

LEGISLATIVE COMMITTEE

City of Kaukauna
Council Chambers
Municipal Services Building
144 W. Second Street, Kaukauna



Monday, April 18, 2022 at 6:20 PM

AGENDA

In-Person

1. Correspondence.
2. Discussion Topics.
 - [a.](#) Update to Chapter 18 - Subdivision Ordinance.
 - [b.](#) Ordinance Creation Specifically Prohibiting Discharge of Grass Clippings, Leaves, Yard Waste, and Other Debris unto Public Streets.
3. General Matters.
4. Adjourn.

NOTICES

Notice is hereby given that a majority of the City Council will be present at the meeting of the Legislative Committee scheduled for Monday, April 18, 2022 at 6:20 P.M. to gather information about a subject over which they have decision making responsibility.

IF REQUESTED THREE (3) DAYS PRIOR TO THE MEETING, A SIGN LANGUAGE INTERPRETER WILL BE MADE AVAILABLE AT NO CHARGE.

WE ARE FOLLOWING CDC GUIDELINES REGARDING MASK-WEARING IN CITY FACILITIES.





MEMO

PLANNING AND COMMUNITY DEVELOPMENT

To: Legislative Committee
From: Joe Stephenson
Date: April 18th, 2022
Re: Repeal and Replace - Chapter 18 – Subdivision Ordinance

Chapter 18 is the ordinance that will govern how new subdivisions are created within the City. This ordinance governs everything from form and look of the subdivision to the process by which individuals can apply to create a new subdivision. Our current subdivision ordinance has little substance and does not provide a lot of guidance for how new platted subdivisions should be handled. In addition, there are questions as to when or if this ordinance was adopted.

Chapter 18 was discussed at length at the Plan Commission for a number of months. The ordinance has been updated and input by nearly all city departments and Kaukauna Utilities. Staff feels that this ordinance gives us the ability to promote quality growth within the city but is also not stifly development with over regulation.

Note: while reading the ordinance, black is new, and blue is existing

SECTION 1 INTRODUCTION

1.01 Authority. These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes. Therefore, the Common Council of the City of Kaukauna, of County Outagamie, Wisconsin, does ordain as follows:

- (1) Title. The name of this ordinance shall be known and cited as the " Subdivision & Platting Subdivision Regulations for the City of Kaukauna".
- (2) Effective Date. This ordinance shall be effective after adoption by the Common Council and publication or posting as provided by law.

1.02 Purpose and Intent.

- (1) Purpose. The purpose of this Ordinance is to regulate the subdivision of land or creation of a condominium within the corporate limits and extraterritorial plat approval jurisdiction of the City of Kaukauna to promote the public health, safety and general welfare of the community; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provisions for water, sewage, and other public requirements; to provide for proper ingress and egress; to promote proper monumenting of land subdivided and conveyed by accurate legal description. These regulations are made with reasonable consideration, among other things, of the character of the City and its environs with a view of conserving the value of land and improvements placed thereon, providing the best possible environment for human habitation, for encouraging commerce and industry, and providing for the most appropriate use of land in the City and its environs.
- (2) Intent. It is the general intent of this Ordinance to regulate the division of land, to supplement the provisions of Chapter 236 of Wisconsin Statutes, and to:
 - (a) promote the public health, safety and general welfare within the City of Kaukauna and its environs;
 - (b) lessen congestion in the streets and highways and provide for proper ingress and egress;
 - (c) further the orderly layout and use of land as identified in the adopted Comprehensive Plan;
 - (d) secure safety from fire, panic and other dangers;
 - (e) provide adequate light and air including access to sunlight for solar collectors and to wind for wind energy systems;
 - (f) prevent the overcrowding of land;
 - (g) avoid undue concentration of population;
 - (h) facilitate adequate provision for housing, transportation, water supply, sanitary sewer, stormwater, schools, parks, playgrounds and other public requirements;

- (i) facilitate the further division of larger tracts into smaller parcels of land;
- (j) promote proper monumenting of land and conveyancing by accurate legal description;
- (k) prevent flood damage to persons and properties and minimize expenditures for flood relief and flood-control projects;
- (l) prevent and control erosion, sedimentation and other pollution of surface and subsurface waters;
- (m) support the goals of sustaining natural resources through regulating the conservation, protection and proper development of the City's soil, water, wetland, woodland, and wildlife resources;
- (n) preserve natural vegetation and cover and promote the natural beauty of the City;
- (o) restrict building sites in areas covered by poor soils, poor topography, or in other areas poorly suited for development;
- (p) avoid the harmful effects of premature divisions or development of land;
- (q) to facilitate enforcement of community development standards as set forth in the Comprehensive Plan, Zoning Ordinance, Building Code, and Official Map of the City;
- (r) provide for the administration and enforcement of this chapter; and
- (s) provide penalties for violations of this chapter.

The provisions of the ordinance are made with reasonable consideration, among other things, of the character of the city with a view of conserving the value of the buildings placed upon the land providing the best possible environment for human habitation and encouraging the most appropriate use of land throughout the city.

- 1.03 Interpretation. The provisions of this ordinance shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Headings are provided in this chapter for convenience and ease of reference; they shall not be used to interpret the purpose, effect or meaning of any provision of this chapter. Words or phrases that are defined in this chapter shall have the meaning stated in their definition. Undefined words or phrases shall have their common, ordinary meaning unless a particular meaning is clearly suggested by the context in which they appear. As used in this chapter, "shall" is mandatory and "may" is permissive. Singular words generally include the plural and vice versa. Words of a particular gender generally include all genders
- 1.04 Abrogation and Greater Restrictions. It is not the intent of this ordinance to repeal, abrogate, annul, impair or interfere with existing easements, covenants, deed restrictions, agreements, rules and regulations governing the subdivision of land; provided, however, that where this ordinance is more restrictive, the provisions of this ordinance shall govern.

1.05 Severability and Disclaimer of Liability

- (1) If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall be deemed to be severable, shall not be affected by such judgment and shall remain in full force and effect.
- (2) Disclaimer of Liability. The City does not guarantee, warrant or represent that only those areas designated as floodlands on plats and certified survey maps will be subject to periodic inundation nor does the City guarantee, warrant or represent that the soils shown to be unsuited for a given land use from tests required by the chapter are the only unsuited soils within the jurisdiction of the chapter; and thereby asserts that there is no liability on the part of the Common Council, its agencies or employees for flooding problems, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this chapter

1.06 Repeal. This chapter shall be deemed to repeal and recreate any prior ordinance of the City regulating land divisions, including, without limitation, the City of Kaukauna Subdivision Ordinance No. 750 adopted on [DATE], 1998.

1.07 Administrator. This chapter shall be administered by the Planning and Community Development Director or their designee. Planning and Community Development Director, in the administration of this chapter, shall:

- (1) Receive plats and certified survey maps from the subdivider. The Planning and Community Development Director shall distribute copies of plats and certified survey maps as provided for in this chapter and shall receive review comments from review agencies, boards and committees required to comment on such land division.
- (2) Advise the subdivider of all recommendations made by the Plan Commission and actions taken by the Common Council.
- (3) Maintain records of plat and certified survey map filings, approvals, fees paid and other sureties.
- (4) Determine that all land divisions within the jurisdiction of this chapter requiring review by this chapter have secured the necessary review and approvals.
- (5) Assist the City Attorney in the prosecution of violations.

1.08 Definitions. For the purpose of these regulations, the following terms are defined. Words used in the present tense include the future, the singular number includes the plural number, and the plural number includes the singular number. The word "shall" is mandatory.

- (1) Alley. A public or private right-of-way usually of reduced width that affords only secondary access to a lot, block, or parcel of land. [See § 236.02(1), Wis. Stats.]
Alley. A special public way affording only secondary access to abutting properties.
- (2) Bikeway. A bike route completely apart from a street and restricted to bicycle, pedestrian and maintenance vehicle traffic.

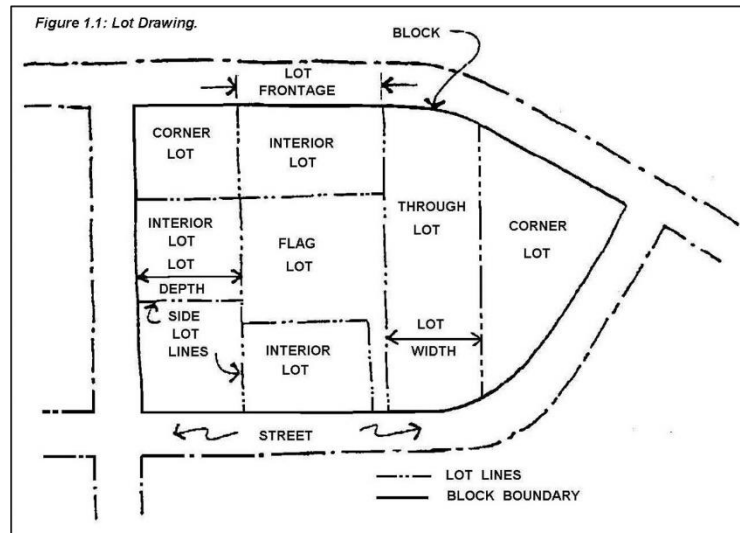
- (3) Block. An area of land with well defined boundaries within a platted subdivision that is entirely surrounded by a combination of streets, exterior subdivision boundary lines, public parks, cemeteries, railway right-of-way, streams, or other water bodies.
- (4) Building Line or Building Setback Line. A line on a lot, generally parallel to a lot line or public or private road right-of-way line, located a sufficient distance from either to provide the minimum yards required by this chapter. The building line determines the area in which buildings are permitted subject to all applicable provisions of this chapter. This is also referred to as a "setback."
- (5) Building Site. A parcel of land occupied, or intended to be occupied, by a structure as permitted under applicable zoning regulations.
- (6) Certified Survey Map. A map intending to create not more than four parcels of land as provided in § 236.34, Wis. Stats. Certified survey maps shall, in addition to the provisions of § 236.34, Wis. Stats., bear a certificate of approval of the Common Council, certified by the City Clerk, and shall meet the requirements of this chapter.
- (7) Common Open Space. Undeveloped land within a subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the community. Common open space does not include any portion of a private residential lot, and shall be substantially free of structures, but may contain historic structures, shared recreational structures, including but not limited to pool houses or stables, as indicated on the approved development plan.
- (8) Community. A town, municipality, or a group of adjacent towns and/or municipalities having common social economic or physical interests.
- (9) Comprehensive Plan. A comprehensive plan prepared in accordance with Wis. Stats. § 66.1001 by the City indicating the general locations recommended for the various functional classes of land, places and structures, and for the general physical development of the City and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof. This comprehensive development plan may also be known as the Comprehensive Plan or "Smart Growth" Plan.
- (10) Concept Plan. A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.
- (11) Condominium. A form of property ownership providing for individual ownership of a unit within a structure where the land, other parts of the structure, and other facilities are held in common with other owners pursuant to Chapter 703, Wis. Stats. A condominium is a legal form of ownership of real estate and not a specific building type or style.
- (12) Conservation Easement. The grant of a property right or interest from the property owner to a unit of government or nonprofit organization stipulating that the described

land shall remain in its natural, scenic, open or wooded, or agricultural state, precluding future or additional development.

- (13) Development Pad. Also referred to as "development envelope." That portion of a lot which is intended to be graded, paved, or built upon.
- (14) Drainageway. An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry stormwater on the ground surface in lieu of an enclosed storm sewer. Drainageways may serve multiple purposes in addition to their principal use, including, but not limited to, maintenance, bicycle, and pedestrian traffic; sanitary sewers; water mains; storm sewers; stormwater detention; park development; and other related uses. Drainageways may also be referred to as "greenways."
- (15) Driveway. An all-weather vehicle access to private property from a public or private street.
- (16) Dwelling Unit. A room or group of rooms, providing or intended to provide permanent living quarters for not more than one family.
- (17) Easement. An area of land set aside, or over or through which liberty, privilege, or advantage in land, distinct from ownership of the land, is granted by the owner to the public or some particular person or part of the public, or utility.
- (18) Environmental Feature. Those lands containing concentrations of scenic, recreational and other natural resources as identified and delineated by Wisconsin Department of Natural Resources. These natural resource and resource-related elements include the following: lakes, rivers and streams, together with their natural floodplain; wetlands; forest and woodlands; wildlife habitat areas; rough topography; significant geological formations; wet or poorly drained soils; existing outdoor recreation sites; potential outdoor recreation and related open-space sites; historic sites and structures; and significant scenic areas of vistas.
- (19) Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one-half (1.5) miles of the City of Kaukauna, a Class III municipality.
- (20) Financial Guarantee. A letter of credit, cash or certified check, or surety bond guaranteeing performance of a contract or obligation through possible forfeiture of the letter of credit, cash or certified check, or surety bond if such contract or obligation is unfilled by the subdivider.
- (21) Frontage Street or Frontage Road. A minor street auxiliary to and located on the side of an arterial or collector street and which provides for access and service to the abutting properties away from the arterial or collector street traffic.
- (22) Governing Body. The Common Council of the City of Kaukauna.
- (23) Half Street. A street, either existing as or proposed to be, half of the required right-of-way width with the intention that the adjoining half will be platted at the time the adjoining lands are subdivided; or an existing street, of which, due to reasons of

ownership, only half of the right-of-way is within the boundaries of a proposed land division or annexation.

- (24) **Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrianway, planting strip or other facility for which the City may ultimately assume the responsibility for maintenance and operation.
- (25) **Irrevocable Letter Of Credit.** An agreement guaranteeing payment for subdivision improvements, entered into by a bank, savings and loan or other financial institution which is authorized to do business in this state and which has a financial standing acceptable to the City and which is approved as to form by the City Attorney.
- (26) **Land Division.** Any division (or consolidation) of a lot(s) or parcel(s) of land by the owners thereof or their agents for the purpose of transfer of ownership, building development, or mortgage description.
- (27) **Lot.** A parcel of land that:
 - (a) Is undivided by any street or private road;
 - (b) Is occupied by, or designated to be developed for occupancy by a use permitted in this chapter, including one principal building or use, together with any accessory buildings, open spaces, and parking spaces required by this chapter; and has its frontage upon a street or upon an officially approved place.



- (28) **Lot Area.** The total area in a horizontal plane within the peripheral boundaries of a lot.
- (29) **Lot, Corner.** A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 110°. On a through lot, both street lines shall be deemed front lot lines for the purposes of this chapter.

- (30) Lot Depth. The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.
- (31) Lot, Flag. Lots that have access to a public or private street by a narrow strip of land and the largest portion of the lot is situated behind adjoining lots which front on a public or private street.
- (32) Lot Frontage. Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this chapter shall be provided at each such line.
- (33) Lot, Interior. A lot other than a corner lot, with frontage on one street.
- (34) Lot Lines. A lot line is the property line (including the vertical plane established by the line and the ground) bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this chapter.
- (35) Lot, Through. A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have two front yards and two side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway or collector roads. Double frontage lots abutting arterial highways or collector roads should restrict direct access to the arterial highway or collector roads by means of a planting buffer or some other acceptable access buffering measure.
- (36) Lot Width. The shortest distance between the side lot lines of a lot measured at the midpoint of the building line.
- (37) Master Plan. See "Comprehensive Plan."
- (38) Minor Subdivision. The division of land by the owner or subdivider resulting in the creation of two (2), three (3) or four (4) parcels or building sites, any one of which is four (4) acres in size or less, or the division of a block, lot or outlet within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlet.
- (39) Monument or Monumentation. The establishment of permanent on-the-ground objects that mark exact locations of surveyed points and lines in the United States Public Land Survey System. Monuments serve to mark points used for geodetic control networks as well as points used to reference property boundaries. Monuments can take a variety of forms. They are the legally binding markers used for setting property lines and as such are the culminating work of any survey.
- (40) Municipality. An incorporated village or city.
- (41) Navigable Water. see Wis. Stats. 30.01 (4m)
 - (a) Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support

navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state, though it may be dry during other seasons.

- (42) Official Map. A map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, school sites, and other public or community facilities, as adopted by the Common Council pursuant to § 62.23, Wis. Stats.
- (43) Outlot. A parcel of land, other than a lot, so designated on a plat or certified survey and which is not intended for building or structure development in the proposed land division.
- (44) Owner. The owner of record of fee simple title to any lot that is a part of properties, including contract sellers and vendees, but excluding those having such interest merely as security for the performance of an obligation, and excluding those who have a lien upon the property by provision or operation of law.
- (45) Owners' Association. A community organization incorporated or unincorporated, which combines individual parcel ownership with shared use or ownership of common property or facilities.
- (46) Parent Parcel. An existing parcel (or parcels) of record, as identified by individual tax identification numbers, as of the effective date of this chapter, from which land divisions are proposed.
- (47) Plan Commission. The City Plan Commission established in conformity with § 62.23, Wis. Stats, and Chapter 17 of the Zoning Code.
- (48) Planned Unit Development or PUD. A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering of buildings and providing common open space. Ordinances permitting planned unit developments allow planning a project and calculating densities for the entire development rather than on an individual lot-by-lot basis. It is hereby declared that regulating planned unit developments requires greater involvement of public officials in site plan review and development aspects of both zoning and land division regulation since such developments require exceptions from both types of regulation.
- (49) Plat. A map of a subdivision complete with all certificates and engineering data per Chapter 236, Wisconsin Statutes.
- (50) Plat, Final. A map prepared in accordance with the requirements of Ch. 236, Wis. Stats., and this chapter for the purpose of dividing larger parcels into lots and conveying those lots. The final map, drawing or chart and accompanying materials on

which the subdivider's plan of land division is presented for approval and which, if approved, shall be recorded with the Outagamie County Register of Deeds.

- (51) Plat, Preliminary. A map and other submitted information documenting the salient features of a proposed division of land as described and required in this chapter and submitted to the City for purposes of preliminary consideration prior to final platting.
- (52) Protective Restrictions Or Covenants. Contracts entered into between private parties which constitute a restriction on the use of all private properties within a platted subdivision or certified survey map for the benefit of the property owners, and which provide mutual protection against undesirable aspects of development that would tend to impair the stability of values.
- (53) Public Way. Any road, street, highway, walkway, easement, drainageway, or part thereof, intended for access to or use by the general public and City.
- (54) Replat. The process of changing, or the map or plat that changes, the boundaries of a recorded subdivision plat or a part thereof. The subdivision of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of said block, lot or outlot is not a replat, but is a land division.
- (55) Right-Of-Way. A public way dedicated to the public for the intended use.
- (56) Right-Of-Way, Ultimate. The required future right-of-way for a street, highway, alley, or other public way as illustrated in the adopted Comprehensive Plan or the adopted Official Map for the City of Kaukauna.
- (57) Shorelands. Defined in § 59.692(1), Wis. Stats., to mean the area within the following distances from the ordinary high-water mark of navigable waters, as defined in § 281.31(2m), Wis. Stats.
 - (a) One thousand feet from a lake, pond or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high- water mark of the lake.
 - (b) Three hundred feet from a river or a stream or to a landward side of the floodplain, whichever distance is greater.
- (58) Soil Mapping Unit. Soil types, slopes and erosion factors delineated on detailed operational soil survey maps prepared by the United States Natural Resources Conservation Service (formerly "Soil Conservation Service").
- (59) Steep Slope. Steep slopes are areas which contain a gradient of 12% or greater (equivalent to a ten-foot elevation change in a distance of 83 feet or less), as shown on Environmental Corridor Map or from more accurate on-site survey.
- (60) Street. Unless specifically designated otherwise by the City, any public or private way that is dedicated or permanently open to pedestrian and vehicular use, which is 21 feet or more in width if it exists at the time of enactment of this chapter or any such

public right-of-way 50 feet or more in width when established after the effective date of this chapter, or otherwise by approved plat.

- (61) Street, Arterial (Minor). A street that links cities and large towns, spaced at such intervals so that all developed areas of the state are within a reasonable distance of an arterial highway. These roadways provide service to corridors with trip lengths and travel density greater than those served by rural collectors or local systems. Their design and function should be expected to provide for relatively high overall speeds, with minimal traffic control to interfere with mobility;.
- (62) Street, Arterial (Principal). A street that provides for the movement of relatively heavy volumes of traffic movements of substantial statewide or interstate travel. It has a secondary function of providing access to collector streets and tertiary function of providing access to abutting properties.
- (63) Street, Collector (Major). Major collectors provide service to smaller-to-moderate sized places and other intra-area traffic generators, and link those generators to nearby larger population centers (cities, villages, and towns) or higher function routes.
- (64) Street, Collector (Minor). A street that collects and distributes internal traffic within a distinct urban area such as a residential neighborhood, between the arterial street and local streets. It has a secondary function of providing access to abutting properties.
- (65) Street, Cul-De-Sac. A minor street with only one outlet and culminating in a permanent or temporary turnaround.
- (66) Street, Dead-End. A street permanently or temporarily closed at one end, with or without turnarounds.
- (67) Street, Minor (Local). A street of minimum continuity designed for low speeds and volumes and to provide access to low traffic generating property and leading into collector and arterial street systems.
- (68) Structure. Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts, excepting public utility fixtures and appurtenances.
- (69) Subdivider. Any person, firm, corporation, agent, partnership, or entity of any sort, which divides or proposes to divide land in any manner, including such heirs and assigns as may be responsible for the obligations of the subdivider under the provisions of this chapter.
- (70) Subdivider's Agreement or Developer's Agreement. An agreement by which the City and the subdivider agree in reasonable detail as to all of those matters relating to the construction and timing of public improvements for a development.

- (71) Subdivision. The division of a lot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of four (4) acres each or less in area; or where the act of division creates five (5) or more parcels or building sites of four (4) acres each or less in area by successive division within a period of five (5) years; or where a road is created more the 60 feet long.
- (72) Subdivision, Conservation. A housing development that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible.
- (73) Subdivision, Conventional. The division of a lot, parcel or tract of land by the owners thereof or the owner's agent, for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 1 1/2 acres each or less in area; or where the act of division creates five or more parcels or building sites of 1 1/2 acres each or less in area by successive division within a period of five years. Other divisions of land shall be termed "minor land divisions." The definition of a subdivision shall not apply to commercial or industrial land divisions except to the extent regulated by state law.
- (74) Urban Service Area. That portion of the City of Kaukauna and those areas within its extra-territorial jurisdiction or its Comprehensive Plan, which have been designated by the Common Council of the City of Kaukauna as the areas to which services required in urban areas shall be provided in a planned and orderly process, particularly those facilities which are placed on or in the land as part of the urban development process. Such services include, but may not be limited to, public sanitary sewers.
- (75) Water Supply System. Any public facilities installed or constructed to obtain, store, treat, or convey water for public consumption or domestic use.
- (76) Wetlands. Defined in § 23.32(1), Wis. Stats., to mean an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation in which have soils indicative of wet conditions.
- (77) Zoning Code. The City of Kaukauna Zoning Ordinance, which is Chapter 17 of the Municipal Code.

SECTION 2 GENERAL PROVISIONS

2.01 Jurisdiction and Compliance

- (1) Jurisdiction. Jurisdiction of these regulations shall include all lands and waters within the corporate limits of the City and those lands within the extraterritorial jurisdiction of the City as established in §§61.35, 62.23(2) and 236. 10, Wis. Stats. The provisions of this Title shall not apply to:

- (a) Cemetery plats made under § 157.07, Wis. Stats., and assessor's plats made under § 70.27, but such assessor's plats shall comply with § 236.15(1)(a) to (g) and 236.20 (1) and (2)(a) to (e), unless waived under § 236.20(2)(L), Wis. Stats.
 - (b) Sale or exchange of parcels of public utility or railroad right-of-way lands to adjoining property owners if additional lots are not thereby created and if the resulting lots are not reduced below the minimum sizes required by chapter 236, Wis. Stats., or any other ordinance of the City.
 - (c) Transfers of interests in land by will or pursuant to court order if such division applies to less than five (5) parcels.
 - (d) Leases for a term not to exceed 10 years, mortgages or easements.
 - (e) Assessors' plats made under §70.27, Wis. Stats., but such assessors' plats shall comply with §§236.15(l)(a) to (g) and 236.20(1) and (2)(a) to (e), Wis. Stats.
 - (f) Miscellaneous discretionary exemptions. In unusual circumstances, where a particular proposed land division, condominium plat, development or replat is technically subject to this chapter but poses none of the potential problems addressed by this chapter, the Common Council may, after the required preapplication staff conference, and after review and recommendation by the Plan Commission, exempt a particular land division from the requirements of this chapter. The Council shall make an express finding that compliance is unnecessary to accomplish the purposes of this chapter. This subsection shall not be utilized, under any circumstances, to exempt any proposed land division that would result in the creation of a new buildable lot.
- (2) Subdivision Requirement. No land within the corporate limits of the City or within the extraterritorial plat approval jurisdiction shall, after the effective date hereof, be divided or consolidated, nor may such document be entitled to be recorded in the office of the Register of Deeds, nor may any street be laid out, nor may any improvements be made to the land until the provisions of this Title and chapter 236, Wisconsin Statutes, are met and the plat or certified survey map and the plan or plans of the subdivision shall have been approved by the Plan Commission and Common Council and certified thereto by the City Clerk.
 - (3) Land Division Requirement. Any division of land which results in a subdivision as defined in § 236.02(12), Wis. Stats., shall be surveyed and a plat thereof approved and recorded as required by this Title. Any division or consolidation of land which results in other than a subdivision defined in § 236.02(12), Wis. Stats., shall be surveyed and a certified survey map thereof approved and recorded as required by this Title.
 - (4) Compliance. No person, firm or corporation shall divide, consolidate, or reconfigure any land located within the jurisdictional limits of these regulations which results in a subdivision, minor subdivision, condominium plat, reconfiguration or replat as defined herein; shall be entitled to record; and no streets shall be laid out or improvements

made to land without compliance with all requirements of this ordinance, and the following documents:

- (a) Provisions of Ch. 236, Wis. Stats.
 - (b) Rules of the Wisconsin Department of Safety and Professional Services, as contained in SPS 383 of the Wisconsin Administrative Code, regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
 - (c) Rules of the Wisconsin Department of Transportation, as contained in TRANS 233 of the Wisconsin Administrative Code, relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the Subdivider abuts on a state trunk highway or connecting street or service road.
 - (d) Rules of the Wisconsin Department of Natural Resources, as contained in NR 116 and NR 117 of the Wisconsin Administrative Code, setting water quality standards preventing and abating pollution and regulating development within floodland, wetland and shoreland areas.
 - (e) Approved Comprehensive Plan or Comprehensive Plan components of the City.
 - (f) The City zoning ordinance and all other applicable local and county ordinances.
- (5) Building Permit Requirement. No building permit shall be issued by the City authorizing the building on, occupancy, or improvement of any parcel of land not on record as of the effective date hereof until the provisions and requirements of this Title have been met, and a resolution approving the land division or consolidation has been adopted by the Common Council.
- 2.02 Consistency With Adopted Plans, Maps, and Ordinances. No subdivision plat, certified survey map or condominium plat shall be approved or recorded for any parcel of land whose proposed subdivision or use would not comply with the applicable standards of the City's Comprehensive Plan, Zoning Ordinance, Official Map, and all other ordinances. Subdividers shall refer to the Official Map for site-specific standards related to intersection and driveway placement and spacing; right-of-way dedications and general street and pedestrian facility routing; stormwater management facility locations; and planned community facility locations.
- 2.03 Dedication and Reservation of Lands
- (1) **Streets, Drainage Ways or Other Public Ways.** Wherever a tract of land to be subdivided embraces all or any part of a street, drainage way or other public way which has been designated in the comprehensive plan or component part thereof, or on the Official Map of the City of Kaukauna, said public way shall be made a part of the plat and dedicated or reserved or treated by the developer as determined by the Planning Commission, in the locations and dimensions indicated on such a plan or map and as set forth in this ordinance.

- (2) Public Sites and Open Spaces. In order that adequate open space and sites for public uses may be properly located and preserved as the community develops, and in order that the cost of providing the park and recreation sites and facilities necessary to serve the additional families brought into the community by subdivision development may be more equitably apportioned on the basis of the additional need created by the individual subdivision development, the following provisions are established:
- (a) Reservation of Potential Sites: In the design of a subdivision, condominium development, or land division, consideration shall be given to the adequate provision of and correlation with such public sites or open spaces where it is determined by the City Plan Commission that a portion of the area is required for such public sites or open spaces, *these proposed public lands shall be so designed as to be made an integral part of the plat and may be dedicated but in any case, shall be reserved, for acquisition at undeveloped land costs, by the agency having jurisdiction, for a period not to exceed two (2) years unless extended by mutual agreement.*
 - (b) Dedication of Sites: Where feasible and compatible with the Comprehensive Plans for development of the community, the subdivider shall dedicate to the public adequate land to provide for the park and recreation needs of the subdivision, condominium or land division. The amount of land to be provided shall be determined on the basis of 1,100 square feet per detached single- family housing unit and 900 square feet per attached multi- family housing unit created by a subdivision plat, condominium plat, or Certified Survey Map. If the number of housing units is not specified on the plat or Certified Survey Map, the maximum allowable density under the City Zoning Ordinance shall be utilized to determine the number of allowable housing units to be used to establish public land dedication requirements.
 - (c) Access to Park, Water Feature or Recreational Area. Wherever a subdivision or land division abuts a public use area, such as a park, lake, stream, or any similar type of public recreational area, the subdivider, at the option of the Plan Commission as *required by Section 236.16 (3), Wisconsin Statutes, shall be at least 100 feet wide to provide sufficient areas for turning movements and parking* connecting such public area with a public street, so that there shall be adequate public access to the public use area.
 - (a) *Determination of Feasibility. The determination as to the feasibility of dedication shall be made by the City Planning Commission.*
 - (b) Proportionate Payment in Lieu of Dedication: Where the City, at its sole discretion, determines such dedication is not feasible or compatible with the Comprehensive Plan or other plans of the City, the subdivider shall, in lieu thereof, pay to the City, depending on the location of the plat, a fee equivalent to the value of the required dedication. Such fee shall be determined as follows:

1. Two hundred fifty dollars (\$250.00) per residential lot created by the subdivision to be held by the City in a non-lapsing fund.
2. The subdivision fee for each lot shall be paid in equal annual installments in the same manner as special assessments. The first such installment shall be due the same time as the first installment for the first special assessment levied against such lot becomes due, and with a similar installment coming due annually during the remaining years of the first special assessment. Provided however, that if before the City shall have levied any special assessment against any such lot, the subdivider installs sewer, water or street improvements, such first installment of the subdivision fee shall be due in the year following the year in which the subdivider installed the first said improvements with all of the remaining installments coming due annually thereafter. Any multiple of such installments may be paid at any time but any installments not paid when due shall bear interest after the due date at the rate of 6 percent per annum.
3. No final plat shall be approved unless there shall first be executed by the owner, and each person holding an interest in the fee of record or by being in possession, of any of the land in such subdivision, an agreement with the City of Kaukauna agreeing to pay the subdivision fee on each lot owned by him or in which he has such an interest, in the amount, and in the manner and at the time as provided herein, and further agreeing that the respective subdivision fee for each lot, including interest, if any, or unpaid portion of such subdivision fee and interest, shall be and remain a lien against such lot until fully paid. Such agreement shall be executed in such manner and form as to entitle it to be recorded by the Register of Deeds.

No payment shall be required for a lot, created by the subdivision of land under this ordinance, on which a residential structure already exists, or which is a residual parcel in excess of 4 acres and not intended for immediate sale or other conveyance. Likewise, where a lot or parcel, for which payment has once been made, is further divided, payment shall be required only for the additional lots or parcels created.

4. In the event that more than one dwelling unit (example: duplex or multi-family apartment house) is to be constructed on a newly created lot, a two hundred fifty dollar \$250.00 subdivision fee shall be assessed against each dwelling unit and payment shall be made in the manner prescribed above. This provision shall apply to all lots created after the effective date of this ordinance. If at the time of subdividing, the intent is to place only one dwelling unit on each newly created lot; but, at a later date it is decided to place more than one dwelling unit on a given lot, the developer shall enter into an agreement with the City of Kaukauna agreeing to pay the \$250.00

subdivision fee for each dwelling unit in excess of one in the manner prescribed above prior to the issuance of a building permit.

- 2.04 Plats or certified survey maps outside the corporate limits. Before final approval by the City of Kaukauna of any plat or certified survey map located outside the corporate limits of the City, but within the plat approval jurisdiction of the City, the subdivider shall give evidence that he has complied with all Design Standards and Required Improvements as stated in this Ordinance.

2.05 Land Suitability.

- (1) No land shall be subdivided which is held unsuitable for such use by the City Planning Commission for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any feature likely to be harmful to the health, safety, or welfare of the future users of the proposed subdivision or of the community. The City Planning Commission, in applying the provisions of this section, shall recite the particular facts upon which is bases its conclusions that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the City Planning Commission may affirm, modify, or withdraw its determination of unsuitability.
- (2) Where the subdivision of tract of land contains a portion of land unsuitable for development because of poor drainage, floodable conditions, adverse soil conditions, or rock formations, unfavorable topography, inadequate water supply or sewage disposal capabilities, or for any other reason, such areas shall not be divided into buildable sites, and shall be handled as follows:
 - (a) Poor Drainage. Land subject to ponding, poor permeability or poor drainage, or for other causes as determined by the Planning Commission, or its designated agent, and if said land is not zoned as a conservancy or wetland-floodplain district or similar district, on an applicable zoning district map, in which buildings are prohibited, it shall be subject to the following requirements:
 1. If said land is designated as park, parkway, other open-space, or other public use on the adopted plan of the City of Kaukauna, the developer may dedicate said land to the city, applicable town, or county, but in any case must reserve said land for not less than two (2) years for acquisition by the city, town or county.
 2. If said land is not designated as a park, parkway, or other public use on an adopted plan, then the developer shall cause said land to be carried in a private easement in the individual deeds affected thereby, and no permit shall be issued for a building therein. In addition, appropriate notations shall be placed on the face of the plat.
 3. In lieu of the requirements set forth in paragraph 2.31 b above, the developer may, at his expense, prepare a development proposal for the problem area.

It shall be submitted for the City Planning Commission's approval and shall be accompanied by a site plan and adequate engineering data to ensure that the public health, safety and welfare will not be violated if approved, and to provide a surety bond to the approving municipality to ensure that such will be done at a specified time if approved.

- (b) Floodable Conditions/Drainage Ways. If floodplains have been determined and are delineated on an applicable zoning district map, or as determined by the Planning Commission from sources available to it, no development shall be allowed except as permitted in applicable floodplain and shore land ordinance. In designing plats, drainage easements shall be shown on the plan where conditions warrant and as determined by the City Planning Commission or as determined by sources available to it and building permits shall not be issued therein.
- (c) Adverse Soil and Rock Formation. Soil suitability for contemplated development in a proposed subdivision shall be determined by the Planning Commission from sources available to it.
 - 1. Where soil interpretations determine that a tract of land is unsuitable for development under existing conditions, the developer may submit a proposal for development indicating how, through site and engineering design, the soil problems can be overcome. The proposal shall include a site plan and adequate engineering data. If the plan is approved, the developer shall provide a surety bond to the approving municipality to ensure that all conditions attached to the approval will be done by specified time.
 - 2. In order to determine the precise location of soil types, on-site investigation by soil scientists may be necessary but in areas where no public sewer is available, this investigation is mandatory and may be made by a professional surveyor, engineer or soil scientist at the expense of the developer, and according to procedures established by the Wisconsin Department of Safety and Professional Services.

2.06 Determination of adequacy of public facilities.

- (1) Determination required. A preliminary plat, final plat, or certified survey shall not be approved unless the City determines that adequate public facilities and public services are available to meet the needs of the proposed land division and that no public funds, other than those already provided in an adopted capital or operating budget, are required.
- (2) Submit required data. The applicant shall furnish any data requested by the Planning and Community Development Director and City Engineer, who shall transmit this information to the appropriate commission(s), committee(s), or staff for review of the adequacy of electric, water, sanitary and storm sewers, fire service, police, parks, open space, recreation, and transportation facilities.

- (3) Required conditions. Public facilities and public services for a proposed land division may be found by the City to be adequate when the following conditions exist:
- (a) The proposed land division is located in an urban service area where adequate sewer service is presently available for extension, is under construction, or is designated by the Common Council for extension of sewer service within the current capital budget year and funds are specifically provided for such extension either from public or private financing. The City shall consider the recommendations of the City Engineer, Director of Public Works, and Planning and Community Development Director on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.
 - (b) The proposed land division is located within the corporate limits of the City and it is contiguous to an arterial transmission water main of adequate capacity for the proposed development, or the water distribution system that is needed is under construction or scheduled for construction within the current budget year, and public or private funds are available for the program. The City shall consider the recommendations of the Board of Public Works, the Director of Public Works, the City Engineer, and Kaukauna Utilities on system capacities, water sources and storage facilities as well as any other information presented.
 - (c) The City verifies that adequate funds, either public or private, are available to insure the installation of all necessary stormwater management facilities.
 - (d) The Director of Public Works can demonstrate that street maintenance and refuse collection services, either public or private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety, or general welfare to the future residents of the proposed land division or existing City residents.
 - (e) The Planning and Community Development Director verifies that the future residents of the proposed land division can be assured park, recreation and open space facilities and services which meet the standards of the City's Comprehensive Plan for parks and open spaces.
 - (f) The Police Department and Fire Department verify that timely and adequate service can be provided to the residents.
 - (g) The municipal electric utility has confirmed that all appreciate easements are in place to allow the area to have electric service.
 - (h) The proposed land division is accessible by existing or officially mapped, publicly maintained, all-weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division in accordance with the Official Map and City standards.
 - (i) Where the City determines that one or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be

served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, the City shall recommend that conditional approval may include only such portions or may specify phasing of the development.

- (4) Finding in writing. No land shall be divided which has been officially mapped as public lands or a stormwater management facility or is determined by the City, in consultation with the City Engineer, to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations for development, severe erosion potential, or unfavorable topography, or any other feature likely to be harmful to the quality of the subdivision as it relates to the health, safety, or welfare of future residents or landowners in the proposed land division. The City, in applying the provisions of this subsection, shall recite the particular facts in writing upon which conclusions that the land is not suitable for the proposed use are based and shall afford the subdivider an opportunity to present evidence regarding such unsuitability to the Plan Commission. Thereafter, the Plan Commission may affirm, modify or withdraw the determination of unsuitability.
- (5) Conform to zoning regulations. In the case of any land division, lot sizes shall conform to the area and width requirements prescribed for the zoning district in which the property is located.

2.07 Land Division Criteria

- (1) Agricultural Land Division. The Plan Commission may grant approval of a land division subdividing portions of agricultural lands within the corporate limits of the City or within the extraterritorial plat approval jurisdiction, provided the Commission determines the proposed land division will assist and assure the continuation of the agricultural use.
- (2) Nonagricultural Land Division. In the case of nonagricultural lands, the Plan Commission may grant approval of a land division within the corporate limits of the City or within the extraterritorial plat approval jurisdiction, provided the Plan Commission determines the proposed land division complies with each of the following criteria:
 - (a) The proposed land division shall be compatible with adjacent land uses and shall maintain the general land use pattern of the area in question.
 - (b) The proposed land division shall result in a development pattern which is compatible with surrounding developments and land uses. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
 - (c) The proposed land division and resulting development shall not demonstrably adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations. The Plan Commission may consider annexation agreements with the property owner in order to comply with

this requirement. The Plan Commission may also consider whether the City and Town(s) have reached an agreement on necessary public improvements and public service facilities required to serve the development.

- (d) The proposed land division shall represent infilling of vacant land. Infilling is defined as a land division which will accommodate the development of vacant land located such that surrounding existing land uses render the land impractical for any but similar uses.
 - (e) If the Plan Commission finds that adequate public facilities and public services are not available to support and serve the area of the proposed land division, the land division shall be referred to the Common Council for a final determination.
- 2.08 Improvements on Boundaries of Subdivisions. Where a subdivision or land division abuts an existing or proposed street, sanitary sewer, or water main, part of which is not located within the subdivision, the subdivider shall submit a petition requesting the installation of all required improvements on a special assessment basis.
 - 2.09 Permanent Zoning Classification. No preliminary plat of a subdivision or certified survey map of a land division shall be accepted for review unless all of the land included in the preliminary plat and/ or Certified Survey Map has been assigned a permanent zoning classification.
 - 2.10 Variances. When, in the judgment of the Plan Commission or Common Council, it would be inappropriate to apply literally a provision of this Ordinance because the subdivision is located outside the corporate limits, or because extraordinary hardship would result, it may waive or vary such provision(s) so that substantial justice may be done and the public interest secured, provided that in no event shall the requirement of filing and recording the certified survey map or the final plat be waived.
 - 2.11 Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Ordinance or the Wisconsin Statutes, and no person, firm, or corporation shall be issued a building permit authorizing the building on or improvement of any subdivision, land division, or replat within the jurisdiction of this Ordinance and not of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met. The City may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.
 - 2.12 Remedies. Failure to comply with the requirements of this Section shall invalidate purported transfers of titles at the option of the purchaser, in accordance with provisions of Section 236.31(3), Wisconsin Statutes. Building permits shall also be refused for construction on sites created in violation of these requirements.
 - 2.13 Appeals
 - (1) Any person aggrieved by an objection to a plat, or failure to approve a plat, may appeal therefrom, as provided in Sections 236.113(5) and 62.23(7), (10) to (15) inclusive, Wisconsin Statutes.

- (2) Appeal from the decision of the Plan Commission may be taken to the Common Council by the applicant for a land division. If the appeal is relative to whether a preliminary plat is required, such appeal must specify the grounds thereof with respect to the reasons for requiring said preliminary plat by the Plan Commission. The appeal must be filed with the City Clerk within fourteen (14) days of receipt of the letter of action of the Plan Commission.

2.14 Fees

- (1) General. The subdivider shall pay all fees required by this section to the City Treasurer, at the times specified, before being entitled to recording a plat or certified survey map. The Planning and Community Development Director is authorized to require subdividers to enter into a written agreement for the payment of charges for legal, engineering, and planning professional services in response to plat or CSM submissions.
- (2) Plat review. At the time of application for approval or review of any of the following, the subdivider shall pay a fee, as from time to time established by resolution of the Common Council, to defray the cost of giving notice, investigation and other administrative processing:
 1. Sketch or concept plat.
 2. Plat.
 3. Reapplication for approval of any plat which has been previously reviewed.
- (3) Certified survey map review. The subdivider at the time of application shall pay a fee as from time to time established by resolution of the Common Council to defray the cost of giving notice, investigation or other administrative processing for approval of a certified survey map.
- (4) Inspection fee. The subdivider shall pay a fee which shall be added to the financial guarantee equal to the actual or projected cost of the City inspection services or other approving authorities having jurisdiction for such inspection deem necessary, to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the approving authorities having jurisdiction or any other governmental authority.

3 LAND DIVISION PROCEDURES

- 3.01 Compliance requirement. Any subdivider and owner of land (or his agent) who wish to divide such land or create a condominium shall comply with the general principles of design and minimum layout requirements as set forth in Chapter 4 of this Ordinance, and shall in every case submit the information required in this Section.
 - (1) No person, firm, or corporation shall divide any land located within the corporate limits of the City of Kaukauna or within the extraterritorial plat approval jurisdiction

thereof which shall result in a land division as defined herein, without filing for approval by the Plan Commission and recording a certified survey map meeting all of the requirements of Section 236.34, Wisconsin Statutes.

- (2) Within any five (5) year period create a total of four (4) or less parcels or building sites A preliminary plat must be filed prior to the certified survey map.
- (3) Land divisions shall conform to Section 2, Section 4, and Section 5 of this chapter. This Ordinance shall apply to condominiums created under Chapter 703, Wisconsin Statutes (the Condominium Ownership Act), where an actual land division results.
- (4) No person, firm, or corporation shall divide any land located within the corporate limits of the City of Kaukauna for the purpose of consolidating parcels without filing for approval with the Planning Department.

3.02 Preliminary consultation. Prior to the filing of an application for the approval of a preliminary plat or certified survey map, the subdivider may submit a concept for review and consultation with City staff and all affected utilities in order to obtain advice and assistance. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the adopted Comprehensive Plan and Official Map, adopted plan components and plan implementation ordinances of the City, and to otherwise assist the subdivider in planning the development. City staff or subdivider may request that the conceptual plat or CSM be reviewed by the Plan Commission for feedback. *In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and City and the subdivider will gain a better understanding of subsequent required procedures.*

3.03 Conceptual plat/plan review. If the City staff determines in the preapplication staff conference, that any proposed land division or development raises significant policy issues, then, prior to filing a preliminary plat or certified survey map or development plan with the City, the divider/developer shall pay to the required conceptual plan review fee and shall file a conceptual plan of the proposed land division or development for review and comment by the staff, the Plan Commission, and the Public Works Board. Conceptual plan review may be required if the proposed land division or development will create five or more buildable lots, or will require a rezoning or conditional use permit to implement, or will require a significant extension of public or private improvements, or will require other significant budgetary decisions, or if there is a lack of agreement between the divider/developer and the Preliminary Plat or CSM.

3.04 Preliminary Plat

- (1) Preliminary plat of subdivision plat. The preliminary plat of the proposed subdivision plat shall contain or have attached thereto the following information. Failure to provide complete information shall result in the application being rejected, requiring the resubmittal of a new application with complete information.
- (2) Submission and review.

- (a) Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and submit a complete application packet to the Planning Department, including the required number of full-size copies of the plat, copies of the plat accurately photocopied and reduced to eleven (11) inches by seventeen (17) inches in size, a digital copy in Portable Document Format (PDF), a land use application form, pay a fee as established by the Common Council, and all other items as required per the application checklist for this type of request. The required number of copies for each item is listed on the Planning Department application form and checklist for this type of request. The plat will be scheduled for review by the Plan Commission per their meeting schedule. The subdivider shall also forward a copy to the local electric, gas and telephone utilities. The Planning and Community Development Director may allow a combined filing of the preliminary plat and the final plat when it is determined that the scale and complexity of the proposal will allow for a reasonable level of review within the allocated timeline.
- (b) The preliminary plat shall cover the entire area proposed for development at the time, including rights-of-way for all adjacent roads and highways and shall be prepared in accordance with the ordinance codified in this Ordinance and Wis. Stats. 236. Where a subdivider owns or controls adjacent lands in addition to those proposed for development at that time, such subdivider shall submit a conceptual plan for the development of the adjacent lands showing streets, utilities, zoning districts, and other information as may affect the review of the preliminary plat in question.
- (c) The Planning Department shall forward copies of the preliminary plat to City staff who shall examine it for completeness and for conformity with the requirements of the ordinance codified in this chapter and with the requirements of any other city ordinances, statutes or administrative rules and regulations, and for compliance with the City Comprehensive Plan and Official Map including potential traffic generation and sewer flows. The preliminary plat shall be subject to the City ordinance requirements in place at the time of submittal of a complete application. A comprehensive staff report shall then be forwarded to the Plan Commission.
- (d) The Plan Commission shall recommend approval or conditional approval of the plat to the Common Council or shall reject the plat. The Plan Commission recommendation for the preliminary plat shall be referred to the Council for consideration. Within ninety (90) days of submittal of a completed application the Council shall approve, conditionally approve, or reject the preliminary plat unless the time is extended by agreement with the subdivider. A letter and copy of the resolution as appropriate shall be returned to the subdivider, such subdivider's surveyor, or engineer with the date and action endorsed thereon; and if approved conditionally or rejected, the condition of approval or reasons for rejection shall be endorsed thereon or attached thereto. A written request to extend the review

time may be submitted by the subdivider to the City within ninety (90) days of filing of the preliminary plat. Failure of the Common Council to act within the ninety (90) days or an agreed to extension thereof constitutes an automatic approval of the preliminary plat.

- (e) Approval or conditional approval of a preliminary plat shall entitle filing of the final plat. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted at the time of submittal of the complete preliminary plat application, as authorized by law, it is entitled to approval. If the final plat is not submitted within thirty-six (36) months after the last required approval of the preliminary plat, or a written request to extend the 36-month period is not submitted and approved by the Common Council prior to the expiration of this period, then the preliminary plat approval is void. The last approval of a preliminary plat means the date of adoption of a resolution approving or conditionally approving the preliminary plat by the Common Council, or, in the case of an extraterritorial plat, by either the county board, the town board, or Common Council, whichever occurs latest. Previous preliminary plat approvals shall not constitute grounds for approval upon resubmission. The final plat may, if permitted by the Common Council, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time.
- (3) Preliminary plat information to be shown. All preliminary plats shall show the following information in addition to that required by Wis. Stats. Ch. 236, Subchapter III:
 - (a) Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat heretofore recorded in the City or in surrounding areas unless considered an addition to the subdivision, nor shall the name cause confusion with respect to the location or identification of said subdivision.
 - (b) A full legal description of property to include section, township, and range numbers, as well as a metes and bounds description of the boundary of the lands proposed for subdivision that matches the traverse survey required in Section 3.04(3) of this Ordinance.
 - (c) Names, phone numbers and addresses of the owner(s), any agent(s) having control of the land, subdivider(s), surveyor, engineer, and designer of the plat and certification of ownership or owner's authorization of agent.
 - (d) Graphic scale not less than one inch to one hundred (100) feet. If this results in multiple plat sheets, a cover sheet illustrating the overall plat and identifying the areas illustrated on subsequent plan sheets shall be provided.
 - (e) North point.
 - (f) Certification of surveyor certifying to the accuracy of the survey.

- (g) Date of preparation and date of subsequent revisions.
 - (h) An approved certificate for use by the City to certify approval of the preliminary plat, including a statement of compliance with any conditions of approval contained in the approving resolution for the plat, and a space for the resolution number of the approving resolution.
- (4) Preliminary plat existing conditions.
- (a) A vicinity map, to be displayed on the face of the plat (or cover sheet), illustrating the land to be subdivided with respect to surrounding lands and transportation facilities, as well as government sections and quarter sections.
 - (b) A traverse survey, prepared in the coordinate system and vertical datum currently specified by the City, including the measured distances and angles and true distance and bearing through two monumented points on the boundary and two section corners or quarter section corners which the city has coordinates for, shall be accurately described and displayed on the plat.
 - (c) Existing zoning classifications for land in and abutting the subdivision within two hundred (200) feet.
 - (d) Total acreage of the land proposed for subdivision.
 - (e) Location, right-of-way and pavement width, and names of existing or proposed streets, railroads, bike/pedestrian trails, or other public ways located within two hundred (200) feet of the lands proposed for subdivision. Parks and other public lands, permanent buildings and structures, easements and section and corporate lines within the preliminary plan and to a distance two hundred (200) feet beyond shall also be indicated.
 - (f) Location and size of all existing permanent and intermittent streams, drainage courses, drainage tiles, lakes, ponds, wetlands and other natural resources, wooded areas, trees over twelve (12) inches in diameter, buildings and structures, wells, septic systems, cesspools, sewers, water mains, culverts, or other underground facilities within the preliminary plat area and to a distance of two hundred (200) feet beyond. Any such features that are proposed to be removed, disturbed, or modified by development activities on the site shall also be noted.
 - (g) Identification of any building or structures over fifty (50) years of age (or suspected to be over fifty (50) years of age if unknown), and an indication as to whether such structures are intended to be removed, disturbed or modified by development activities.
 - (h) Information regarding existing utilities and other infrastructure such data as the grades, invert elevations, and locations of catchbasins, manholes, hydrants, and street pavement width and type, shall also be shown, including any existing easements for utilities or other purposes.

- (i) Boundary lines of adjoining unsubdivided or subdivided land located within two hundred (200) feet of the subject property, identified by name and ownership, but including all contiguous land owned or controlled by the subdivider. Topographic data shall be provided using the city's map or digital terrain model, or if unavailable, topographic data including contours at vertical intervals of not more than one foot, except where the total site relief is one hundred (100) feet or more, a two-foot vertical interval may be shown. Watercourses, wetlands, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown, city specified vertical datum shall be used for all topographic mapping. Descriptions of reference ties and elevations of the benchmarks shall be furnished.
 - (j) Soil tests and reports for the design of roadways, storm drainage facilities, erosion control facilities, and/or other subdivision improvements and features may be required with the preliminary plat submittal.
- (5) Preliminary plat design features.
 - (a) Layout of proposed streets, alleys, sidewalks, bike paths or other public or private way, showing right-of-way widths, proposed pavement widths as measured from back-of-curb to back-of-curb, and proposed names of roadways. The Plan Commission, upon the recommendation of the City Engineer, may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. The name of any public or private roadway shall conform to the roadway naming standards contained in Section 4.03(9) of this Chapter.
 - (b) Right-of-way dedications as needed for roadways located adjacent to the lands proposed for subdivision in conformity with the Official Map.
 - (c) An identification system for the consecutive numbering of all lots and outlots, as well as preliminary acreages and dimensions of lots and outlots in the subdivision.
 - (d) Minimum front, rear, side, and street yard building setback lines as required by Chapter 17 – Zoning or the Municipal Code, or as established in an approved Plan Development District. Where conflicts exist between setbacks shown on a preliminary plat and the requirements of the zoning ordinance or an approved Plan Development District, the setbacks established in the zoning ordinance shall apply for all conventional development and the later of the approval of a Plan Development District.
 - (e) Location and size of proposed sanitary sewer lines and water mains and any associated easements that may be required for these facilities.
 - (f) Preliminary grades of proposed streets, bike paths, and sewer lines.

- (g) Areas, other than streets, alleys, sidewalks/bike paths and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres, and a purpose or description of such areas.
 - (h) Location and description of survey monuments.
 - (i) Site data including number of residential lots, street and right-of-way widths and acres in parks, etc.
 - (j) Sites, if any, to be reserved for public or private parks or other public or common uses.
 - (k) Proposed land uses, such as sites for single-family or multifamily dwellings, commercial, institutional, industrial and other uses, including public uses or sites proposed for the area.
 - (l) Information regarding the proposed ownership and use of any outlots included in the subdivision.
- (6) Preliminary plat supplementary data.
- (a) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
 - (b) Provisions for water supply.
 - (c) Provisions for sewage disposal.
 - (d) The proposed zoning plan for the areas, including dimensions and acreages.
 - (e) An illustration(s) demonstrating the potential resubdivision of large (over 1-acre) or excessively deep lots (over three hundred (300) feet).
 - (f) Provisions for stormwater management including both minor and major system components, detention/retention facilities, including existing and post-development 100-year flood elevations, etc.
 - (g) Any wetlands, floodplains, or environmentally sensitive areas provided for by any local, state, or federal law.
 - (h) An abstract of title certified to date of submission for approval, or a policy of title insurance or certificate of title from an abstract company for examination in order to ascertain whether all parties in interest have signed the owner's certificate on the plat.
 - (i) A proposed phasing plan demonstrating compliance with the City Comprehensive Plan and Official Map.
 - (j) A copy of all proposed private covenants and restrictions shall be submitted and subject to review by the City Attorney as to any language applicable to the City's interests. The City shall not be responsible for enforcing private covenants.

- (k) Such other information as may be requested by the City Engineer, Director or Public Works, Planning and Community Development Director, Plan Commission, or Common Council.

3.05 Final Plat

- (1) Final plat of subdivision plat. The final plat of subdivision shall be prepared by a land surveyor who is registered in the state of Wisconsin, and shall conform to all state and county requirements and the requirements of the ordinance codified in this chapter. The final plat of the proposed subdivision plat shall contain or have attached thereto the following information. Failure to provide complete information shall result in the application being rejected, requiring the resubmittal of a new application with complete information.
- (2) Final plat review.
 - (a) The subdivider shall prepare a final plat by a professional land surveyor for all subdivisions. It shall comply in all respects with the requirements of § 236.20, Wis. Stats. and submit a complete application packet to the Planning and Community Development Director, including the required number of full-size copies of the plat, copies of the plat accurately photocopied and reduced to eleven (11) inches by seventeen (17) inches in size, full-size copies of the draft addressing plan, a digital copy in Portable Document Format (PDF), a signed application form, pay a fee as established by the Common Council, and all other items as required per the application checklist for this type of request. A final plat of subdivided land shall comply with the requirements of §§ 236.20 and 236.21, Wis. Stats., which are hereby adopted by reference. The required number of copies of each item, listed on the Planning Department application form and checklist for this type of request, shall be submitted within thirty-six (36) months after the last required approval of the preliminary plat or an extension of the 36-month period granted by the Common Council per Section 3.02(4)(e), and in accordance with the application deadlines established by the city. A written transmittal letter shall identify all substantial changes that have been made to the plat since the preliminary plat. The required number of copies for each submittal item shall be as listed on the Planning Department application form for this type of request.
 - (b) The Planning Department shall forward copies of the plat and all supplementary data supplied with the final plat to City staff and other review agencies it deems appropriate who shall examine it for completeness and for conformity with the preliminary plat, with the requirements of this chapter, and with the requirements of any other ordinances, statutes, or administrative rules and regulations which may be applicable to the plat. The Planning Department shall forward a comprehensive report to the Plan Commission and Common Council that includes conclusions as to whether the final plat conforms substantially to the preliminary plat, and a recommendation on approval of the final plat. The report

shall be made a part of the record of the proceeding at which the final plat is being considered.

- (c) The Plan Commission shall recommend approval of the final plat to the Common Council or shall reject the plat. The final plat shall then be referred to the Common Council for consideration. The Common Council shall then approve or reject the final plat. One copy of the plat shall then be returned to the subdivider, such subdivider's surveyor or engineer with the date and action endorsed thereon, and if approved conditionally or rejected, the conditions for approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written request by the subdivider to the City Clerk, failure to complete the action herein within sixty (60) days of a completed filing shall constitute an automatic approval of the final plat.
 - (d) The final plat shall be entitled to approval provided it conforms substantially to the preliminary plat as approved, including any conditions of that approval, and conforms with any applicable city plans and ordinances at the time of submittal of the complete preliminary plat application. If the final plat is not submitted within thirty-six (36) months after the last required approval of the preliminary plat or an extension of the 36-month period granted by the Common Council, per Section 3.02(4)(e), the Plan Commission shall reject the final plat regardless of the prior action taken on the preliminary plat. Previous preliminary plat approvals shall not constitute grounds for approval upon resubmission.
 - (e) The subdivider shall record a copy of the approved final plat together with the approving resolution with the Register of Deeds for Outagamie County within twelve (12) months (after the date of the last approval) of the plat and within thirty-six (36) months after the first approval of the plat. First approval means the date of adoption of a resolution by the Common Council approving or conditionally approving the final plat. Last approval means the inscription of a signature on the plat by the City Clerk signifying final approval by the City and satisfaction of any applicable conditions of approval. Paper copies of the recorded plat shall be provided to the City Clerk and the Planning and Community Development Director. Failure to provide said copies of the recorded plat shall be grounds for withholding building permits or other development approvals until said copies of the recorded plat are provided. All fees shall be paid by the subdivider.
- (3) Final plat information to be shown.
- (a) Accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, alleys, easements, areas to be reserved for public use. Dimensions of lot lines shall be shown in feet and hundredths; no ditto marks shall be permitted. When lot lines are not at right angles to the street right-of-way line, the width of the lot shall be indicated at the building setback line in addition to the width of the lot at the street right-of-way line.

- (b) A numbered identification system for all lots.
- (c) General Requirements.
 - 1. All design files shall be on the coordinate system and vertical datum currently specified by the City.
 - 2. All surveys shall be prepared by or under the direct supervision of a Wisconsin Registered Land Surveyor (RLS) and a letter certifying such, which is signed by the RLS, shall accompany all survey data transmittals.
 - 3. Surveyed locations on at least two section corners, to which the plat is tied, must be provided. Include both record and measured distances and bearings through two monumented points on the plat boundary.
- (d) Monumentation for Section Corners Included in the Plat Survey. Monumentation for section corners included in the plat survey shall be upgraded, as necessary, by the plat applicant's surveyor in accordance with the monument specifications provided by the city. Required repairs, replacements, and location upgrades shall be done at the time of survey and the plat applicant shall be responsible for all costs. A copy of all section corner tie sheets shall be provided to the city engineer prior to plat approval.
- (e) Plat Monument Requirements. Plat survey shall include accurate location of all monuments. The developer shall verify to the city engineer that all plat monuments are undisturbed at the conclusion of infrastructure installation. Plat applicants are responsible for ensuring the integrity of the monument up until time of acceptance of infrastructure improvements by the city.
- (f) Municipal, township, county or section lines accurately tied to the lines of the subdivisions by distances and angles.
- (g) Radii internal angles, points and curvatures, tangent bearings, and lengths of all arcs.
- (h) Name and location of the subdivision.
- (i) Graphic scale and north point.
- (j) Certifications by attached information showing that all taxes and special assessments and other past due fees currently due on the property to be subdivided have been paid in full as verified by the City Finance Director.
- (k) The subdivider shall cause to be set upon the final plat, arrows indicating a minimum one percent (1%) slope and the direction of drainage flows for each property line not fronting a street for all parcels, and along each street, as will result from the grading of the site, the construction of the required public improvements, or which are existing drainage flows and will remain. The arrows indicating the directions of flows shall be appropriately weighted so as to differentiate between the minor and major 100-year event drainage components.

The arrows shall be accompanied on the plat with the following note: Arrows indicate the direction of drainage flows in various components resulting from site grading and the construction of required public improvements. The drainage flow components located in easements shall be maintained and preserved by the property owner unless approved by the city engineer.

- (l) Limits of the post-development 100-year floodplain shall be shown on the final plat, or if no existing or post-development 100-year floodplain exists, a note stating this fact shall be provided. The lowest foundation opening of all dwelling units shall be two feet higher than the 100-year floodplain elevation.
- (m) Where the ground water table is equal to or less than nine feet from the proposed street centerline elevation or where the USDA soil survey of Outagamie County, Wisconsin, has rated the native soil as having a severe or very severe limitation for dwellings with basements, the subdivider shall place the subsoil information that indicates the presence of groundwater conditions that impact structures with basements.
- (n) Notarized certification by owner and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas.
- (o) Information regarding the proposed ownership and use of any outlots included in the subdivision.
- (4) Final plat supplementary data.
 - (a) A copy of all final private covenants and restrictions shall be submitted.
 - (b) Such other information as may be requested by the City Engineer, Director or Public Works, Planning and Community Development Director, Plan Commission, or Common Council.
- (5) Certificates. The surveyor shall certify on the face of the plat that he has fully complied with all the provisions of this chapter. A certification of the approval of the plat by the City and, in the extraterritorial area, an owner's certificate noting that the map shall be submitted to the City of Kaukauna as a required approving authority, shall be inscribed legibly on the face of the map.

3.06 Minor Land Divisions (Certified Survey Maps)

- (1) Certified survey map applicability. A certified survey map, prepared and recorded in accordance with § 236.34, Wis. Stats., and the requirements of this article, and having been approved by the City, may be used in lieu of a subdivision plat to divide or consolidate lands, or dedicate lands, provided that one of the following conditions is met:
 - (a) The division or consolidation is of any lot, outlot, parcel, or other lands previously approved by the City and recorded with the Outagamie County Register of Deeds as a subdivision plat, certified survey, or assessor's plat, of any size, which results in not more than four lots, outlots, parcels, or mortgage descriptions,

being created by any division or successive division, regardless of any changes in ownership, within any five-year period. Certified survey maps may not be utilized to create conservation subdivisions as defined by this chapter.

- (b) The division or consolidation is of any lot, outlot, parcel, or other lands that lie outside the boundaries of the City and that have been previously recorded with the Outagamie County Register of Deeds, including those recorded by a metes and bounds description, provided any of the resulting parcels are not less than 35 acres in size and provided the certified survey map results in not more than four lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of changes of ownership, within any five-year period.
 - (c) In the event a proposed land division does not meet the above requirements, the proposed land division shall be pursued as a subdivision plat, commencing with § 650-24 of this chapter.
 - (d) Waiver of survey requirement. When the parcels to be created by a land division are 40 acres or more in area and are not intended for development, the Plan Commission may waive the requirement of a certified survey map.
- (2) Certified survey map submittal requirements.
- (a) General.
 - 1. A certified survey map prepared by a professional land surveyor shall be required for all minor land division. It shall comply in all respects with the requirements of § 236.34, Wis. Stats. The minor land division shall comply with the design standards in Section 4 of this Ordinance and the improvement requirements in Section 5 of this Ordinance.
 - 2. A preliminary map or sketch shall be submitted to the Planning and Community Development Director for all tracts of land proposed to be divided in accordance with Section 3.03 of this Ordinance.
 - (b) Required information. The map shall show correctly on its face, in addition to the information required by § 236.34, Wis. Stats., the following:
 - 1. Date of the map.
 - 2. Insert showing map of area with property location.
 - 3. Graphic scale and North arrow.
 - 4. Name and address and the owner, subdivider and surveyor.
 - 5. The certified survey map shall include the entire original parcels of land owned or controlled by the subdivider and which is proposed for division or consolidation to ensure that the remaining parcel meets all required lot, layout, access and other applicable standards.

6. All existing structures, including square footage and horizontal offset to existing and/or proposed property lines, and the first floor elevation thereof, visible and known wells, watercourses, drainage ditches, existing property lines of abutting property and other features pertinent to proper division.
7. Name of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands.
8. Location of the area on the lot where a structure may be built to afford solar access to the rooftop and south wall.
9. Additional setbacks or building lines which are more restrictive than the regulations of the zoning district in which the plat is located that are proposed by the subdivider to be included in recorded protective covenants.
10. Additional setbacks or offsets proposed by the subdivider which are more restrictive than the regulations of the zoning district in which the plat is located.
11. Floodplain limits of the one-hundred-year recurrence interval flood as determined by the federal flood insurance study or other technical document or where such data is not available, the elevation shall be determined by a registered professional engineer and the sealed documents shall be approved by the City Engineer. The contour line lying a vertical distance of two feet above the elevation of the one-hundred- year recurrence interval flood or where such data is not available, the elevation shall be determined by a registered professional engineer and the sealed documents shall be approved by the City Engineer within the exterior boundaries of the plat.
12. Easements shall be shown on the certified survey map and shall be limited to utility easements, drainage easements, conservation easements, access easements, scenic easements, mineral easements, or air rights easements. Easements shall not be used for the conveyance of street rights-of-way, pedestrian rights-of-way, park or school lands or other public lands requiring dedication.
13. Exact length and bearing of the center line of all streets.
14. Exact street width along the line of any obliquely intersecting street.
15. Railroad rights-of-way within and abutting the plat.
16. A drainage and grading plan for all lots on the map bearing a statement concerning the relation of all drainage swales, ponds or other facilities.
17. Special restrictions required by the City Engineer and any other approving or objecting agency relating to access control along public ways, the provision of planting strips, solar access restrictions, to preservation of wetlands, to more restrictive yard requirements or to special restrictions for environmentally significant lands.

18. Delineation of all wetlands and shoreland/wetlands based on a field staking by the United States Army Corps of Engineers, the Wisconsin Department of Natural Resources, or other agency or firm certified to make such delineation by the Federal Government or Wisconsin Department of Natural Resources. Illustrate required wetland protection buffer areas
 19. Grading plan for the proposed land division extending 150 feet from the proposed property lines.
 20. All lands reserved for future public acquisition.
- (c) Additional information. The City Engineer may require that the following additional information be provided when necessary for proper review and consideration of the map:
1. Existing contours at vertical intervals of not more than one foot. The requirement to provide topographic data may be waived if the parcels created are fully developed.
 2. Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the United States Soil Conservation Service.
 3. Location of soil boring tests, with the number of such tests adequate to portray the character of the soil and depths of bedrock and groundwater from the natural undisturbed surface. Results of such tests shall be submitted along with the certified survey map.
- (3) Certificates. The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter. A certification of the approval of the certified survey map by the City and, in the extraterritorial area, an owner's certificate noting that the map shall be submitted to the City of Kaukauna as a required approving authority, shall be inscribed legibly on the face of the map.
- (a) When a certified survey map includes the dedication of streets and other public areas, an owner's certificate in substantially the same form as required by § 236.21(2)(a), Wis. Stats., shall be required.
- (b) All certified survey maps shall provide all the certificates required by § 236.21, Wis. Stats.
- (4) Recordation. The certified survey map shall be recorded with the county register of deeds only after the certificates of the Common Council, Plan Commission, surveyor and owner are placed on the face of the map. The map shall be recorded by the City or subdivider within 12 months of its last approval by the Common Council and 36 months of the first approval or reapproval will be required. A copy of the recorded certified survey map shall be provided to the City.

3.07 Plats within the Extraterritorial Plat Approval Jurisdiction

- (1) When the land to be subdivided lies within three (3) miles of the corporate limits of the City of Kaukauna, the subdivider shall proceed as specified in the Outagamie County Subdivision Ordinance.
- (2) Approval agencies shall be as specified in Chapter 236, Wisconsin Statutes, and the subdivider must comply with the land division regulations of said agencies or units of government.
- (3) All improvement requirements specified by the Town Board, or any special district in matters over which they have jurisdiction, shall be met before the filing of the final plat.

3.08 Assessor's Plats

- (1) Where it is not practicable to require that final plat of a subdivision created by successive divisions be filed in accordance with this Ordinance, the Common Council may, in lieu thereof, order an Assessor's Plat be made under Section 70. 27, Wisconsin Statutes, and may assess the cost thereof as provided in said Section, or to the subdivider.
- (2) Prior to approval of an Assessor's Plat, adequate dedication of public streets shall be provided.

3.09 Replats and extensions.

- (1) When it is proposed to replat a recorded subdivision, or part thereof, so as to change its exterior boundaries, the person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44, Wisconsin Statutes, and shall then proceed as specified in 3.02 and 3.03 of this Ordinance, unless such alteration is permitted by the filing of a certified survey map as provided in Section 236.34(1), Wisconsin Statutes.
- (2) Whenever a request to extend an approved final plat is submitted within thirty-six (36) months of the initial resolution approving the plat, and which is substantially in conformance with the approved plat, and which has not been recorded with the register of deeds, said time frame may be extended by the Common Council at its discretion. No final plats shall be extended by the Common Council following the expiration of the 36-month period. Such a plat shall be submitted as a new plat in accordance with Section 3.02 of this Ordinance. All previous approvals shall be null and void and shall have no further bearing on the subsequent review and approval of the plat by the city.
- (3)

3.10 Condominium Plats

- (1) A condominium plat prepared under § 703.11, Wis. Stats., shall be reviewed in the same manner as a subdivision plat under Section 3.02 through Section 3.05 of this chapter.

SECTION 4 DESIGN STANDARDS

4.01 Street Arrangement. In any new subdivision the street, block and lot layouts shall conform to the arrangement, width and location indicated on the City Official Map, County jurisdictional highway system plan, Comprehensive Plan or plan component or neighborhood development plan, if any, of the City, town or county and shall be so designated as to: be within the capability of the land and water resources; least disturb the existing terrain, flora, fauna and water regimen; and meet all the use, site, sanitary, floodland and shoreland regulations contained in the City Zoning Code and the Outagamie County Code when applicable. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

- (1) Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation and points beyond the boundaries of the community. Arterial streets shall also be properly integrated with and related to the existing and proposed area-wide system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- (2) Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the arterial streets into which they connect.
- (3) Minor streets shall be arranged to conform to the topography, discourage use by through traffic, permit the design of efficient storm and sanitary sewerage systems and require the minimum street area necessary to provide safe and convenient access to abutting property.
- (4) Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless the Plan Commission finds that such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.
- (5) Arterial street and highway protection. Whenever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be

provided by reversed frontage with screen planting contained in a non-access reservation along the rear property line or by the use of frontage streets consistent with Subsection 4.01(1).

- (6) Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the City under conditions approved by the Plan Commission.
- (7) Street names shall not duplicate or be similar to existing street names, and existing street names shall be projected wherever possible. Final approval of street names rests with the Common Council, upon recommendation of the Plan Commission, Public Works Board and Police Department.
- (8) Access shall be provided in commercial and industrial areas for off-street loading and service areas unless otherwise required by the Plan Commission.

4.02 Limited access highway and railroad right-of-way treatment. Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial or railroad right-of-way, the design shall provide the following treatment:

- (1) When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway, arterial or a railroad, a planting strip of sufficient depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs and the building of all structures excepting public or private utility structures hereon is prohibited."
- (2) Where commercial and industrial districts are involved there should be provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but shall not be less than 150 feet from the right-of-way of the limited access highway or railroad.
- (3) If a proposed street is to parallel a limited access highway or railroad right-of-way (not to include bicycle or recreation trails), and if the proposed street intersects an arterial or collector street that crosses a railroad or highway, then the proposed street shall be located at least 250 feet from the limited access highway or railroad right-of-way to which it is parallel.
- (4) Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided and location of minor streets immediately adjacent to arterial streets and highways and railroad rights-of-way shall be avoided in residential areas.

4.03 Street and pedestrianway design standards.

- (1) Minimum standards. The minimum right-of-way, construction standards and roadway width of all proposed streets and alleys shall be as specified by the City's standard specifications, Comprehensive Plan, Official Map. [Where no local or county](#)

ordinance applies, the provisions of Section 236.16 (2) and 86.26 of the Wisconsin Statutes shall apply.

- (2) Cul-de-sac streets. Cul-de-Sacs, designed as permanent installations, should not be longer than 400 feet, except where topographical and particular conditions warrant an extension and will be subject to the approval of the Plan Commission. The closed end shall have a turn-a-round with an outside roadway diameter of at least 90 feet, and a street property line diameter of 120 feet.
- (3) Street grades and vertical curves. The grade of arterial and collector streets shall not exceed eight (8) percent and minor streets shall not exceed ten (10) percent unless necessitated by exceptional topography and approved by the Director of Public Works . All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for arterial streets and 1/2 this minimum for all other streets. Streets shall have a minimum center line grade of 0.5-percent.
- (4) Horizontal Curves. A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least three hundred (300) feet on major streets, two hundred (200) feet on collector streets, and one hundred 100) feet on minor streets. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets. Where the Wisconsin Department of Transportation Facilities Development Manual (FDM 11-10-5) recommends a greater radii of curvature, the FDM shall govern.
- (5) Half streets. Half-streets shall not be permitted except:
 - (a) To complete a street, and other half of which is already dedicated and accepted, or,
 - (b) To conform to the major thoroughfare plan or an official map.
- (6) Roadway elevations through floodlands. Elevations of roadways passing through floodland areas shall be designed in the following manner:
 - (a) At least two feet above the one-hundred-year recurrence interval flood elevation for arterial streets.
 - (b) At least two feet above the ten-year recurrence interval flood elevation for minor streets.
 - (c) At no less than the one-hundred-year recurrence interval flood elevation for collector streets.
- (7) New and replacement bridges and culverts. All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the one-hundred-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.01 foot above the peak stage for the one-hundred-year recurrence interval flood, as established in the

applicable federal flood insurance study or other technical study. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure providing that flood easements or other appropriate legal measures have been secured from all property owners affected by the excess stage increases. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice floes and other debris. All new and replacement bridges shall be constructed in accordance with all applicable state statutes and codes and plans shall be submitted to the Department of Natural Resources (DNR) to assure compliance.

- (8) Reserve strips. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions approved by the Plan Commission.
- (9) **Street Names.** No street name shall be used which will duplicate or be confused with the name of an existing street within the same community. Streets that are extensions, or obviously are in alignment with existing named streets, must bear the names of those streets. Street names must be approved by the Plan Commission.

4.04 Street intersections.

- (1) Streets shall intersect as nearly as possible at right angles as topography and other limiting factors of good design permit, and not more than two streets shall intersect at one point unless approved by the Plan Commission,
- (2) The number of intersections along arterial streets and highways shall be held to a minimum. The distance between intersections of minor or collector streets with arterials should not be less than 800 feet, and they shall be in alignment with existing and planned streets entering the arterial from the opposite side, unless otherwise approved by the Planning Commission.
- (3) Intersection approach areas should not exceed a grade of 2% on all approaching streets for a distance of 50 feet from the intersecting points of the right-of-way lines.
- (4) Property lines at street intersections shall be rounded with a radius of 25 feet or of a greater radius where the Plan Commission considers it necessary, or shall be cut off by a straight line through the points of tangency of any arc having a radius of 45 feet.
- (5) Proper sight line easements shall be maintained at all street intersections. Measured along the center line, as determined by the Director of Public works or designee.
 - (a) No building, fencing, planting or construction is permitted in this area. For proposed commercial or industrial development, this provision may be waived, subject to site plan approved by the Planning Commission.
- (6) Street jogs with center-line offsets of less than 125 feet shall be avoided. Minor streets shall not necessarily continue across arterial or collector streets, but if the center line of such minor streets approach the collector or arterial streets from

opposite sides within 300 feet of each other, measured along the center line of such arterial or collector streets, then the location of such minor streets shall be adjusted so that the adjoinment across the arterial or collector streets is continuous and a jog is avoided.

- (7) On all streets where sidewalks are required, ramps or openings to accommodate handicapped individuals or vehicles shall be provided in accordance with § 66.0909, Wis. Stats.

4.05 Alleys.

- (1) Alleys shall be provided in all commercial and industrial districts, except that the Plan Commission may waive this requirement where other definite and assured provision is made for service access such as off-street loading and parking consistent with and adequate for the uses proposed.
- (2) Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.
- (3) The width of alleys shall be not less than 30 feet.
- (4) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead end, as determined by the Plan Commission.

4.06 Easements

- (1) Easements across lots or centered on rear or side lot lines shall be designed for utilities where necessary and shall be at least twenty (20) feet wide, when along rear and side lot lines and (10) ten feet wide when along front lot lines. The applicable utility shall determine the feasibility of burying utility lines.
- (2) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way not less than thirty (30) feet in width, conforming substantially with the lines of such water course. Parallel streets or parkways may be required in connection therewith.

4.07 Blocks. The widths, lengths and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control and safety of street traffic; topography, and solar access.

- (1) The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated but block lengths in residential areas shall normally not exceed 1,200 feet or be less than 600 feet in length between street lines.
- (2) Pedestrian easements or dedications not less than 10 feet in width may be required by the Plan Commission to provide safe and convenient pedestrian circulation or access through the center of blocks where deemed essential to provide adequate pedestrian circulation or access to schools, shopping centers, churches, parks, open

spaces, transportation facilities, or other community facilities. The final plat shall contain a special restriction addressing by whom midblock pedestrian ways will be maintained.

- (3) The width of blocks shall be wide enough to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
- (4) Utility easements shall, where practical, be placed on midblock easements along rear lot lines.

4.08 Lots. **The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.** The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting and for solar access for the building contemplated. In addition:

- (1) Side Lot lines. **Side lot lines shall be substantially at right angles of radial street lines.**
- (2) Municipal boundaries. Lots shall follow municipal boundary lines whenever practicable, rather than cross them.
- (3) Shape. The shape of lots shall generally be rectangular, with lots platted on culs-de-sac generally narrower at the street line than at the rear lot line.
- (4) Lots at right angles. Lots at right angles to each other should be avoided whenever possible, especially in residential areas.
- (5) Large lots. In case a tract is subdivided into parcels containing one or more acres, such parcels shall be arranged to allow the re- subdivision of any parcels into normal lots in accordance with the provisions of this chapter.
- (6) Double frontage and reverse frontage. **Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.** Where double frontage and reverse frontage lots are permitted, an extra lot depth of 30 feet or landscaped buffering shall be provided, unless a greater depth is specified herein. Landscape buffering shall be required as approved by the Plan Commission.
- (7) Corner lots. **Corner lots for residential use should have extra width** to permit full building setback from both streets.
- (8) Access to public street. Every lot shall front or abut on a **public street for a distance of at least 30 feet** and be not less than 85 percent of the required width for the zoning district in which it is located for lots on a cul-de-sac. **Under special circumstances, access to a lot may be provided by a private drives or streets shall be permitted only with the Plan Commission approval.**

- (9) Area. Area of all lots shall conform to the requirements of the City Zoning Code or zoning ordinance of the jurisdiction where the land division occurs.
- (10) Depth. Excessive depth in relation to width shall be avoided and a proportion of two to one shall be considered a desirable ratio under normal conditions. Neither long, narrow, nor wide shallow lots are desirable. Depth and width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking and outdoor storage required by the use contemplated and the zoning restrictions for such use.
- (11) Width. The minimum width of lots shall conform to the requirements of the Zoning Code and shall be measured at the both the right-of-way and the mid-point of the or other applicable ordinance.
- (12) Flag lots. Lots that have access to a public or private street by a narrow strip of land and the largest portion of the lot is situated behind adjoining lots which front on a public or private street shall be discouraged.
- (13) Water's edge. Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a stream or lake.

4.09 Building setback lines.

- (1) Building setback lines, appropriate to the location and type of development contemplated, which are more or less restrictive than the regulations of the zoning district in which the plat is located, may be required by the Plan Commission, if under planned development. Building setback lines appropriate to the location and type of development contemplated which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development or setting special yard requirements to protect natural resource elements.
- (2) Shoreland/wetland and isolated wetland setbacks, in addition to those required by the City Zoning Code, may be required by the Plan Commission. See Chapter 17 and 22 of Kaukauna Municipal Code for more details regarding the specific wetland protection buffer areas.

4.10 Storm Drainage and Grading Plan

- (1) To minimize off-site water runoff from the subdivision and to ensure positive drainage from all lots within each proposed block, the subdivider shall submit upon filing the final plat per Section 3.05, a storm drainage and grading plan for the subdivision as-a- whole and for each block within the proposed subdivision. The City may consider

failure to submit a storm drainage and grading plan with final plat submittal a basis for denial of the final plat.

- (2) This plan shall be prepared so that storm water runoff from the subdivision as a whole is in compliance with provisions of Chapter 22 of the Kaukauna Municipal Code. The City Engineer and Director or Public Works will review the submitted storm drainage and grading plan for compliance with the provisions of these regulations and with the provisions of Chapter 22 of the Municipal Code, and the City Engineer shall make a determination as to compliance or noncompliance with such provisions prior to action on the final plat by the Common Council.
 - (3) This drainage plan shall include final grade elevations to be maintained along rear lot lines.
 - (4) Design shall be based on environmentally sound site planning and engineering techniques. The best available technology shall be used to minimize off- site storm water runoff, increase on- site infiltration, encourage natural filtration functions, simulate natural drainage systems, and minimize off- site discharge of pollutants to ground and surface water. Best available technology may include measures such as retention basins, recharge trenches, porous paving and piping, contour terraces, and swales.
 - (5) Should the approved drainage plan require any grading or the installation of storm water drainage facilities within any block or blocks, the subdivider shall cause such grading or other improvements to be installed at his expense at the same time the subdivision roads are being graded. To ensure compliance with the approved drainage plan, a covenant shall be included on the face of the final plat referring to the drainage plan and requiring compliance therewith.
- 4.11 Special restrictions. Special restrictions which are appropriate to the location or design of the land division may be required by the Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision include access control along public ways, required planting and buffering strips, and prohibition of structures and vegetative clearing in environmentally significant lands.

SECTION 5 REQUIRED IMPROVEMENTS

- 5.01 General. All required improvements shall be constructed in accordance with plans and standard specifications approved by the, City Engineering Department, Public Works Department, and state of Wisconsin agencies as may be appropriate. Such plans and standard specifications shall be submitted, reviewed and approved in accordance with Section 6 of this chapter. No final plat or certified survey map for the subdivision of land in the City shall be approved by the Common Council until the subdivider has made arrangements with the City to install the required improvements as hereinafter provided.

- 5.02 Survey Monuments. Before final approval of any plat, the subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wisconsin Statutes, and as may be required by the City Engineer. The City Engineer may waive the placing of monuments for a reasonable time on condition that the subdivider executes a surety bond to ensure the placing of such monuments within the time required.
- 5.03 Grading. After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the City Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated, in accordance with plans and Standard Specifications approved by the City Engineer.
- 5.04 Sanitary Sewers. When public sanitary sewer facilities are available to the subdivision plat or certified survey map, the subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:
- (1) All subdivisions and minor land divisions within the adopted sanitary sewer service area shall be provided with public sanitary sewer facilities.
 - (2) The subdivider shall install sewer laterals to the to a point outside all of utility easements.
 - (3) The size, type and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and standard specifications adopted by the City.
 - (4) The subdivider shall assume the cost of installing all sanitary sewers, sewer laterals and sewer appurtenance within the proposed subdivision.
 - (5) In the extraterritorial plat approval jurisdiction, where no public sanitary sewers are available, on- site effluent systems shall be allowed. In such instances, the subdivider shall proceed under the Outagamie County Sanitary Code. The subdivider shall file a copy of the permit issued by Outagamie County with the City of Kaukauna, together with the filing of the final plat or certified survey map.
- 5.05 Water
- (1) All subdivisions and minor land divisions within the water supply service area of the City shall be provided public water supply and distribution facilities or community well facilities, unless a waiver is granted.
 - (2) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. Water laterals shall be constructed to each lot line. The size, type, and installation of all public water mains shall be in accordance with plans and standard specifications approved by the City Engineer and Kaukauna Utilities.
 - (3) The subdivider shall install water laterals to a point outside of any utility easements.

- (4) The size, type and installation of all water mains shall be in accordance with plans and specification approved by the City Engineer and Kaukauna Utilities.
- (5) The subdivider shall assume the cost of installing all water mains necessary to serve the subdivision/ development.
- (6) In the extraterritorial plat approval jurisdiction where no public water mains are available, water wells shall be allowed. In such instances, the subdivider shall proceed under the NR 141 and NR 812 of the Wisconsin Administrative Code. The subdivider shall file a copy of the permit issued by Outagamie County with the City of Kaukauna, together with the filing of the final plat or certified survey map.

5.06 Stormwater drainage facilities.

- (1) The subdivider shall construct stormwater drainage facilities, adequate to serve the subdivision which shall include, but not be limited to, curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures, water detention structures, temporary sedimentation basins, and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life or property. All stormwater drainage facilities shall be constructed in accordance with Chapter 22 of the Municipal Code and City standard specifications.
- (2) The subdivider shall assume the cost of installing all storm sewers within the proposed subdivision or minor land division, except for the added cost of installing storm sewers greater than those which are necessary to serve tributary drainage areas lying outside of the proposed subdivision.
- (3) Copies of all WDNR and USACE permits shall be submitted to the City prior to any construction or disturbances of land.

5.07 Other utilities.

- (1) The subdivider shall cause gas, electrical power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision or minor land division. No such electrical, telephone or cable television service shall be located on overhead poles unless otherwise allowed due to exceptional topography or other physical barrier. In addition, plans indicating the proposed location of all such utilities shall be approved by the City Engineer.
- (2) All new electric or communication lines from which lots are individually served shall be installed underground within all newly platted subdivisions or minor land divisions unless the Plan Commission shall find that the lots to be served by such facilities can be served directly from existing overhead facilities. Associated equipment and facilities which are pertinent to underground electric and communications systems, including but not limited to substations, pad-mounted transformers, pad-mounted sectionalizing switches and pedestal-mounted terminal boxes may be located above

ground. Any landscape screening plan required for such aboveground equipment shall be submitted to the affected utilities for approval.

- 5.08 Sidewalks. All new subdivisions approved for development within the City shall be required to install standard concrete sidewalks in accordance with the following standards:

- (1) Sidewalks shall be required on both sides of the street and around cul-de-sacs.
- (2) Sidewalks shall be a minimum of five (5) feet wide.
- (3) Sidewalks shall be installed per section 803 (1)(d)

- 5.09 Street Lighting Plan

- (1) In order to ensure proper street lighting within a subdivision, a street lighting plan shall be submitted at the time of preliminary plat review. The street lighting plan shall include the location of all street illumination structures and shall specify the type of street lighting to be provided.
- (2) Prior to submitting the street lighting plan, the subdivider should consult with Kaukauna Utilities and with the Director of Public Works. Prior to review of a preliminary plat by the Plan Commission, the Director of Public Works for the City of Kaukauna shall approve all street lighting plans.
- (3) The subdivider shall cause lights as specified in the approved street lighting plan to be installed in order to adequately illuminate the development. The subdivider shall assume the cost of installing all street lights as specified in the approved street lighting plan, exclusive of that portion, if any, absorbed by Wisconsin Public Service Corporation. This Section shall apply to all plats located in the City corporate limits and within the City's three (3) mile extraterritorial plat approval jurisdiction.

- 5.10 Signs. The subdivider shall pay to the City the costs for installing street signs of a design approved by the Director of Public Works at the intersection of all streets proposed to be dedicated, which signs shall be provided and installed by the City.

SECTION 6 CONSTRUCTION STANDARDS

- 6.01 Plans required. Simultaneously with the filing of the final plat or certified survey map with the City Clerk, copies of the construction plans and specifications shall be furnished for the following public improvements, if applicable to the land division:

- (1) Street grading and surfacing.
- (2) Sanitary sewerage and laterals.
- (3) Water mains and laterals.
- (4) Curb, gutters and sidewalks.
- (5) Underground gas, electric and telephone systems, including streetlighting laterals.
- (6) Street signs and lights.

- (7) Street trees.
 - (8) Stormwater management facilities.
 - (9) Parkland improvements.
- 6.02 Approval of plans. The City Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this chapter and the City's construction standards and which are incorporated herein by reference in conformance with the City's current construction standards. If the City rejects the plans or specifications submitted, the developer shall be notified in writing.
- 6.03 Commencement. No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat or certified survey map has been approved by the Common Council and approving authorities having jurisdiction have given written authorization. No preconstruction meeting shall be scheduled or held until all permits required by the WDNR, USACE, or other such agency has been received by the City and City Engineer. Inspection fees shall be required to be filed as adopted by the City.
- 6.04 Contractors. Contractors providing services for improvements to any plat as approved by the Common Council shall be selected on the basis of performance standards and shall be prequalified to perform the required work. Full time inspection shall be required for all infrastructure and improvements required under this section in accordance with the terms of the developer's agreement. All such services shall be fully reimbursed by the developer.
- 6.05 Building permits.
 - (1) Permits required. No building shall be constructed prior to the issuance of the necessary zoning, building and sanitary permits. No building, zoning, sanitary or other permits shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met.
 - (2) Inspections. City staff shall have access to premises and structures during reasonable hours to make those inspections deemed necessary to ensure compliance with this chapter. If, however, he is refused entry after presentation of identification, he shall procure a special inspection warrant under § 963.10, Wis. Stats., except in cases of emergency, when he shall have the immediate right of entry.
- 6.06 Time frame for completion. Construction of all improvements required by this chapter shall be completed within two years from the date of the approval of the final plat or certified survey map, unless good cause can be shown for granting an extension of time by the Board of Public Works and Common Council.
- 6.07 Improvement plan approval procedure. The following procedure shall be followed for all subdivision construction/improvement plans and submittal of revised plans:
 - (1) Copies of each required construction plan outlined in Section 6.01 shall be submitted to the City Engineer for distribution to the Public Works Department, Kaukauna

Utilities, and Planning and Community Development Director. The deadline for submittal shall be established from time to time by policy of the City.

- (2) In no case will plans be accepted without payment of the required fees.
- (3) In no case will plans be accepted or reviewed by City staff or any City committee without first being processed through the City Engineer.
- (4) In no case will plans be accepted unless all improvement plans are included with the submittal. Plans will not be reviewed on a piecemeal basis. The submittal shall include: grading plans, drainage plan, public improvement plans (including streets, sanitary sewer, storm sewer, water and other utilities), landscape plan and erosion control plan. An individual plan may be submitted if it is one of the total set of plans and is being submitted as a revised plan wherein the remaining plans have been previously approved.
- (5) Any preliminary meeting between the City Engineer and the developer shall have prior authorization of the City and there may be a fee for such meeting, depending on the scope and length of the meeting.
- (6) There will no longer be a review of so-called "pre-final" or "preliminary" construction plans for review by only the City Engineer. Preliminary plan submittal shall be transmitted via the City Engineer to all City reviewers for their comments in accordance with the above. These preliminary comments shall be sent to the City Engineer prior to transmittal to the applicant. The City Engineer shall be the coordinator of plan review.
- (7) Each copy of the plans shall have a drawing and/or revision date in order for it to be accepted and routed for review.
- (8) The developer will transmit the full set of "final" construction/ improvement plans to the City Engineer and to the outside approving agencies. Once the review is complete, the City Engineer will schedule the plans for review by the appropriate committee (Utilities, Public Works, Finance) when a letter of approval by the City Engineer is received.
- (9) It will be the applicant's responsibility to contact the City, to confirm the date, time and location of the respective committee meeting.
- (10) Once the City committees and outside approving agencies provide written approval, the applicant may schedule a preconstruction meeting through the City Engineer.

6.08 Required plans. The following plans and accompanying construction specifications shall be provided by the subdivider and reviewed and approved by the Board of Public Works, Kaukauna Utilities, City Engineer, and state and federal agencies before construction or installation of improvements is authorized:

- (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements including intersection, curb ramp and sidewalk designs.

- (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
- (3) Stormwater management plans, calculations and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
- (4) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- (5) Erosion control and stormwater management per Section 22 of Municipal Code.
- (6) Master site grading plan showing the finished grades of each lot in the subdivision.
- (7) Planting plans showing the locations, age, caliper and species of any required grasses, vines, shrubs and trees.
- (8) Additional special plans or information as required.

6.09 Inspection.

- (1) The subdivider, prior to commencing any work within the subdivision, shall make arrangements for a preconstruction meeting conducted by the City Engineer where all details regarding the installation of the required improvements shall be presented and reviewed and shall include provisions for engineering inspection services.
- (2) During the course of construction, the Director or Public Works or the City Engineer shall make such inspections as they deem necessary to ensure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the City for such inspections. This fee shall be the actual cost to the City of inspectors, engineers and other parties necessary to ensure satisfactory work as set forth in the developer's agreement.
- (3) All inspection fees incurred by the subdivider shall be paid to the City in full prior to release or termination of the developer's financial guarantee and prior to the City granting approvals for any future development or stages of development, if applicable.

6.10 As-built plans required.

- (1) Within 60 days following the completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all valves, manholes, stubs, sewer and water mains and such other facilities as the Director or Public Works shall require. The presentation of the map shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.
- (2) The subdivider shall also submit the aforementioned "as-built" plans in a digital DXF, DGN, or DWG file, which shall also show the final plat or certified survey map. Such submission shall be tied to and referenced to the appropriate projection.

City of Kaukauna
Legislative Committee

April 18, 2022

jn/engr dept

Agenda Item #2b

Ordinance Creation Specifically Prohibiting Discharge of Grass Clippings, Leaves, Yard Waste, and Other Debris Unto Public Streets.

Background

Grass clippings, leaves and other yard waste/debris being discharged into the street is identified as a concern and staff was directed to specifically address this issue. Existing ordinances vaguely prohibit the practice of discharging any item into the MS4 system that is not stormwater. However, this language does not specifically address grass clippings or any other form of yard waste.

In 2018, Sec. 10.08 was created to provide the support for our grass, leaves, and other yard waste/debris enforcement, but according to staff, it was not published, signed, or added to the Municipal Code. This occurred during a period between the former Clerk/Treasurer resigning and the new Clerk taking her position. I am attaching the draft version we have on file. There were some changes requested during the previous meeting, and City Attorney read-in the final language.

Draft ordinance is attached for review/discussion/edits prior to sending a final version to Common Council.

Recommended Action

Review and make recommendations. Direct Engineering and City Attorney to make any changes necessary and place final Ordinance on a future Common Council agenda for approval.

ORDINANCE NO. _____

ORDINANCE CREATING SECTION 10.08(1) OF THE KAUKAUNA MUNICIPAL CODE
TO PROHIBIT DISCHARGE OF GRASS CLIPPINGS AND YARD WASTE
UNTO PUBLIC STREETS

WHEREAS, Section 22.03 of the Kaukauna Municipal Code prohibits discharge of any pollutants or solids into public waters; and

WHEREAS, solids discharged or deposited onto public streets enter public waters through the stormwater system; and

WHEREAS, Section 22.03(10) of the Kaukauna Municipal Code further requires best management practices be employed to prevent, control and reduce stormwater pollutants; and

WHEREAS, controlling, reducing and eliminating grass clippings and yard waste from public streets will so control and reduce stormwater pollutants;

NOW THEREFORE, it is ordained by the Common Council of the City of Kaukauna that Section 10.08(1) of the Kaukauna Municipal Code is hereby created as follows:

Section 10.08. Public Right Of Way.

- (1) No person shall discharge grass clippings, leaves, yard waste, or other debris or particulates, or cause grass clippings, leaves, yard waste, or other debris or particulates, to be discharged or deposited onto public streets.

This ordinance shall be in full force and effect from and after its adoption and publication.

APPROVED:

Mayor Eugene J. Rosin

ATTEST: _____
Susan J. Duda, Clerk/Treasurer

Adopted: _____

Published: _____