Title 17

SUBDIVISIONS

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Chapter 17.04

GENERAL PROVISIONS*

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17.04.010 Purpose. A. The purpose of this chapter is to promote the public health, safety and general welfare of the community and these regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds and other public requirements; to facilitate the further resubdivision of larger tracts into smaller parcels of land. These regulations 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 land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the city.

B. The purpose of these regulations pertaining to sanitary sewer requirements for lots which are created and less than 1 1/2 acre in size is to insure that such urban development occurs with city standard sewer, water and other urban services; to protect groundwater from pollution; to prevent urban sprawl development patterns; and to provide for a cost effective, planned expansion of city sewer, water and other services to accommodate the future growth and development of the community. (Ord. 4670 §1, 1986; prior code §18.01).

* For statutory provisions regarding subdivision policy, see WSA 236.01.

17.04.015 Applicability. Except where otherwise specifically provided, the provisions of this title shall apply to subdivisions within the limits of the city of Eau Claire and within the extraterritorial plat approval jurisdiction of the city. (Ord. 4670 §2, 1986).

17.04.020 Performance bond. If any plat shall show streets, alleys and public places which have not been improved, a surety bond issued by a surety company authorized to do business in the state of Wisconsin running to the city of Eau Claire is required to insure the performance of any contract made with the municipality after the approval of the plat relative to the improvement of such unimproved streets, alleys and public places. (Prior code §23.09).

17.04.030 Successive divisions--Assessor's plat. A. Where it is not practicable to require that a final plat of a subdivision created by successive divisions within the city limits be filed in accordance with this chapter, the city council may in lieu thereof order an assessor's plat to be made under Section 70.27 of the Wisconsin Statutes and may assess the cost thereof as provided in that section.

B. Regardless of the type of plat filed, any such subdivision shall comply with all provisions of this chapter to the extent that they may reasonably be applied. (Prior code §18.09).

17.04.040 Plat recordation--Exceptions. A. Any subdivision within the city or its extraterritorial plat approval jurisdiction shall be, and any other division may be, surveyed and a plat thereof approved and recorded as required by this chapter and Chapter 236, Wisconsin Statutes.

B. The provisions of this chapter shall not apply to:

1. Transfers of interests in land by will or pursuant to court order;
2. Leases for a term not to exceed ten years, mortgage or easements
3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances. (Prior code §18.03).

17.04.050 Variances. Where the plan commission finds that extraordinary hardships may result from strict compliance with this chapter, it may vary the provisions so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of this chapter. (Prior code §18.01).

17.04.060 Penalties--Remedies. Any person, firm or corporation who fails to comply with the provisions of this chapter or who wilfully enters into a conspiracy with one or more other persons for the purpose of circumventing the provisions of this chapter, shall, upon conviction thereof, forfeit not less than twenty-five dollars nor more than two hundred dollars and the cost of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding thirty days. Each day a violation exists or continues shall constitute a separate offense. In addition, the remedies provided by Sections 236.30 and 236.31 of the Wisconsin Statutes shall be available to the city. Before a prosecution hereunder is commenced against any person, firm or corporation residing or having its principle office within the extraterritorial plat approval jurisdiction of the city, the town chairman of the town in which such violation was committed shall first be notified thereof. (Prior code §18.11).

Chapter 17.08

DEFINITIONS

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17.08.010 Collector streets.
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17.08.020 Extraterritorial plat approval jurisdiction.
17.08.030 Major streets and highways.
17.08.040 Marginal access streets.
17.08.050 Minor streets.
17.08.060 Street.
17.08.070 Subdivision, major.
17.08.080 Subdivision, minor.
17.08.090 Lot of record.

17.08.010 Collector streets. "Collector streets" means those which carry traffic from minor streets to the system of major streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development. (Prior code §18.02C(2)).

17.08.015 Environmentally sensitive areas. "Environmentally sensitive areas" are defined as being of the following areas:

A. Wetlands, as defined and regulated by the Wisconsin Department of Natural Resources.

B. Floodplains, as identified within the Federal Emergency Management Agency 100-year flood hazard zones and defined and regulated by chapter 18.11 of this code.

C. All areas of 20% or greater slope. (Ord. 6856 §1, 2008).

17.08.020 Extraterritorial plat approval jurisdiction. "Extraterritorial plat approval jurisdiction" is the unincorporated area within three miles of the corporate limits of the city, except as otherwise provided in Wis. Stats. s. 66.32. (Ord. 4670 §3, 1986; prior code §18.02B).

17.08.030 Major streets and highways. "Major streets and highways" means those which are used primarily for fast or heavy traffic. (Prior code §18.02C(1)).

17.08.040 Marginal access streets. "Marginal access streets" means those minor streets which are parallel to and adjacent to major streets and highways; and which provide access to abutting properties and protection from through traffic. (Prior code §18.02C(4)).

17.08.050 Minor streets. "Minor streets" are those which are used primarily for access to the abutting properties. (Prior code §18.02C(3)).

17.08.060 Street. "Street" means a way for vehicular traffic, other than an alley. (Prior code §18.02C(part)).

17.08.070 Subdivision, major. The division of a lot of record by the owner thereof or his agent or by the owner's immediate grantee or his agent for the purpose of conveyance of title or of building development for the act of division or successive division which creates 5 or more lots or outlots of 20 acres each or less in area within a period of 5 years. (Ord. 4670 §4, 1986; prior code §18.02A).

17.08.080 Subdivision, minor. The division of a lot of record by the owner thereof or his agent or by the owner's immediate grantee or his agent for the purpose of conveyance of title or of building development for the active division or successive divisions which creates 2, 3 or 4 lots or outlots of less than 20 acres each in area within a period of 5 years. All minor subdivisions shall comply with all design requirements, improvements and other provisions as are required for major subdivision, unless specifically stated otherwise. (Ord. 4670 §4, 1986).

17.08.090 Lot of record. A lot, parcel or tract of land held under single ownership and of record in the County Register of Deeds office as of August 17, 1986. (Ord. 4670 §4, 1986).

Chapter 17.12

DESIGN REQUIREMENTS

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17.12.250 Lots--Municipal boundaries.
17.12.260 Lots--Double frontage.
17.12.270 Public sites--Open spaces.
17.12.280 Sidewalks--Plats approved after November 1, 1974.
17.12.290 Environmentally sensitive areas.

17.12.010 Standards conformance. The proposed subdivision shall conform to:

A. The provisions of Chapter 236, Wisconsin Statutes;

B. All applicable ordinances of the city;

C. Official map;

D. The rules of the state Board of Health relating to lot size and lot elevation if the subdivision is not served by a public sewer and provision for such service has not been made;

E. The rules of the state highway commission relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts on a state trunk highway or connecting street.

F. Applicable provisions of the Comprehensive Plan. (Ord. 6961 §2, 2011; Prior code §18.05A).

17.12.015 Compliance with zoning ordinance. No subdivision shall be approved within any area of the city, all or part of, which is designated as having a temporary zoning classification pursuant to the provisions of Wisconsin Statutes, Section 66.021(7)(a). No subdivision shall be approved in any area of the city unless it conforms in every respect to the minimum requirements of the zoning district or districts within which the land included in the subdivision is located. (Ord. 4670 §7, 1986).

17.12.020 Streets--Generally. A. The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.

B. Whenever a new street is created or an existing street is relocated within the extraterritorial plat approval jurisdiction of the city, the owner of the land shall consult with the director of public works of the city and the town officials involved as to the location of such street.

C. Conformity to Official Map. The arrangement, width and location of all streets shall conform to the official map. (Prior code §18.05B(1)(2)).

17.12.030 Streets--Arrangement. A. Major streets shall be properly integrated with the existing and proposed system of major streets and highways.

B. Collector streets shall be properly related to the mass transit system, to special traffic generating from facilities such as schools, churches and shopping centers, to population densities and to the major streets into which they feed.

C. Minor streets shall be laid out to conform as much as possible to topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, to require the minimum amount of street necessary to provide convenient, safe access to property. (Prior code §18.05B(3)).

17.12.040 Railroad right-of-way or limited access highway. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the plan commission may require a street on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land as for park purposes in residential districts or for commercial or industrial purposes in other districts. (Prior code §18.05(4)).

17.12.050 Major streets. Where a subdivision borders on or contains an existing or proposed major street, the plan commission may require that marginal access streets be provided, that the backs of lots abut the major streets and be provided with screen planting contained in a nonaccess reservation along the rear property line, that deep lots with rear service alleys be provided or that other provisions be made for the adequate protection of residential properties and the separation of through and local traffic. (Prior code §18.05B(5)).

17.12.060 Streets--Width. The right-of-way and roadway of all streets shall be of the width specified on the official map or master plan, or if no width is specified there, they shall be not less than the width specified below:

	Right-of-way	Roadway
Major streets	80 feet	48 feet
Collector streets	66 feet	36 feet
Minor streets	60 feet	30 feet
Marginal access streets	40 feet	24 feet

(Prior code §18.05B(6)).

17.12.070 Streets--Grades. The grade of major and collector streets within the city shall not exceed six percent nor shall the grade of other streets exceed ten percent, unless greater grade is necessitated by exceptional topography and approved by the plan commission. The minimum grade of all streets shall be three percent. (Prior code §18.05B(7)).

17.12.080 Streets--Horizontal curves. A. A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least three hundred feet on major streets, two hundred feet for collector streets and one hundred feet on minor streets.

B. Minimum Radii. The minimum radii or curvature on the centerline shall be not less than the following:

Major streets -- 300 feet
Collector streets -- 200 feet
Minor streets -- 100 feet. (Prior code §18.05B(8)).

17.12.090 Streets--Tangents. A tangent at least one hundred feet long shall be introduced between reverse curves on major and collector streets. (Prior code §18.05B(9)).

17.12.100 Street names. New street names shall not duplicate or too closely phonetically approximate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the name of the existing streets. (Prior code §18.05B(10)).

17.12.110 Streets--Cul-de-sac or dead end. Depending upon topography, streets designed to have one end permanently closed shall not exceed five hundred feet in length and shall terminate with a turnaround of not less than one hundred feet in diameter of right-of-way and a roadway turnaround of eighty feet in diameter. (Prior code §18.05B(11)).

17.12.120 Streets--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. (Prior code §18.05B (12)).

17.12.125 Streets--Tree plan. All subdivisions shall comply with the provisions of the master street tree plan adopted in accordance with the provisions of subsection B(6) of Section 8.20.040 of this code. (Ord. 3773 §3, 1977).

17.12.130 Streets--Half street. Where an existing half street is adjacent to the proposed subdivision, the other half of the street in such subdivision shall be dedicated by the subdivider. (Prior code §18.05B(13)).

17.12.140 Intersections. A. Streets shall intersect as nearly as possible at right angles and not more than two streets shall intersect at one point unless approved by the plan commission.

B. Street jogs with centerline offsets of less than one hundred twenty-five feet shall be avoided. Where streets intersect major streets their alignment shall be continuous. (Prior code §18.05C).

17.12.150 Alleys. A. 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.

B. Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.

C. The width of alleys shall not be less than twenty feet.

D. Dead-end and T alleys shall be avoided where possible. However, where a dead-end alley is unavoidable, adequate turnaround facilities at the dead end shall be provided as determined by the plan commission. (Prior code §18.05D).

17.12.160 Easements. A. Easements across lots shall be provided for utilities where required by the plan commission and shall be at least twelve feet wide. For the purpose of this subsection, a cable television system as defined in Section 4.04.020 B of this code shall be deemed to be a utility.

B. Where a subdivision within the city is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. (Ord. 4005 §9, 1979; prior code §18.05E).

17.12.170 Blocks--Pedestrian walks. A. The length, 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 be not normally less than four hundred feet nor more than one thousand five hundred feet between street lines.

B. Pedestrian crosswalks, not less than ten feet wide, may be required by the plan commission through the center of blocks where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. (Prior code §18.05F).

17.12.180 Lots--Generally. 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. (Prior code §18.05G(1)).

17.12.190 Lots--Dimensions. A. Lot dimensions shall conform to the requirements of the applicable zoning ordinance and in no case in a residential district have less than a minimum width of sixty feet at the building line and a minimum area of six thousand square feet.

B. Residential lots to be served by private sewage disposal facilities shall comply with the rules of the state Board of Health.

C. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities by applicable ordinances.

D. Excessive depth in relation to width shall be avoided. A proportion of two and one-half to one shall normally be considered as a desirable maximum for lot widths of sixty feet or more. (Prior code §18.05G(2)).

17.12.200 Lots--Corner. Corner lots for residential use shall have extra width to permit building setback from both streets as required by applicable zoning ordinance. (Prior code §18.05G(3)).

17.12.210 Lots--Access to public street. Every lot shall normally front or abut on a public street. Lots with an access only to private drives or streets shall be permitted only with plan commission approval. (Prior code §18.05G(4)).

17.12.220 Lots--Right angles. Lots at right angles to each other shall be avoided wherever possible, especially in residential areas. (Prior code §18.05G(5)).

17.12.230 Lots--Lines. Side lot lines shall be substantially at right angles or radial to street lines. (Prior code §18.05G(6)).

17.12.240 Re-subdividable lots. For any lot created which is greater than 1 1/2 acres in size the city may require that such lots be divided in such a manner as to allow for the re- subdividing of the lots at some future date when city services are available. To this extent, the city may require additional frontage or other dimensional restrictions or regulate the location of private septic systems on the lot. If such requirements are made a part of approval of any lot, such requirement shall be recorded with the final plat or certified survey map. (Ord. 4670 §6, 1986; prior code §18.05G(7)).

17.12.250 Lots--Municipal boundaries. Lots shall follow governmental boundary lines whenever practicable, rather than cross them. (Prior code §18.05G(8)).

17.12.260 Lots--Double frontage. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. (Prior code §18.05G(9)).

17.12.270 Public sites--Open spaces. In the design of the plat, due consideration shall be given by the subdivider and the plan commission to the reservation of suitable sites of adequate area for future schools, parks, playgrounds and other public purposes. (Prior code §18.06).

17.12.280 Sidewalks-Plats approved after November 1, 1974. Prior to the issuance of a building permit for any lot within a block, the subdivider or property owner shall execute and file with the city's Administrator of Inspection and Zoning a written document certifying installation of a public sidewalk abutting such lot or execute a petition to the city for such installation and the levy of special assessments in connection therewith and waiving notice and hearing pursuant to Wis. Stats. s. 66.60 (18). The subdivider or property owner shall construct such standard sidewalks to the grade and to specifications established by the city engineer. The work shall be inspected by the city engineering division. A developer or property owner may be granted an extension by the city's Administrator of Inspection and Zoning, for good cause, of not exceeding eight months after issuance of a building permit, in order to complete construction of the required sidewalk. Such sidewalk shall also be constructed by the developer at the developer's cost along lots or parcels of land dedicated to the public in the plat. The construction of sidewalk may be deferred by the city council upon a written request for deferral by the subdivider or property owner for those portions of the plat where the city council specifically finds that by reason of topography the construction of the sidewalk would be impossible or impracticable or where because of other conditions the sidewalk would serve no reasonably foreseeable public purpose. This section shall apply only to final plats approved after November 1, 1974. (Ord. 6285 §2, 2002; Ord. 4510 §2, 1984; Ord. 3508(part), 1975).

17.12.290 Environmentally sensitive areas. Environmentally sensitive areas shall be identified and legally described by all major or minor subdivisions.

A. No development or land disturbance activity shall be allowed within any environmentally sensitive area except after issuance of a permit by the city, such permit only to be issued if the owner demonstrates the proposed development or land disturbance activity is expressly allowed under any of the following:

1. Chapter 18.11, Floodplain Overlay District, for floodplain areas.
2. Chapter 18.12, Shoreland-Wetlands Overlay District, for wetland areas.
3. The provisions of the Chippewa Falls/Eau Claire Urban Sewer Service Area Plan, adopted by reference herein, for all areas of 20% or greater slope.

B. Any grading or land disturbance of any environmentally sensitive area commenced without prior written approval from the city under the provisions of subsection A. herein shall constitute a public nuisance and, in addition to fine or forfeiture, the city may pursue any remedy allowed by chapter 9.36 of this code. (Ord. 6856 §2, 2008).

Chapter 17.16

SUBMITTAL REQUIREMENTS

Sections:

17.16.010 Preliminary consultation--Necessary data.
17.16.020 Drawing contents--Specifications.

17.16.010 Preliminary consultation--Necessary data. The following information shall be provided at the time of the preliminary consultation:

A. (Applicable within the city of Eau Claire only.) Information including data on existing covenants, easements, flowage rights, land characteristics and available community facilities and utilities;

and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, business areas, playgrounds, park areas and other public areas, tree planting, proposed protective covenants and proposed utilities and street improvements.

B. (Applicable within the city of Eau Claire and within the extraterritorial plat approval jurisdiction of the city.) A sketch plan showing in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on a print of the topographic survey if one is available. (Ord. 4670 §7, 1986).

17.16.020 Drawing contents--Specifications. The preliminary plat shall be drawn with waterproof, nonfading black ink or legibly drawn with pencil on tracing cloth or tracing paper of good quality on a scale of not more than one hundred feet to an inch and shall show correctly on its face:

A. Date, scale and north point;

B. The proposed subdivision name, which shall not duplicate the name of any plat previously recorded in Eau Claire or Chippewa counties;

C. The name and address of the owner, the subdivider and the registered land surveyor preparing the plat;

D. Location of the subdivision by government lot, quarter- quarter section, section, township, range and county;

E. Location, widths and names of all existing and platted streets, alleys or other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, water courses, drainage ditches, permanent buildings, bridges and other pertinent data immediately adjacent to the proposed subdivision, as determined by the plan commission;

F. The water elevation of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to sea level datum plane;

G. Layout and width of all new streets and rights-of-way, such as alleys, highways, easements for sewer, water mains, and other public utilities;

H. Directions and distances to nearest water and sewer mains;

I. Approximate dimensions of and areas of typical lots;

J. Approximate location and areas of property proposed to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation;

K. Contours at vertical intervals of not more than 5 feet or at more frequent intervals may be required by the plan commission where topographical data is available for the area in which the proposed subdivision is located.

L. Identity and legal description of all environmentally sensitive areas for all major or minor subdivisions. (Ord. 6856 §3, 2008; Ord. 4670 §7, 1986).

Chapter 17.20

PROCEDURES

Sections:

17.20.010 Preliminary consultation.
17.20.020 Major subdivisions.
17.20.030 Minor subdivisions.
17.20.035 Condominium plats.
17.20.040 Plats within the extraterritorial plat approval jurisdiction.
17.20.050 Creating additional lots in platted subdivisions.
17.20.060 Consolidating parcels.
17.20.070 Fees.

17.20.010 Preliminary consultation. Previous to filing a certified survey map or a preliminary plat, the subdivider may consult the department of community development and department of public works for 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 comprehensive plan and official map, and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and the city may reach mutual conclusions regarding the general program and objectives of the development. (Ord. 4670 §8, 1986).

17.20.020 Major subdivisions. A. Preliminary plat. Before submitting a final plat for approval, the subdivider shall cause to be prepared a preliminary plat by a registered land surveyor, in accordance with the requirements in chapter 236, Wisconsin Statutes, and chapter 17.16 of this title and submit at least 12 copies of the plat to the department of community development at least 10 working days prior to the meeting of the plan commission at which action is desired.

1. The preliminary plat shall cover the entire area owned or controlled by the subdivider even though a lesser portion thereof is proposed for development at the time. The plan commission may waive this requirement where it is unnecessary to fulfill the purpose of this title and undue hardship would result from the strict application thereof.

2. The preliminary plat shall be reviewed by the plan commission and city staff for conformance with this title and all ordinances, rules, regulations and comprehensive plans which affect it. The department of community development shall transmit copies of the preliminary plat to the department of public works, and all affected boards, commissions, or departments, all affected local utility companies and the regional planning agency for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the plan commission within a staff report.

3. The plan commission shall within 60 days of the filing of the plat, approve, approve conditionally, or reject the plat. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or reasons for rejection shall accompany the plat.

4. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 36 months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in section 236.11(1)(b) of the Wisconsin Statutes, the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the city council.

B. Final plat. The subdivider shall prepare a final plat and a letter of application in accordance with this title, in compliance with the procedures for approval of plats of chapter 236 of the Wisconsin Statutes, and shall file six (6) copies of the plat and the application with the department of community development at least ten (10) working days prior to the meeting of the plan commission at which action is desired. Upon approval of the final plat by the state of Wisconsin, the subdivider shall forward one (1) mylar plot or copy, a photographic silver haloid image mylar, or mylar sepia of the final plat to the department of public works. The surveyor, in addition to the required mylar copy, shall provide a computer file on disk, in a xxxx.DGN or xxxx.DWG format, for final plats which have been prepared by the use of electronic media using computer aided design and drafting (CADD).

1. The plan commission shall examine the final plat as to its conformance with the approved preliminary plat and conditions of approval of the preliminary plat, this title and all ordinances, rules, regulations and comprehensive plan which may affect it and shall recommend approval, conditional approval or rejection of the plat to the city council.

2. The final plat may, if permitted by the city council, after review and recommendation by the plan commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time.

3. If the final plat is not submitted within 6 months of the approval of the preliminary plat, the city council may refuse to approve the final plat, even though it may conform to the preliminary plat.

4. The plan commission shall transmit the plat, together with its recommendations to the city council within 30 days of the date of filing of the final plat. The city council shall approve or reject the final plat within 60 days of its submission, unless the time is extended by agreement with the subdivider. Reasons for rejection shall be forwarded to the subdivider in writing.

5. After the final plat has been approved by the city council and improvements either installed or a contract and bond insuring their installation filed in accordance with this title, the city clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording.

6. The subdivider shall file 10 copies of the final plat, as recorded with the department of community development for distribution to appropriate local agencies and offices. (Ord. 6961 §3, 2011; Ord. 5596, 1996; Ord. 4670 §8, 1986).

17.20.030 Minor subdivisions. The subdivider or developer shall submit a certified survey map as defined in chapter 236, Wisconsin Statutes, accompanied by plans for required improvements. This certified survey map shall contain all information required on a preliminary plat as specified in this title and chapter 236.34, Wisconsin Statutes. Within 30 days of receiving copies of the certified survey map of a minor subdivision, the city shall take action to approve, approve conditionally, or reject such map and shall state in writing any conditions of approval or reasons for rejection.

A. Certified survey maps for minor subdivisions which do not contain dedications to the public shall be reviewed and approved in the following manner. Within 5 working days from the date of submission of the maps, unless the time is extended by agreement with the subdivider, the department of community development shall review the map along with the city engineer and shall approve, conditionally approve or reject the map. If the map is approved, the department of community development shall cause to have it so certified on its face and the map returned to the subdivider. If conditionally approved or rejected, the conditions applied or the reasons for rejection shall be so stated in writing and the subdivider notified. Any conditions applied by the department of community development shall be satisfied prior to the recordation of the map. Any decision of the department of community development may be appealed to the plan commission within 15 days from the date of the decision.

B. Certified survey maps for minor subdivisions which contain dedications to the public shall be reviewed in the following manner. Within 10 days from the date of submission of the map, unless the time is extended by agreement with the subdivider, the department of community development shall refer the map along with recommendations to the plan commission. The plan commission shall review the survey map and make a recommendation to the city council. The city council shall approve, conditionally approve, or reject the dedication of streets or other public areas shown on the map. When a certified survey map is conditionally approved or rejected, the conditions applied or the reasons for rejection shall be communicated to the subdivider in writing. Any condition applied shall be satisfied prior to the recordation of the map. If dedications are approved, the subdivider shall enter into any surety bond or other performance contract required by this title prior to recording.

C. The certified survey map, along with all covenants or restrictions placed as a condition of approval by the city shall be submitted to the register of deeds for recording within 6 months of the date of approval. Prior to recording, the subdivider shall obtain the signatures on the accompanying certificates as required by Chapter 236.34, Wisconsin Statutes, and covenants or restrictions placed as a condition of approval by the city. The certificate of approval by the city shall be the last signature obtained prior to recording. (Ord. 4670 §8, 1986).

17.20.035 Condominium plats. Condominium projects shall be reviewed on the basis of a condominium plat prepared pursuant to Wis. Stat. Chapter 703 and other applicable statutes, as well as these subdivision regulations, as a plat or certified survey map for the land development of the property. Major subdivision procedures in s. 17.20.020 shall apply to review of all condominium plats. (Ord. 6211, 2001).

17.20.040 Plats within the extraterritorial plat approval jurisdiction. A. When the land to be subdivided lies within the 3 mile extraterritorial plat approval jurisdiction of the city of Eau Claire, the subdivider shall proceed as specified in the applicable county subdivision ordinance. Approval agencies shall be as specified in Chapter 236 of the Wisconsin Statutes and the subdivider must comply with the land division regulations of said agencies or units of government. All improvement requirements specified by the city of Eau Claire in matters over which they have jurisdiction shall be met before the filing of the final plat or certified survey map.

B. Purpose. The following policies regarding the city's approval of divisions of land within the 3-mile extraterritorial area are adopted in order to protect the rural character, farming viability, and environmentally sensitive areas, and to promote efficient re-subdividing, in-fill development, compact urban development of land, and compatibility of surrounding land use within the area.

C. Procedure. Major subdivisions shall be as specified in s. 17.20.020. Minor subdivisions shall be as specified in s. 17.20.030.

D. Subdivisions shall be permitted based on an overall density standard of one (1) unit per 10 acres. The city will consider the following criteria in its review of these subdivisions:

1. Each lot shall meet health code requirements for on-site sewage treatment and private water wells.

2. The proposed lot layout for the overall parcel shall locate structures on building sites that have the least impact on environmentally sensitive areas and are less well suited for farming and agricultural uses.

3. The remainder of the overall parcel not developed with lots and roads shall require a conservation easement precluding further development until such time as urban density is desired.

4. The proposed lot layout for the overall parcel shall provide for the future efficient re-subdividing for urban densities.

E. Exception. In accordance with the provisions of the Comprehensive Plan contained in section 2-16 (3) thereof, exceptions to the 10-acre density standard for rural homes may be allowed pursuant to execution of an intergovernmental agreement under s. 66.0301, Wis. Stats., between the city and the applicable town regarding cooperative application of the following extraterritorial subdivision standards. Such an agreement was entered into as of February 16, 2011, (the "Agreement"). Only to the extent, and expressly contingent upon, said Agreement or a successor agreement that expressly references and extends the exceptions stated herein, remains valid and in full legal effect with the Town in which the subject property is located, then the following exceptions to the 10-acre density standard may be applied as found applicable:

1. Infill Lot Land Divisions within the Sewer Service Area. The proposed lots are infill lots located in whole or part within the City's Sewer Service Area (the "SSA") that meet all the following criteria as determined by the Plan Commission:

a) The proposed lots are in areas that have been previously divided into smaller lots.

b) The proposed lots cannot be reasonably served with city utilities due to natural barriers, i.e., creeks or hills, man-made barriers, major highways, or significant existing development.

c) It would be cost prohibitive to serve the proposed lots with city utilities.

d) Creating the proposed lots is a means of lessening development pressure on larger tracts of land outside the SSA.

e) The proposed lots must be created by a Certified Survey Map (4 lots or less).

f) The proposed lots must be reasonably consistent in size with the existing adjacent lots.

2. Common Wastewater Treatment. The proposed lots will be served by a sewer

connected to a common wastewater treatment system approved under COMM 83, Wisconsin Administrative Code. All sewer mains, trunk, and lateral lines must meet City of Eau Claire standards for such facilities. If the proposed lots will be served by a community water supply system approved under NR 811, all water lines and mains must meet City of Eau Claire standards for such facilities. The lots must meet the access and lot design standards of the City of Eau Claire and the respective Town. The proposed lot layout for the overall parcel must provide for efficient re- subdividing for urban densities and cost- effective and orderly extension of public streets and utilities at the time that public utilities are available to the site. In addition, the property must be part of a cooperative boundary agreement approved pursuant to § 66.0307 Wis. Stats., requiring the current owner and any future owner of the divided lots to annex to the City of Eau Claire at the time that any adjoining contiguous parcel is annexed or petitions to annex and public sanitary sewer service and public water supply are available from the City of Eau Claire.

3. Land Divisions in Extraterritorial Jurisdiction (the "ETJ") but Outside the SSA.

a) The proposed lots are completely outside the City's SSA, satisfy minimum lot sizes as specified by the applicable Town consistent with the Agreement, which provides the following:

i) For areas designated Rural Residential (RR) or Rural Residential Cluster (RRC) within the Agreement, the maximum base density of one dwelling unit per two acres is allowed.

ii) For areas designated Rural Preservation (RP) or Rural Transition (R-T) within the Agreement, the maximum base density of one dwelling unit per five acres is allowed.

b) The following criteria shall be satisfied in the review of residential land divisions:

i) Each lot shall meet health code requirements for on-site sewage treatment and private water wells.

ii) The proposed lot layout for the overall parcel shall locate structures on building sites that have the least impact on environmentally sensitive areas and are less well suited for farming and agricultural uses.

iii) The proposed land division shall be consistent with the comprehensive plan of the respective Town.

c) Exceptions to base residential density standard shall be considered for infill lots based on complying with all of the following criteria as determined by the Plan Commission:

i) The proposed lots are in areas that have been previously divided into smaller lots.

ii) The proposed lots must be created by a certified survey map (4 lots or less).

iii) The proposed lots must be reasonably consistent in size with the existing adjacent lots.

iv) Creating the proposed lots is a means of lessening development pressure on larger tracts of land.

4. Conservation Subdivision. The proposed lots are completely outside the City's SSA and are in a conservation subdivision that is regulated and approved under the Conservation Subdivision Ordinance of the County and meet the following criteria:

a) Proposed lots in areas classified as Rural Preservation (RP) and Rural Transition (RT), as depicted on the ETJ Map as provided in the Agreement, shall not exceed a maximum density of one single- family lot per five (5) acres of potentially development land with minimum lot sizes not less than one (1) acre. As an example, this formula would yield up to 8 one acre lots in a conservation subdivision and 32 acres of preserved farmland for a parcel with 40 acres of potentially developable land.

b) Proposed lots in areas classified as Rural Residential (RR) and Rural Residential Cluster (RRC), as depicted on the ETF Map as provided in the Agreement, shall have a minimum lot size of at least one (1) acre in size and at least 40% of the potentially developable area within the parent parcel shall be placed under a conservation easement or comparable protection. As an example, this formula would yield a maximum of 24 single- family lots and 16 acres of protected open space for a parcel with 40 acres of potentially developable land.

c) For the purposes of these provisions, "potentially developable land" shall be defined as privately-owned land that is outside any WDNR delineated wetland or FEMA delineated 100-year floodplain and has less than a 12 percent slope.

5. Certain Non-Residential Land Divisions. The following exception is provided in the Towns of Brunswick, Pleasant Valley, Seymour, and Washington, for non-residential land divisions completely outside the City's SSA which shall be permitted based on land use and lot dimensional requirements in County and Town regulations and plans and which shall be reviewed by the Plan Commission based on these policies from the Agreement:

a) The preferred commercial uses in rural areas are agricultural-related uses, such as, veterinarian clinics, greenhouses/nurseries, or agricultural implement dealers.

b) Industrial and commercial development shall be encouraged to locate near incorporated areas, existing business developments, or along collector and arterial roadways.

c) When rezoning is requested, only that portion of land necessary for the contemplated use shall be rezoned.

6. Certain Non-residential Land Divisions in the Town of Wheaton. The following exception is provided in the Town of Wheaton for non-residential land divisions for the area shown as commercial or industrial around the CTH "T" and STH 29 interchange on the attached map(on file in the Clerk's office):

a) minimum lot size is 1.66 acres.

7. Certain Non-residential Land Divisions in the Town of Union. The following exception is provided in the Town of Union for non-residential land divisions for the area shown as industrial/commercial near the I-94/Exit 59 interchange on the attached map:

a) Any land division intended to create a site for a retail or service land use will be reviewed as per the provision of the Intergovernmental Agreement with the Town of Union, Section 3. Land Uses, dated January 17, 2012.

b) The minimum lot size for industrial/commercial lots within the areas depicted on the attached map and outside the SSA (Sewer Service Area) is 5 acres.

c) The minimum lot size for industrial/commercial lots within the areas depicted on the attached map and inside the SSA (Sewer Service Area) is 10 acres, except in highly divided areas exceptions may be granted by the Plan Commission based on the proposed land division meeting all of the following criteria:

1) The proposed lots are in areas that have been previously divided into smaller lots.

2) The proposed lots cannot be reasonably served with City utilities due to natural barriers, i.e., creeks or hills, man-made barriers, major highways, or significant existing development.

3) It would be cost prohibitive to serve the proposed lots with City utilities.

4) Creating the proposed lots is a means of lessening development pressure on larger tracts of land outside the SSA.

5) The proposed lots must be created by a Certified Survey Map (4 lots or less).

6) The proposed lots must be reasonably consistent in size with the existing adjacent lots and shall be at least 1.5 acres.

(Ord. 7003, 2012; 6992, 2011; Ord. 6961, 2011; Ord. 6784, 2007; Ord. 4670 §8, 1986).

17.20.050 Creating additional lots in platted subdivisions. When it is proposed to divide land to create additional parcels of land, any one of which is less than 20 acres in size, or when it is proposed to divide a block, lot or outlot to create additional parcels or building sites within a recorded subdivision plat without changing the boundaries of said subdivision or land dedicated to the public, the subdivider shall prepare a certified survey map in accordance with this title and shall file an adequate number of copies with the department of community development at least 5 working days prior to the meeting at which action is desired. The department of community development shall within 30 days approve, approve conditionally, or reject the map.

If the map is rejected, the reasons shall be stated in writing and a copy forwarded to the subdivider. If the map is approved, a certified survey map shall be submitted by the subdivider to the department of community development within 30 days. The department of community development shall certify on the face of the certified survey map its approval and return the map to the subdivider. The subdivider shall record the map with the county register of deeds within 6 months of its approval. (Ord. 4670 §8, 1986).

17.20.060 Consolidating parcels. When it is proposed to divide land for the purpose of consolidating parcels to enlarge building sites, or when it is proposed to divide a block, lot or outlot for enlargement of parcels or building sites within a recorded subdivision plat, without changing the boundaries of said subdivision or affecting land dedicated to the public, the subdivider shall prepare a plot plan showing the dimensions of all parcels affected by the division.

The department of community development shall within 5 working days approve, approve conditionally or reject the plot plan. If the plot plan conforms with the requirements of this title and those specified in the zoning ordinance, the plot plan shall be approved. If the plot plan is rejected, the reason or reasons therefore shall be cited in a written statement forwarded to the subdivider. Any decision of the department of community development may be appealed to the plan commission within 15 days from the date of the decision. (Ord. 4670 §8, 1986).

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17.20.070 Fees. Applicable within the city of Eau Claire.

A. A review fee as stated in the City of Eau Claire Fees and Licenses Schedule shall be submitted with all certified survey maps.

B. A review fee as stated in the City of Eau Claire Fees and Licenses Schedule shall be submitted with all preliminary plats.

C. No review fee shall be required for submittal of the final plat unless the final plat contains only a portion of the preliminary plat. In such case, a review fee as stated in the City of Eau Claire Fees and Licenses Schedule shall be submitted with each final plat in excess of one. (Ord. 6363 §37, 2002; Ord. 6243 §1, 2001; Ord. 4670 §8, 1986).

Chapter 17.24

IMPROVEMENTS*

Sections:

17.24.010 Monument specifications.
17.24.020 Methods of financing.
17.24.030 Technical requirements.
17.24.040 Sanitary sewer requirements.
17.24.060 Utilities underground.

17.24.010 Monument specifications. The subdivisions shall be monumented as required by Section 236.15 of the Wisconsin Statutes, which is adopted by reference. All such monuments shall contain sufficient iron for magnetic detection. (Prior code §18.07A).

17.24.020 Methods of financing. A. No final plat for the subdivision of land in the city of Eau Claire, or within an area for which an annexation petition has been filed, shall be approved by the city council until the subdivider has made arrangements to install required improvements, as provided under subsection B. In this section, "required improvements" means street improvements, including curb and gutter, water facilities, sanitary sewer facilities and storm drainage facilities, to the extent required by the city.

B. Required improvements may be provided by the subdivider in one of the following ways:

1. Installation by the subdivider or by private contract, prior to approval of the certified survey map or final plat, at subdivider's cost.

2. By entering into a contract with the city before the final plat is submitted for approval, whereby subdivider agrees to install the required improvements. The subdivider shall file with said contract a certified check or letter of credit for a two-year period from a public depository as defined in s. 34.01(5), Wis. Stats., such as a bank, savings and loan, or credit union, subject to the approval of the finance director, in an amount equal to the estimate of cost of said improvements as prepared by the director of public works. Such certified check or letter of credit shall constitute a guarantee that such improvements will be completed by the subdivider not later than three years from the date of recording of the plat. It shall constitute a further guarantee that all obligations to subcontractors for work on the development are satisfied. The contract may either provide for the subdivider to install the improvements or have the city complete the improvements with all costs incurred, including engineering and inspection costs, reimbursed to the city by the subdivider, the same to be guaranteed as provided herein.

* Improvements set out in this chapter are applicable to subdivisions or parts of subdivisions within the Eau Claire city limits.

All contractors and subcontractors who are to be engaged in construction or improvements on dedicated street right-of-way shall be designated as qualified for such work by the director of public works.

C. The city council reserves the right to exercise special assessment powers at such times and under such circumstances as it deems necessary and desirable.

D. A subdivider entering into a contract or development agreement with the city pursuant to this chapter shall pay for all costs incurred by the city related to the creation, review, and administration of said contract or development agreement, including, without limitation, all engineering, technical, legal, and administrative costs as stated in the City of Eau Claire Fees and Licenses Schedule. (Ord. 6870 §1, 2009; Ord. 5964, 1999; Ord. 5964, 1999; Ord. 4973, 1989).

17.24.030 Technical requirements. All improvements required in Section 17.24.020 must meet the specifications of the director of public works and the state of Wisconsin. (Prior code §18.07B(2)(a)).

17.24.040 Sanitary sewer requirements. A. In this section:

1. "Public wastewater collection system" means a system of sanitary sewers owned, maintained, operated and controlled by a governmental entity on behalf of the public.

2. "Sanitary sewer" means all structures, lift stations, pipes or conduits by which sewage is collected and disposed of, excepting plumbing inside and in connection with buildings served, and service pipes from building to public street or right-of-way.

3. "Sewage" means the wastewater created in and to be conducted away from residences, commercial and industrial establishments, and public buildings as defined in Wis. Stats. s. 101.01(2).

B. This section shall apply to all major or minor subdivisions located within the city or within the extraterritorial plat approval jurisdiction of the city which create a lot or lots which are less than 1 1/2 acres in size. No major or minor subdivisions with a lot or lots less than 1 1/2 acres in size shall be approved unless such lots contained within the subdivision are to be served by a readily available public wastewater collection system. In this section "readily available" shall mean that a public wastewater collection system is within, immediately adjacent to, or otherwise capable of immediate extension to the proposed subdivision, all as determined by the city. No building or premises within such subdivision shall be constructed or occupied unless its sewage is collected, transported and treated by a public wastewater collection system.

C. As to major subdivisions, this section shall apply to all preliminary plats which have been submitted to, but not approved by, the city as of August 17,1986. As to minor subdivisions, this section shall apply to all certified survey maps submitted to the city after said effective date.

D. This section shall not apply to any area which is owned by the city at the time of its annexation and is annexed to the city as non-contiguous territory. (Ord. 4670 §5, 1986).

17.24.060 Utilities underground. A. All new electric distribution lines (excluding main line feeders and transmission lines), telephone and telegraph lines (excluding main line feeder cables), community antenna television cables and service to customers in a newly platted residential area shall be buried underground; unless the council shall specifically find after study and recommendation by the plan commission that:

1. The placing of utilities underground would not be compatible with the planned development;

2. The additional cost of burying such facilities would create an undue hardship; or

3. Topographical, soil or other physical conditions make such installation unreasonable or impractical.

B. The platter shall be responsible for complying with the requirements of this section in a newly platted residential area and shall submit to the plan commission a written instrument from the companies responsible for such lines and cables showing that the necessary arrangements with such companies for such installation have been made. (Ord. 3114 §I, 1970; Prior code §18.07B(2)(d)).