copies thereof as shall be required, shall be submitted to the Planning and Economic Development Department within thirty-six (36) months of approval of the preliminary plat or map and at least two (2) weeks prior to the meeting of the Plan Commission at which action is desired. However, if approval of the plat or map must be obtained from another approving authority subsequent to approval by the Plan Commission, the final plat or map shall be submitted within thirty-six (36) months of such approval. The Plan Commission may grant an extension within the thirty-six (36) month time period in either case.

(b) The Planning and Economic Development Department shall forward the final plat or map to the Plan Commission for its recommendation. The Plan Commission shall refer the final plat or map to the council within six (6) weeks of its submission. The Council shall approve or reject the final plat within sixty (60) days of its submission to the Planning and Economic Development Department unless extended by agreement with the subdivider. When the City determines to approve a plat, it shall give at least ten (10) days' prior written notice of its intention to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of such proposed plat but failure to give such notice shall not invalidate any such plat.

(c) If the preliminary plat has not been submitted, the subdivider shall be responsible for forwarding the original plat to the director in accordance with § 236.12(6)Wis. Stats. The Council shall not act on a plat after referral by the Plan Commission until the plat has been approved by the director. The Council shall approve or reject the plat within sixty (60) days of submission of the plat, unless the time is extended by agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the Council meeting and a copy forwarded to the subdivider. The final plat may, if permitted by the Plan Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at the time of submittal, except that a final plat that is only a portion of an approved preliminary plat may be submitted without the permission of the approving authority and is entitled to approval if the preliminary plat identifies phases of the development and the portion of the final plat being submitted substantially conforms to the preliminary plat or portion of the preliminary plat as approved. If the City fails to act within sixty (60) days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, that plat shall be deemed approved.

(d) Two (2) 22" x 30" true copies and a digital copy of the approved final plat or map in MicroStation format or equal in Wisconsin's Wood County Coordinate System shall be filed with the City Clerk. Such copies shall contain any changes or modifications as a result of action of the Plan Commission or director. (Digital version shall be submitted in Wisconsin's Wood County Coordinate System and in a format that can be precisely converted to MicroStation DGN format. This digital version shall be supplied to the City Engineer.)

(e) The City Engineer shall determine if a final plat "substantially conforms" to the preliminary plat. This determination shall be given to the Common Council along with a recommendation for approval/denial of the final plat. The conclusion and recommendation are not required to be in writing, but shall be made part of the public record at the proceeding which the final plat is being considered.

(f) The council shall approve the final plat or map if all of the applicable provisions of this chapter and ch. 236 Wis. Stats. are complied with.

(4) Alternate procedure for certain minor subdivisions. Where a proposed division of land does not require any of the improvements listed in section 19-63 of this chapter but does comply with all of the other applicable provisions of this chapter, the subdivider may substitute the following procedure for the provisions of subsections (1) and (2) of this section:

(a) The subdivider shall submit a map of the proposed minor subdivision to the City Engineer for approval.

(b) If the City Engineer determines that the proposed subdivision does not require any of the improvements listed in section 19-63 of this chapter and complies with the other provisions of this chapter, he shall issue his written approval on the map prior to recording in the office of the register of deeds.

(5) Basis for approval.

(a) Approval of the preliminary or final plat shall be conditioned upon compliance with:

1. The provisions of this chapter;
2. Chapters 18, 20, 26, and 30 of the City of Marshfield Municipal Code;
3. The Comprehensive Plan under s. 66.1001 Wis. Stats.;
4. The rules of the Department of Commerce relating to lot size and lot elevation necessary for proper sanitary conditions in a subdivision not served by public sewer, where provisions for public sewer service has not been made;
5. The rules of the Department of Transportation relating to the provisions for the safety of entrance upon and departure from the abutting state trunk highways of connecting highways and for the preservation of the public interest and investment in such highways.

(b) The City shall not condition approval upon compliance with, or base an objection upon, any requirements other than those in this chapter. Notwithstanding sub. (a)(2) the City and a subdivider may agree to waive or vary requirements under an ordinance specified in sub. (a) (2). Any such agreement shall be entered into freely and voluntarily. The City and subdivider may also agree as to the application of the ordinances enacted by the City after the subdivider has submitted a preliminary plat, or final plat if no preliminary plat is submitted.

(Code 1982, § 18.04; Ord. No. 1084, § 1, 10-10-2006; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-62. Plat or map requirements.

(1) *Preliminary plat or map.* The preliminary plat or map shall be based upon a survey by a registered land surveyor and the plat or map prepared on tracing cloth or paper of good quality at a scale of not more than 100 feet to one inch, shall reflect compliance with the design requirements of section 19-64, and shall show correctly on its face:

- (a) Date, scale and north arrow.
- (b) The title of the proposed subdivision which shall not duplicate the name of any plat previously recorded in Wood or Marathon County.
- (c) The names and addresses of the owner, the subdivider and the surveyor preparing the plat. Location of the subdivision by government lot, quarter section, section, township, range and county.
- (d) Location of the subdivision by government lot, quarter section, section, township, range and county.

- (e) A vicinity map of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon.
- (f) The exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed. Coordinates for all points set shall be referenced to Wisconsin's Wood County Coordinate System.
- (g) Locations and names of adjacent subdivisions within 200 feet and the owners of adjoining parcels of unsubdivided land as well as any previously recorded CSM's.
- (h) Locations, widths and names of all existing and proposed platted streets, alleys or other public ways and easements, railroad and utility rights-of-way.
- (i) Designate buildable areas, including setbacks and area (square feet and acres) on the plat for each lot that is created by the proposed subdivision.
- (j) Water elevations of adjoining lakes or streams at the date of survey and approximate high and low water elevations, all referred to City datum.
- (k) If the subdivision borders a lake or stream the distances and bearing on a meander line established not less than twenty (20) feet back from the ordinary high water mark of the lake or stream.
- (l) Locations of existing property lines, buildings, parks, driveways, roadways, environmentally sensitive areas, streams and watercourses, delineated wetlands, rock outcrops, wooded areas, floodplains, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto, and other pertinent information and/or data as determined by the Plan Commission.
- (m) Contour lines at vertical intervals of not more than five (5) feet where the slope is greater than ten percent, and not more than two feet where the slope is less than ten percent (10%). Elevations shall be marked on such contour lines based on City datum.
- (n) Approximate location and dimensions of any site proposed to be dedicated for public use or which is to be reserved by deed covenant for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.
- (o) Dimensions and areas of lots, together with proposed lot and block numbers.
- (p) Radii of all curves including but not limited to all pertinent information for curves such as Delta, degree of curve, chord lengths and bearings, minor chord lengths, etc.
- (q) When requested by the Plan Commission, a draft of a protective covenant whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

(r) *Supplementary Data to be Filed with Preliminary Plat.*

1. *Use Statement.* A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.

2. *Area Plan.* Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission and/or Common Council may require that the subdivider submit a Preliminary Plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.

(s) Preliminary plats or final plats, if no preliminary plat was submitted for that development, must comply with the local ordinance which was in effect when the plat was submitted. If an ordinance is revised while the plat is moving through the review process, the new requirements cannot be applied to the plat.

(2) *Final plat or map.* The final plat or map of the subdivision shall comply with the requirements of ch. 236 Wis. Stats. which is hereby adopted by reference, and include the following additional information:

(a) Date, scale, and north arrow.

(b) The total acreage encompassed by the exterior boundaries of the proposed subdivision.

(c) Locations of storm water management areas, environmentally sensitive areas such as delineated wetlands or other navigable streams, and other pertinent information and/or data as determined by the Plan Commission.

(d) The areas (in square feet) of all lots and outlots within the subdivision.

(e) Radii of all curves including but not limited to all pertinent information for curves, such as, Delta, degree of curve, chord lengths and bearings, minor chord lengths, arc lengths, and minor arc lengths.

(f) Outlot, access, and utility easement restrictions.

(g) The Common Council Resolution, Certificate of City Finance Director, and Certificate of County Treasurer.

(h) The affidavits and certificates required by ch. 236 shall be lettered or printed legibly with black, durable ink on the final plat. Two (2) duplicate prints on 22" x 30" true copies and a digital copy of the approved final plat or map in MicroStation format or equal in Wisconsin's Wood County Coordinate System shall be filed with the City Clerk. (Digital version shall be

rsion shall be submitted in true Wisconsin's Wood County Coordinate System and in a format that can be precisely converted to MicroStation DGN format. This digital version shall be supplied to the City Engineer.)

(i) The plat and all points set shall be tied to the Wisconsin's Wood County Coordinate System. The distance and bearings of all exterior boundary lines and of all block lines shall be referenced to the coordinate system. Wisconsin's Wood County Coordinate System shall be shown for all exterior boundary corners and all block corners. Surveys shall conform to the applicable provisions of the Technical Standards for Property Surveys, American Congress on Surveying and Mapping, a copy of which is on file in the Engineering Division.

(Code 1982, § 18.07; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-63. Required improvements.

(1) *Facilities required.* Before final approval of any subdivision plat or map within the corporate limits of the City will be granted, the subdivider shall enter into a development agreement with the City, acceptable to the City Attorney, setting forth in detail the terms and conditions of such agreement to include, among other things, the procedure for making such application, the facilities which must be installed under the terms of the contract, the satisfactory proof that the developer is able to install the agreed upon facilities listed in subs (a) to (h), ensuring that such facilities will be installed within the time required by the Council, and such other requirements as may be set forth therein, all as set forth in subsection (8) of this section. There must be an approved development agreement at the time of final plat approval.

(a) *Sanitary sewer.* Sanitary sewers shall be constructed in the locations needed to provide service to each lot. Laterals shall be installed for each lot terminating not less than seven (7) feet inside the property from the street right-of-way line. Where platted utility easements exist, additional consideration shall be made to extend laterals beyond the platted easements. If a sewage lift station is necessary to serve the subdivision, subdividers shall share in cost of the lift station and associated force main in the same ratio that the area of the subdivision bears to the total area served by the lift station. The plans for sanitary sewers shall be approved by the City Engineer and the Wisconsin Department of Natural Resources. Construction shall be under the supervision of the Engineering Division or an engineering consultant agreed upon by the subdivider and the City Engineer and the cost of such supervision shall be borne by the subdivider. If the City is required to construct sanitary facilities outside of the boundaries of the subdivision to serve the subdivision facilities, the subdivider shall be responsible for any cost of such construction not recovered by the City through special assessments unless other arrangements are made through a developer's agreement.

(b) *Water.* Water mains shall be installed within the subdivision boundaries to provide service to each lot in conformance with the regulations of the Marshfield Utility Commission. Laterals shall be installed for each lot terminating not less than seven (7) feet inside the property from the street right-of-way line.

(c) *Storm sewer.* Such facilities shall include mains, ditches, channels, inlets, catch basins and laterals as required by the City Engineer and the Board of Public Works. All storm sewer systems shall be required to handle a ten (10) year design storm unless there is a history of flooding or property damage. Subdivisions shall be designed to safely convey up to the 100 year storm without property damage. All subdividers shall be held to the current WDNR stormwater management standards NR151 and NR216 as well as the chs. 25 and 26 of this code.

(d) *Streets.* The street construction shall include all grading, base course, stormwater drainage systems, curb and gutter and concrete or asphalt pavement, in accordance with the current construction standards on file with the City Engineer. If permitted by City Engineer and the Board of Public Works, a street may be constructed without curb and gutter.

(e) *Sidewalks.* The street construction shall include the installation of sidewalks. Sidewalks shall be installed on both sides of the street. Sidewalks shall be installed as the improvements are being constructed before a certificate of occupancy will be issued. Exceptions to this requirement shall only be approved through a development agreement as identified in Sec. 19-63 (8). Standards for the installation of sidewalk are on file with the City Engineer.

(f) *Signage.* The subdivider shall be responsible for the costs associated with the purchasing and installation of all street name signs and required traffic control signs. Where the development is a high volume commercial development or a public facility such as a school or church the City Engineer shall recommend to the Board of Public Works whether a traffic study shall be required for said developments at the cost of the developer. The subdivider shall also be responsible the costs of the initial installation of all pavement markings.

(g) *Pedestrian and Bicycle Trails.* The subdivider shall grant an easement to the City where new subdivisions converge with opportune areas for new pedestrian and bicycle trails, according to the Marshfield Comprehensive Outdoor Recreation Plan.

(h) *Utilities.* All utilities shall be installed underground within the boundaries of the subdivision in such a manner as to make service available to each lot. The subdivider shall also cause streetlights to be installed.

(2) *Responsibility for street and utility improvements.* The subdivider shall be responsible for all costs of required improvements, as follows, including construction plus engineering and city administrative costs of sanitary sewer, water, storm sewer, sidewalks, and streets plus any other costs of construction not recovered by the City through special assessment except as set forth below:

(a) Where the streets, storm, and sanitary sewer improvements are constructed on the exterior boundary of a subdivision, the subdivision shall pay fifty (50) percent of storm and sanitary sewer mains and street costs and the City shall pay fifty (50) percent, subject to budgeted funding, and subject to its right to recover such costs upon improvement of the adjoining property.

(3) *Plans and specifications.* At the option of the City the plans and specifications for any or all of the required improvements may be prepared by the City. If the subdivider is required by the City to furnish plans and specifications, they shall be prepared by a registered engineer and approved by the City Engineer and any state agency having jurisdiction over such plans. In either case, the subdivider shall be responsible for the cost of plan preparation and any surveys needed to prepare the plans.

(4) *Construction.* The City may undertake construction with City forces at the request of the subdivider of improvements normally constructed by the City if the City's construction schedule permits. Such construction shall be approved by the Board of Public Works and the subdivider shall deposit a bond or cash with the City in the amount of the estimated cost of the work prior to the start of construction. Payment in full shall be made to the City upon the completion of the work. The construction of any improvements not undertaken by the City shall be the responsibility of the subdivider.

(5) *Inspection.* All construction shall be subject to inspection by the Department of Public Works. The cost of inspection shall be charged to the subdivider. For sanitary sewer construction, final inspection required shall include air pressure testing, mandrel testing, and televising. In the event City personnel are unable to complete inspection services, an outside consultant or third party services may be necessary. Such consultant services and all costs associated with these services shall be born by the subdivider. The consultant utilized for such services shall be approved by the City Engineer and subdivider.

(6) *Dedication required.* All facilities and improvements installed prior to the final approval of the plat shall be considered dedicated to the City (pending inspection and acceptance of said improvements), along with streets and other public areas, upon approval of the plat. Facilities and improvements completed under bond or other financial guarantee, after approval of the plat, shall be considered dedicated (pending inspection and acceptance of said improvements) to the City upon their approval and acceptance and release of the bond or other guarantee.

(7) *Development Agreement.* All subdivisions that require public improvements shall require a development agreement before final plat approval. The agreement shall provide, among other things, the following:

(a) The number and location of the lots to be developed during any period of time involved, which order of development shall be termed "stages" or "phases."

(b) A description of the periods of time within which all of such stages or phases shall be developed.

(c) The method of financing such improvements by one or more of the following:

(1) Special assessments under § 66.0703 Wis. Stats. and the number of annual installments for each phase, if determinable.

(2) Private financing to be obtained by the subdivider.

(3) Public financing as may be determined by the council, with the method of repayment to the city by the subdivider, either by way of special assessments or otherwise, and the terms of such repayment.

(d) A provision detailing the means by which engineering services for the subdivision and/or public improvements will be provided.

(e) A provision that all required improvements shall be installed in accordance with the laws and regulations of the state, City ordinances and the standards for the installation of such facilities which have been or may thereafter be adopted by the Board of Public Works. Standards for public facilities (Street, Sidewalk, Storm Sewer, Sanitary Sewer, Watermain and Signage) are on record with the City Engineer.

(f) A provision that the agreement and the terms thereof shall be recorded in the office of the register of deeds for Wood or Marathon County, whichever is applicable, in order to give notice to any subsequent purchasers of the property included in the subdivision or any phase thereof.

(g) A provision requiring a surety in favor of the City and in a form acceptable to the City Attorney to secure performance of the development agreement. Said surety shall be in an amount equal to the estimated cost of construction or other amount established by Common Council. If the subdivider's project will be constructed in phases, the amount of any surety bond or other security required by the City shall be limited to the phase of the project that is currently being constructed. The City may not require that the subdivider provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.

(h) A provision determining the time within which the installation of the required facilities shall commence and be completed, so far as possible to ascertain.

(i) A provision, if requested by the developer and approved of by the City, that allows for an exception to the sidewalk requirement in Sec. 19-63 (1) (e).

(j) Any other or additional provisions which may be deemed necessary by the City, or its appropriate officials, in order to supplement the agreement and accomplish the end desired thereby, giving due consideration to the needs of the subdivider and to the protection of the public.

(9) *Exceptions.* This section shall not apply to a situation involving a single lot of not more than 30,000 square feet in area which is the subject of a certified survey map or plat if one side of the lot has access to an existing, improved street and one side abuts on an unopened or undedicated street which is on the master street plan as of the date of the application for a building permit, and if such lot does not exceed in length along the unopened or undedicated street approximately the same length as any lot abutting on the other side of such lot, or along the same street in the same

block. As a condition of obtaining this exception, however, the applicant for the building permit shall agree to provide, in the case of sale of such lot, a covenant in the instrument of conveyance that the purchaser, or his successors in title, shall pay the costs of installing the facilities otherwise required by this section, if such street is opened, and if requested to do so by the Council, to the extent of 50 percent (50%) of such costs. In the event such street has not been dedicated, a further condition shall be the dedication of a minimum of thirty (30) feet (or one-half of the width of the street) as classified by the most current "City of Marshfield Comprehensive Plan", along the entire length of the lot in question.

(Code 1982, § 18.05; Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-64. Design standards.

All proposed plats and maps shall be reviewed for compliance with the following standards:

(1) *Streets.* Design standards for streets shall be as follows:

(a) *Generally.* The streets shall be designed and located in relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of the land to be served by such streets. The arrangement, with grade and locations of all streets, shall conform to the official master street plan, unless amendment of the master street map is first approved as provided at section 30-02 of this Code.

(b) *Arrangement.* Arrangement of streets shall be in accordance with the following:

1. Major and minor arterials shall be properly integrated with the existing and proposed system of major and minor arterials, and insofar as practicable, shall be continuous and in alignment with existing, planned or platted streets with which they are to connect. Minimizing access points is a general requirement for streets carrying this classification.
2. Collector streets shall be properly related to traffic generating from facilities such as schools, churches and shopping centers, to population concentrations and to the major streets into which they feed.
3. Local streets shall be designed to conform to the topography, to discourage use by through traffic, to permit the design of efficient drainage and sewer systems and to require the minimum amount of streets necessary to provide convenience and safe access to abutting property.

(c) *Protection of major/minor arterials where a subdivision borders on or contains a major/minor arterial.* The plan commission may require that there shall be no direct access between a major/minor arterial and the individual lots or parcels in the subdivision:

1. that the subdivision be laid out with a minimum number of street connections to a major/minor arterial.

2. that whenever existing streets provide reasonable and adequate access to a major/minor arterial, the street in a subdivision shall not be open directly onto a major/minor arterial.
3. that local streets be provided and that the backs of lots abut the major arterials and highways. Access to streets under the jurisdiction of the Department of Transportation or county may require special permissions, permits, reviews or requirements for street connections.

(d) *Alleys.* Alleys shall be in accordance with the following:

1. Alleys may be provided in all business, commercial and industrial districts with Plan Commission approval.
2. Dead-end alleys are prohibited.
3. Public alleys shall not be permitted in residential areas.

(e) *Intersections.* Intersections shall be constructed in accordance with the following:

1. Streets shall intersect each other at right angles as nearly as possible.
2. Not more than two streets shall intersect at one point unless approved by the plan commission.
3. Street jogs with centerline offsets of less than 125 feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

(f) *Street width.* The right-of-way and pavement width of all streets shall be of the width specified on the official map or master plan or, if no width is specified thereon, they shall be not less than the width specified as follows:

<i>Type of Street</i>	<i>Right-of-way Width</i>	<i>Pavement Width (face to face of curb)</i>	
1. Major arterial	100	Minimum 48	
2. Minor arterial	80	48 or 41 with one side restricted parking	
3. Collector	70	36 or 32 with one side restricted parking	
3. Local	60	32 or 28 with one side restricted parking	
4. Alley	24	16	

(g) *Grades.* The grade of major/minor arterials shall not exceed four percent (4%). Collector streets shall not exceed six percent (6%), and local streets shall not exceed eight percent (8%) unless approved by the Plan Commission. The grade of all other streets shall not exceed eight percent (8%). In no case shall the grade of any street be less than one-half of one percent (0.5%) and such minimum shall not be permitted for sustained distances.

- (h) *Horizontal curves.* Horizontal curves shall be constructed in accordance with the following:
1. A minimum sight distance with clear visibility measured along the centerline shall be provided of at least 300 feet on major/minor arterials, 200 feet on collector streets and 100 feet on local streets.
 2. When a continuous street centerline deflects at any point more than two degrees, a circular curve shall be introduced having a radius of curvature of such centerline of not less than the following:
 - a. Major/minor arterial: 300 feet.
 - b. Collector: 200 feet.
 - c. Local: 100 feet.
- (i) *Tangents.* A tangent at least 100 feet long shall be introduced between reverse curves on major arterials and collector streets, unless approved by the City Engineer under special circumstances.
- (j) *Cul-de-sac streets.* Streets designated to have one end permanently closed shall not exceed 500 feet in length from the right-of-way of the through street to the center of the cul-de-sac bulb and shall terminate with a turnaround of not less than 120 feet in diameter of right-of-way. Whenever and wherever possible, the use of cul-de-sac streets shall be discouraged.
- (k) *Boundary streets.* Where existing street right-of-way is adjacent to the tract being subdivided, the rest of the needed street right-of-way shall be dedicated by the subdivider.
- (l) *Street names.* New street names shall not duplicate or be similar to existing street names and existing street names shall bear the same name and be projected wherever possible, as designated by the plan commission. All streets running northerly and southerly shall hereafter be designated as "avenues." All streets running easterly and westerly shall hereafter be designated as "streets." Other designations, such as "lane", "circle", "court", or "drive," may be approved upon recommendation of the plan commission if the subject street is not a through street.
- (2) *Easements.* Design standards for easements shall be as follows:
- (a) Easements shall be provided where required by the plan commission for storm and sanitary sewers; gas, water and heat mains; and power, telephone and television cable lines. They shall be at least ten feet in width.
 - (b) Where a subdivision is traversed by a watercourse, channel or stream an easement shall be provided for an adequate drainageway conforming substantially with the lines and area of such watercourse, channel or stream. The location, width, alignment and any proposed improvement of such drainageway shall be subject to approval of the plan commission. Wherever possible, a stormwater drainage shall be maintained by

landscaped, open channels of adequate width and grade to hydraulically achieve maximum potential volumes of flow. Sizes and design details shall be subject to review and approval by the Cit Engineer

(3) *Blocks.* Design standards for blocks shall be as follows:

- (a) The length, width and shapes of blocks shall be compatible with the planned use of the land and the type of development contemplated. Block length in residential areas shall not as a general rule exceed 1,500 feet nor be less than 600 feet between right-of-way lines unless waived by the Plan Commission.
- (b) Pedestrian ways or crosswalks, not less than fourteen (14) feet in width, shall be required by the plan commission where deemed essential to provide adequate pedestrian circulation or access to schools, playgrounds, shopping centers, churches, transportation and other community facilities.

(4) *Lots.* Design standards for lots shall be as follows:

- (a) The shape, size and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and the use contemplated and shall conform to the requirements of existing zoning designations or the Comprehensive Plan.
- (b) Lot dimensions shall conform to the requirements of the zoning code of the governmental unit in which the subdivision is located. In no case shall residential lots have a width of less than thirty 30 feet at the street line on a cul-de-sac, curve, or curvilinear street, nor the minimum lot width of the Municipal Zoning Code at the required setback line.
- (c) Residential lots fronting on major/minor arterials shall be platted with sufficient depth to permit adequate separation between the buildings and such traffic ways.
- (d) Excessive depth in relation to width shall be avoided and a proportion of two and one-half (2 1/2) to one shall normally be considered as a desirable maximum for lots of seventy (70) feet or more. Lots shall not be less than 100 feet in depth.
- (e) Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (f) Every lot shall front or abut on a public street.
- (g) Flag lots shall not be allowed.
- (h) Side lot lines shall be substantially at right angles to straight street lines or radial to curb street lines on which the lots face.
- (i) Corner lots shall have extra widths to provide adequate building setbacks from side streets.

- (j) In case a tract is divided into large parcels, such parcels shall be arranged so as to allow the resubdivision of any such parcels into normal lots in accordance with the provisions of this chapter.
- (k) Lots shall follow municipal boundary lines rather than cross them.
- (l) Double-frontage shall be discouraged except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (m) Compliance with Comprehensive Plan and Ordinances. The arrangement, character, features, and layout of land division in the City of Marshfield shall be designed to comply with the standards of this chapter, the Comprehensive Plan, the Official Map, and/or any comprehensive utility plans or other planning documents which may pertain to the standards of design for land divisions and which have been adopted by the Common Council. Where no such planning documents have been adopted, subdivisions shall be designed according to engineering and planning standards approved by the City Engineer and applied so as to properly relate the proposed development with adjacent development, the topography, natural features, public safety and convenience, and the most advantageous development of undeveloped adjacent lands. In the absence of a street being shown on the official map, streets shall be provided in locations determined necessary by the City Engineer and to the right-of-way widths required in this Sec. 19-64 (1) g. for the classification of street required.
- (n) Parcels and or plat shall contain adequate area to provide for stormwater management requirements per NR151 and NR216.

(5) *Public sites and open spaces.* In the design due consideration shall be given to the reservation of suitable sites and adequate area for future schools, parks, playgrounds, drainageways and other public purposes. Consideration shall be given to the preservation of scenic and historic areas, trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

(Code 1982, § 18.06; Ord. No. 1190, § 2, 12-14-2010)

Secs. 19-65—19-69. Reserved.

Article IV. Lot Line Adjustment

Sec. 19-70. Lot Line Adjustment Procedure

- (a)
 - (b)
 - (c)
- 1.
 - 2.
 - 3.
 - 4.
 - 5.
 - 6.

(d)
(e)
(f)
(Ord. No. 1190, § 2, 12-14-2010)

Article V. Park & Recreational Land Dedications

Sec. 19-80. Dedication of land for parks and recreational areas

(1) *Purpose.* This section is adopted to provide recreational areas in the form of parks, playgrounds, trails, recreation and open spaces as a function of subdivision and development in the City of Marshfield.

(2) *Review.* Upon the submission of a preliminary plat for a major subdivision, the zoning administrator shall determine the dedication requirements and review them based on recommendations in the City's Comprehensive Plan and Comprehensive Outdoor Recreation Plan and request that this item be placed on the Parks and Recreational Forestry Committee's subsequent meeting agenda. The Parks and Recreational Forestry Committee shall review all park, playground, trail, recreation and open space dedications and provide a recommendation to the Common Council based on the dedication requirements in Sec. 19-81.

(3) *Dedication Requirement.* In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, playgrounds, trails, recreation and open spaces may be equitably apportioned on the basis of additional need created by residential development, each subdivider of a major subdivision for residential use shall be required to dedicate land or fees in lieu of land for parks, recreation or open spaces.

(4) *General Design.* In the design of a major subdivision or planned unit development, provision shall be made for suitable sites of adequate area for parks, playgrounds, trails, recreation and open spaces. Such sites are to be shown on the Preliminary Plat and Final Plat, and the following areas should be preserved when feasible but shall not count towards the required parkland dedication: scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

(5) *Site Reservations Required.* Where the area proposed to be divided contains a park, playground, trail, or other public area which is shown in the Comprehensive Plan or the Comprehensive Outdoor Recreation Plan, such area shall either be dedicated to the proper public agency, or, at the Common Council's determination, it shall be reserved for acquisition thereby within a three (3) year period by purchase or other means if such lands meet or exceed dedication requirements. If the land is not acquired during this period, it shall be released to the subdivider.

(Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-81. Dedication requirements

(1) *Dedication of Sites.* When feasible and compatible with the Comprehensive Plan and Comprehensive Outdoor Recreation Plan, the subdivider shall provide and dedicate to the public adequate land to provide for park, playground, trail, recreation and open space needs of the land development within the City of Marshfield. The location of such land to be dedicated shall be determined by the Common Council. Where the dedication is not compatible with the Comprehensive Plan and Comprehensive Outdoor Recreation Plan, or for other reasons is not feasible as determined by the Common Council, the subdivider shall, in lieu thereof, pay to the City a fee as established by this Article, or a combination thereof.

(2) *Dedication of Parks, Playgrounds, Trails, Recreation and Open Spaces.* The subdivider shall dedicate sufficient land area to provide adequate parks, playgrounds, trails, recreation and open spaces to meet the needs to be created by and to be provided for the land division, subdivision or comprehensive development. The minimum dedication shall be one (1) acre for each forty-five (45) potential dwelling units or fractions thereof.

(3) *Combination of Residential Uses.* Where a combination of residential uses is intended, the minimum dedication shall be the sum obtained by adding the potential residential units intended for single-family and two-family dwellings, and the potential residential units intended for multi-family dwellings. Where a definite commitment is made to the City by the developer with respect to those portions of the project intended for single family, duplex and multi-family dwellings, the dedication shall be based upon the maximum dedications which the zoning classification of the parcel will permit.

(4) *Minimum Size of Park and Recreation Land Dedications.*

a. In general, land reserved for parks, playgrounds, recreation and open spaces purposes shall have an area of at least one (1) acre of contiguous land. Where the amount of land to be dedicated is less than one (1) acre, the Common Council may require that the recreation area be located at a suitable place on the edge of the proposed major subdivision or planned unit development so that additional land may be added at such time that the adjacent land is subdivided.

b. Land dedicated for the purpose of establishing trails shall be shown as an easement on the Preliminary and Final Plats. The minimum width of the easement shall be no less than thirty (30) feet wide. Widths greater than 30 feet may be required in certain circumstances as determined by the Plan Commission. Neither end of the easement may result in a dead-end, unless a future connection has been identified or may be reasonably established. Up to one-hundred percent (100%) of the total land area of the granted easement may be counted towards the overall dedication requirement.

c. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have frontage on one or more streets for public access. The Common Council shall make the final determination of suitability.

(5) *Fees in Lieu of Land.*

a. Where, the Common Council, determines there is no land suitable for parks within the proposed land division or the dedication of land would not be compatible with the City's Comprehensive Plan or Outdoor Recreation Plan, the minimum size under Section 19-81 (4) cannot be met, or City officials determine that a cash contribution would better serve the public interest, the Common Council, shall require the subdivider to contribute a park and recreation development fee in lieu of land. The fees collected shall be held in a non-lapsing fund to be used for purchase, development, and improvement of parks, playgrounds, trails, recreation and open spaces. The total fee shall be computed on the basis of the maximum residential use of each parcel permitted in the particular zoning district under the Zoning Code. For each proposed residential development, the fee shall be \$200.00 for each residential unit. The fee shall be paid to the City at the time of final plat approval.

b. The Common Council may, permit the subdivider to satisfy the requirements of this Article by combining a land dedication with a fee payment. If only a percent of the land dedication is made, the subdivider shall also contribute an amount equal to the required per unit fee in lieu of land. For example, if a land dedication of twenty-five percent (25%) of the required dedication is made, the subdivider shall also contribute an amount equal to seventy-five percent (75%) of the required per unit fee in lieu of land.

c. The City shall place any fee collected pursuant to the provisions of this Section in a separate account to be used at the discretion of the Common Council in any City-owned park, for developing adequate parks, playgrounds, trails, recreation and open spaces.

(6) *Limitations.* A subdivider shall not be required to dedicate more than one-fifth (1/5) of the total area of the plat to meet the objectives of this Section.

(7) *Suitability of Lands.* Common Council shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.

(8) *Access to Dedicated Land.* All dedicated land shall have frontage on a public street and shall have public access.

(9) *Utility Extensions.* The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

(Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-82. When additional land is to be reserved

(1) When public parks and sites for other public areas as shown on the Comprehensive Plan lie within the proposed area for development and are greater in area than required by Section 19-81 (4), the owner shall reserve for acquisition by the City, through agreement, purchase or condemnation, the remaining greater public area for a period of three (3) years of Final Plat approval unless extended by mutual agreement.

(Ord. No. 1190, § 2, 12-14-2010)

Sec. 19-83. Standards for dedicated lands

(1) When parklands are dedicated to the City, the subdivider is required to:

- a. Properly grade and contour for proper drainage;
- b. Provide surface contour suitable for anticipated use of area as approved by the City Engineer; and
- c. Fine grading and seeding must occur within one (1) year following issuance of the first building permit within that land division unless otherwise authorized by the City. The improved are shall not be deemed officially accepted until a uniform grass cover to a two (2) inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the City accepts the dedication.

(2) It shall be the responsibility of the City to maintain the dedicated areas upon their dedication and acceptance by the City.

(3) The Common Council may require certification of compliance with this Article by the subdivider. The cost of such report shall be paid by the subdivider.

(4) If the subdivider fails to satisfy the requirements of this Section, the Common Council may contract said completion and bill such costs to the subdivider, following a written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

(5) The subdivider shall pay all costs of public improvements in the public streets adjacent to or within all public and/or park lands.

(Ord. No. 1190, § 2, 12-14-2010)