Legistar File No. 78130 Body Version 4

DRAFTER'S ANALYSIS: The City's regulation of the land division is enabled by Wis. Stats. Section 236.45(2), which allows any municipality, town or county that has established a planning agency to enact ordinances governing the subdivision or other division of land provided that the local regulations are not more restrictive regarding time limits, deadlines, notice requirements, or other provisions of Chapter 236 that provide protections for a subdivider. The City of Madison adopted local subdivision regulations in mid twentieth century. The ordinance has received mostly minor updates since; however, there has been no comprehensive update to the ordinance since its original adoption. Updating the Subdivision Regulations was identified as an objective in the 2018 Comprehensive Plan.

Part of the goals for the proposed repealed and re-created Subdivision Regulations is to update this section of MGO to reflect contemporary submittal requirements and review processes for subdivision plats and certified survey maps, as well as to update the standards and criteria for approval to reflect recent practices and emphasize consistency with adopted plans. The updated ordinance also includes references to the street typologies adopted as part of the "Complete Green Streets Policy" adopted by the Common Council on January 3, 2023 by Resolution 23-00003 (Legistar No. 74926) so that new streets created through the subdivision process may reflect the street types encouraged by the new policy.

This proposed ordinance incorporates Complete Green Streets policies as well as codifying current best practices of land division and current statutory requirements. Additionally, this ordinance has several editing changes – including updating language to be gender-inclusive, removing unnecessary terminology and correcting statutory references.

The Substitute incorporates changes recommended by the Board of Public Works, the Plan Commission and subsequent staff feedback. The proposed changes are in MGO Secs. 16.23(1), 16.23(1)(b), 16.23(2), 16.23(3)(a)2.c.i., 16.23(4)(c)1., 16.23(6)(a)3.b., 16.23(6)(a)4.a., 16.23(6)(a)5., 16..23(6)(b)1.e.ii., and 16.23(6)(f)2. Changes are minor and primarily grammatical. The substantive changes are as follows. First, MGO Sec. 16.23(1) is amended to add (f) which encourages right-of-way changes to account for the impacts of climate change. Second, MGO Sec. 16.23(6)(a)3.b. is amended in support of a healthy tree canopy adjacent to Collector Streets. Third, 16.23(6)(a)5., is removed entirely as it encourages a suburban land use form adjacent to arterials that would be inappropriate in some settings and the adjacent section is renumbered as a result of the deletion. Finally, MGO Sec. 16.23(6)(b)1.e.ii. is edited to designate the location of above-ground electric facilities to avoid motorist vision concerns.

The SECOND Substitute makes three changes to the Substitute draft. First, it amends MGO Sec. 16.23(1) to add subsection (g) to encourage the preservation of land for urban agriculture in the "Introduction and Purpose" section. Second, a definition of "Urban Agriculture" is added to MGO Sec. 16.23(2). Finally, MGO Sec. 16.23(6)(a)(5) is replaced to make it optional for staff to require buffers from arterials and highways so decisions can be made in context.

The AMENDED THIRD SUBSTITUTE makes two changes. First, it amends the definition of "Greenway" in MGO Sec. 16.23(2). Second, it adds to the design standards in MGO Sec. 16.23(6)(a)3.c.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 16.23 entitled "Land Subdivision Regulations" of the Madison General Ordinances is repealed and recreated as follows:

"**16.23 SUBDIVISION REGULATIONS.**

(1) Introduction and Purpose. The purpose of these regulations is to regulate and control the subdivision of land within the corporate limits and extraterritorial plat approval jurisdiction of the City of Madison in order to promote the public health, safety and general welfare of the community consistent with the goals, objectives, and policies in the City of Madison's comprehensive plan and adopted neighborhood, sub-area, and transportation plans. These regulations are also intended to:

(a) Further the orderly layout and use of land, and facilitate the re-subdivision of larger parcels into smaller parcels of land;

(b) ~~Insure~~ Ensure proper legal description and proper monumenting of subdivided land;

(c) Secure safety from fire, panic and other dangers and to provide adequate light and air, including access to sunlight for solar collectors;

(d) Facilitate adequate provision for transportation, water, sewerage, storm drainage, schools, parks, playgrounds, and other public requirements;

(e) Discourage the development of noise sensitive land uses (such as residential, schools and recreational areas) adjacent to highway corridors and airport approach zones, and to ensure that any such development that does occur is planned to mitigate the adverse effects of noise.

(f) Encourage measures within the public right-of-way to reduce contributions to and impacts of climate change.

(g) Encourage the preservation of land for urban agriculture.

These regulations are formulated to facilitate enforcement of the City's development standards as outlined in the Zoning Code (Chapter 28), Building Code (Chapter 29), Stormwater Management and Erosion Control Code (Chapter 37), the Official Map of Madison, and the Complete Green Streets Guide, and consistent with Wis. Stats Chapter 236, Platting Lands and Recording and Vacating Plats.

(2) Definitions. For the purpose of these regulations certain words used therein are defined as follows:

A-Weighted Sound Level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Certified Survey Map. A drawing meeting all the requirements of Sec. 236.34 Wis. Stats. which is a map or plan of record of a land division, including combination of parcels for building development.

Cluster Box Unit. A freestanding mailbox, as approved by the United States Postal Service (USPS), for communal use containing individually locked mailboxes and parcel compartments, along with any associated equipment and infrastructure necessary and/or required to site the mailbox. The associated equipment includes, but is not limited to, concrete pad(s), lighting equipment, landscaping and unenclosed roof shelter protecting the mailbox from precipitation.

Complete Green Streets Guide. A guide adopted by the Common Council and revised by the Transportation Commission that provides guidance for accommodation of all travel modes, allocation of street space, and recommended right-of-way widths.

Guidance on tree canopy and distributed green infrastructure are revised by the Board of Public Works.

Comprehensive Plan. The comprehensive plan for guiding and shaping the growth and development of the Madison community, including all of its component parts as set forth in the various maps, plats, charts and descriptive and explanatory matter, prepared by the City of Madison Department of Planning and Community and Economic Development and adopted and certified by the Plan Commission and Common Council.

Condominium Instrument. The plat and plans of a condominium together with any attached exhibits or schedules, and any amendment, addendum, or other document that affects some change in a recorded condominium regulated by Wis. Stat. § 703 and Section 16.24, MGO.

Construction. Any site preparation, assembly, erection, substantial repair, alteration, or similar actions, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

Decibel (dB). A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

Development. Any human-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials. For the purposes of this ordinance, “Develop” shall be defined as the act of making any of the human-made changes described herein.

Equivalent A-Weighted Sound Level (Lsq). The equivalent steady-state sound level, which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same period. For purposes of measuring or predicting noise levels, a receptor is assumed to be at ear height, located five feet above ground surface. "Leq(h)" means the hourly valve of Leq.

Existing Noise Level. The highest hourly noise level caused by existing conditions in a particular area.

Expressway/Freeway. The meaning found in Wis. Stat. § 84.295.

Extraterritorial Plat Approval Jurisdiction. That area outside the City limits in which the City of Madison Common Council has by resolution chosen to approve plats and land divisions in accordance with Wis. Stat. § 236.10(5). A copy of said resolution is on file in the office of the City Clerk. Also referred to herein as “extraterritorial area.”

Final Plat. The map or plan of record of a subdivision, and any accompanying material, as described in subsection (5).

Future Noise Level. The highest hourly traffic noise level based on estimated traffic volumes within a twenty (20) year period after the completion of construction of the new highway facility.

Greenway. ~~An open area of land, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. In addition to their principal use for storm drainage, greenways may serve multiple purposes including vehicular and/or pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water basins, open space, park development, and other related uses.~~ An open area of

land which, when dedicated to the Stormwater Utility, serves the primary purpose to carry storm water on the ground surface in lieu of an enclosed storm sewer. In addition to storm drainage, greenways may serve multiple purposes including vehicular and/or pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water basins, open space, park development, environmental protection, and other related uses.

Habitable Room. Any room meeting the requirements of the Uniform Building Code or other applicable regulations which is intended to be used for sleeping, living, cooking or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

Heavy Traffic Route. Transportation routes that include streets on the National Highway System and streets designated for use by larger trucks to travel through and reach destinations in the City.

Intercardinal Streets. Streets having or approximating a southeast to northwest or southwest to northeast orientation.

Land Division. The division of a lot or parcel of land for the purpose of transfer of ownership or building development where the act of division creates four (4) or less parcels or building sites of forty (40) acres or less in area.

Neighborhood or Sub-Area Plan. Any plan adopted for a specific geographic area of the existing or future City of Madison that may include such elements as recommendations on land uses, utility services, transportation networks, urban design, parks and open spaces, and preservation of environmental features. Such plans are typically for a smaller geography and may be more detailed than the recommendations in the Comprehensive Plan.

Noise Barrier. Any device which reduces the transmission of highway traffic noise from a highway to an adjacent receptor, including but not limited to, earth berms, walls made from timber, metal, concrete, or any combination.

Noise Level. The sound level obtained through use of A-weighting characteristics. The unit of measure is the decibel (dB), commonly referred to as dBA when A-weighting is used.

Official Map. The map indicating the location, width and/or extent of existing and proposed streets, highways, parkways, parks and playgrounds as adopted and amended by the Common Council pursuant to Wis. Stat. § 62.23(6) and Section 16.25, MGO.

Other. All other pertinent terms shall be as defined in the Zoning Code of the City of Madison and in Wis. Stat. ch. 236.

Outdoor Living Area. Spaces that are associated with residential land uses typically used for passive recreational activities or other noise-sensitive uses. Such spaces include patio areas, barbecue areas, residential play areas; outdoor patient recovery or resting areas associated with hospitals, convalescent hospitals, or rest homes; outdoor school facilities routinely used for educational purposes which may be adversely impacted by noise. Outdoor areas usually not included in this definition are: front yard areas, driveways, greenbelts, maintenance areas, and storage areas associated with residential land uses; exterior areas at hospitals that are not used for patient activities; outdoor areas associated with places of worship and principally used for short-term social gatherings; and outdoor areas associated with school facilities that are not typically associated with educational uses prone to adverse noise impacts (for example, school play yard areas).

Outlot. Any parcel in a plat or certified survey map that is not designated as a lot. Outlots shall be used to designate areas to be dedicated to the public for a designated public use or uses on the face of the plat or land division, but shall not include land dedicated for public streets or alleys. Outlots shall include any land set aside for private roads, privately maintained right-of-way islands, areas for future development, and all other non-buildable parcels retained by the developer or lot owners. An outlot may not be used as a building site for private residential, manufacturing and commercial uses.

Parcel. Contiguous lands under the control of a subdivider(s), not separated by streets, highways or railroad rights-of-way. A parcel may include lots of record, unplatted land, vacated right of way, or any combination thereof.

Person. Any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

Planned Multi-Use Site. A specified area of land comprising one or more contiguous ownership parcels or building sites for multiple uses and which area is limited by a reciprocal land use agreement or plan of building placement, a reciprocal use off-street parking system, a cross access easement or a reciprocal use ingress and egress system for buildings, loading and parking.

Planned Development District. Zoning Districts provided for in the City of Madison Zoning Code which allow diversification and variation in the physical development of land in return for an improved environment.

Preliminary Plat. A map showing the salient features of a proposed subdivision or land division as described in subsection (5), submitted to the secretary of the Plan Commission for purposes of preliminary consideration prior to all final plats and, when required, prior to all land divisions.

Solar Collector. A device, structure or a part of a device or structure, a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.

Solar Energy. Direct radiant energy received from the sun.

Sound. An oscillation in pressure, partial displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound Level. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1,4-197, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound Level Meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

Specific Implementation Plan. One element of the documents required for review by the City when rezoning land to the Planned Development Districts as provided for in the City of Madison Zoning Code.

Street. A public way for pedestrian and vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

1. Arterial Streets And Highways. Those streets which provide rapid movement of concentrated volumes of traffic over relatively long distances. They provide principally for movement of persons and goods between activity areas.

    a. Principal Arterials. Those streets serving the major interstate corridors and corridors which connect major cities and regions. These routes provide the highest level of mobility and form a continuous system with constant operating conditions under a high degree of access control.

    b. Primary Arterials. Those streets serving long trips between important cities and the major, intracommunity corridors within the metropolitan area. These routes provide a high level of mobility and constant operating conditions with only occasional minor restrictions.

    c. Standard Arterials. Those streets which more commonly provide for intermediate length trips, thus serving through traffic movement in trade areas or feeding traffic to the principal and primary arterial streets from lower order activity areas not served by such routes.

    Under the Complete Green Streets Guide, Arterial Street types include the following:

    d. Urban Avenue. Major streets that serve as the backbones of the street network and convey large numbers of people via multiple modes. High numbers of transit boardings and amount of cross traffic. May be part of the National Highway System and/or serve as a Heavy Truck Route.

    e. Boulevard. A connecting major street conveying large numbers of people. Frequently part of the Transit Priority Network. May be part of the National Highway System and/or serve as a Heavy Traffic Route.

    f. Parkway. Connecting multi-modal corridors that convey large numbers of people, near open spaces or water with a focus on minimizing impacts to nearby greenspace or water. May be part of the National Highway System and/or serve as a Heavy Traffic Route and can also function as a Collector Street.

2. Collector Streets. Those streets which provide moderate speed movement of persons and goods within large areas. Collector Streets are generally local streets which, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets. The dual purpose streets of the collector family are also classified into two subclasses, namely connectors and distributors.

    a. Connector Streets. Those streets which perform a semi-arterial function as well as serving as distribution and land access streets.

    b. Distributor Streets. Those streets which perform the function of gathering and distributing traffic from and to the local streets and adjacent lands.

Under the Complete Green Streets Guide, Collector Street types include the following:

c. Parkway. Connecting multi-modal corridors that convey large numbers of people, near open spaces or water with a focus on minimizing impacts to the nearby environment. May be part of the National Highway System and/or serve as a Heavy Truck Route.

d. Mixed-Use Connector. Streets that provide access and convey moderate numbers of people via multiple travel modes. Often includes transit.

e. Community Main Street. Destination or shopping street with a strong sense of place. May also carry a high numbers of people by a variety of travel modes. Typically has larger volumes of pedestrians.

f. Community Connector. Streets that provide access and convey moderate numbers of people via multiple travel modes. Often includes transit.

g. Mixed Use Neighborhood Street. Streets that provide access and convey relative low numbers of people via multiple travel modes. Note that Mixed Use Neighborhood Streets can also fall under the classification of Local Streets

3. Local Streets. Those streets which are designed for low speeds and volumes and are to provide access from low-generation land activities to the collector and arterial systems.

Under the Complete Green Streets Guide, Local Street types include the following:

a. Mixed Use Neighborhood Street. Streets that provide access and convey low numbers of people via multiple travel modes.

b. Neighborhood Street. Wider neighborhood streets. Includes some higher-traffic streets and transit routes that should be designed to prioritize neighborhood quality of life. Allows two (2) drivers to pass each other without stopping. These wider streets may encourage speeding and may therefore require traffic calming measures.

c. Civic Space. Street with minimal delineation between sidewalk and roadway. Always or often closed to car traffic.

d. Neighborhood Yield Street. This is the standard street type to be applied on neighborhood streets in new developments. Many older neighborhood streets built before 1945 also fall within this street type. May allow parking on only one (1) side. Does not allow two (2) drivers to pass each other when parked vehicles are present, which provides a traffic-calming effect.

e. Neighborhood Shared Street. Tight neighborhood street where walking, biking, driving, parking, and playing take place in the same space. Often need additional design, such as decorative paving and more street furniture.

4. Alleys. Those public streets which are typically a secondary means of access for vehicular service to the back or side of properties otherwise abutting on a street or park.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility facilities and appurtenances attached thereto. A structure may include principal or accessory buildings as regulated by the Zoning Code and Building Code.

Subdivider. Person or persons requesting review or action on a subdivision or land division, including their agents.

Subdivision. The division of a lot or parcel of land for the purpose of transfer of ownership or building development, where:

1. The act of division creates five (5) or more parcels or building sites of forty (40) acres each or less in area; or

2. The act of division creates five (5) or more parcels or building sites of forty (40) acres each or less in area by successive divisions within a period of five (5) years.

The term "subdivision" shall include resubdivision and when appropriate to the context shall relate to the process of subdividing or to the land subdivided, regardless of change in ownership.

Transit Priority Networks. Metro Transit routes with high frequency service that serve as the key corridors in providing quality transit service throughout the city.

Urban Agriculture. The production of food for personal consumption, market sale, donation, or educational purposes within cities and suburbs.

(3) General Requirements and Criteria for Approval for Dividing of Land within the City Limits.

(a) In General.

1. No person, firm or corporation shall divide any land located within the corporate limits of the City of Madison or within the extraterritorial plat approval jurisdiction thereof which shall result in a subdivision or land division as defined herein without complying with the provisions of Wis. Stat. Ch. 236, and the requirements of this Ordinance. This Ordinance shall apply to Condominiums created under Wis. Stat. Ch. 703, the Condominium Ownership Act, where an actual subdivision or land division results.

2. The proposed subdivision or land division shall conform to:

a. The provisions of Wis. Stat. Ch. 236.

b. All applicable ordinances of the appropriate jurisdictions in effect when the preliminary plat is submitted, or if no preliminary plat is submitted, when the final plat or certified survey map is submitted, unless the applicant and the City agree that the applicable ordinances are those in effect at the time the plat or certified survey map is approved.

c. The comprehensive plan, any neighborhood, sub-area, or transportation-related plan, the Official Map, Complete Green Street Guide, or any portion thereof.

i. Whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in the Comprehensive Plan or any neighborhood or sub-area plan, the official map, or the Street Type Map in the current Complete Green Streets Guide or as published from time to time by the Madison Department of Transportation, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at a width indicated along with all other streets in the subdivision. When there is disagreement between an adopted plan or the Street Type Map regarding the specific requirements for a street or highway, the recommendations of the most recently adopted plan, guide, or map should ~~abide~~ apply. The location, configuration and width of a street, highway or greenway designated by the Comprehensive Plan or any neighborhood or sub-area plan or official map may be modified by a subdivision or land division, as approved by the City, under Chapter 236 of the Wisconsin Statutes and MGO Section 16.23, if the changes do not affect any land outside of the plat area.

ii. Where a proposed school site or other public ground shown on the Comprehensive Plan or any neighborhood or sub-area plan or Official Map of the City of Madison is located in whole or in part within the proposed subdivision, such proposed public ground or park may be dedicated to the public, or reserved for a period of five (5) years from the date of approval of the final plat for acquisition by the City of Madison, Dane County, the township in which it is located, or any other appropriate agency having the authority to purchase said property. The acceptance of lands for public parkland shall also be guided by the current Park and Open Space Plan adopted by the Board of Park Commissioners and Common Council.

iii. Park and open space land and development improvements shall be provided as required in MGO Sec. 16.23(6)(f).

iv. Upon approval of a preliminary plat, lands proposed for public use referred to under (i) through (iii) above shall not be changed either in land form or content without the written approval of the City Engineer for lands involved in (i) and (ii) and without the written approval of the Superintendent of Parks for lands involved in (iii). Continued harvesting of agricultural crops other than woodland products is permitted provided, however, that such cropping has occurred within the last five (5) years on the land under consideration.

v. No dedication under i., ii. and iii. above can be required in a total amount of more than thirty-three percent (33%) of

the area to be platted, except that this limitation shall not apply to greenways, detention basins, or other stormwater management facilities required to serve the proposed development, or to existing easements for road purposes.

d. The rules of the State of Wisconsin relating to lot size and lot elevation if the subdivision is not served by a public sewer and provisions for such service have not been made. Where soil survey information is available, such data shall also be considered in determining any areas not suitable for on-site soil absorption sewage disposal system due to inorganic soil, soil subject to flooding, ground water contamination or silting, soils with a high or fluctuating water table, proximity to bedrock, or excessive slopes.

e. The rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment on the streets if the subdivision or any lot contained therein abuts on a state trunk highway or street connecting thereto.

f. The requirements of City departments as determined during review of the subdivision.

3. No land shall be divided which is held by the Plan Commission 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 safety or welfare of future residents or landowners in the proposed subdivision or of the community. Land located in environmental corridors prescribed by the regional planning commission shall generally not be developed, and should be located in outlots reserved against intensive development, except that the restrictions on such land may be modified with the approval of the Plan Commission and consent of the regional plan commission.

The City Plan Commission in applying the provisions of this paragraph shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use, after affording the subdivider an opportunity to present evidence regarding such suitability at a public hearing.

4. For subdivisions or land divisions containing existing stands of mature, high-quality trees, the Plan Commission may require that the subdivision or land division be approved with conditions to limit impact on those stands of trees from the development, including the use of building setback lines, limitations on grading and utility installation, and the use of easements or restrictions limiting future owners from impacting the mature trees without the approval of the Plan Commission, its secretary, or their designee. A survey of the location and condition of the existing trees prepared by an arborist or other qualified professional may be required by the Plan Commission or its secretary in order to satisfy this requirement.

5. In the case of land divisions and subdivisions plats, lot sizes shall conform to the area and width requirements prescribed for the zoning district in which the property is located. Where not adequately regulated

by zoning, lots located in mixed-use, commercial, industrial, and employment districts shall contain lot widths and areas deemed by the Plan Commission to be appropriate for the prescribed use.

6. For land divisions and subdivision plats of landmark sites and properties in Local Historic Districts, no land shall be divided or combined without the approval of the Landmarks Commission under MGO Sec. 41.18(4).

7. The City subscribes to development occurring on public streets and served by public utilities and public parklands. However, in the case of land divisions and platted subdivisions that will create privately owned streets, utilities, parklands, greenways, or any other privately owned common facilities, agreements, bylaws, provisions or covenants that govern the organizational structure, use, maintenance and continued protection of those private facilities shall be submitted and approved by the Director of the Department of Planning and Community and Economic Development and the City Attorney prior to final approval of the subdivision or land division for recording. The intent of this provision is to ensure to the greatest extent possible that any such private facility serving a subdivision or land division can be maintained privately in perpetuity.

8. No land division or subdivision may be recorded within the City limits that includes agreements, bylaws, provisions, or covenants that prevent or unduly restrict the construction or operation of solar collectors.

9. Where a plat or certified survey map proposes to create lots developed with, or to be developed with buildings and structures that share a common wall or walls, the City may require a joint cross access and maintenance agreement to be recorded to govern the common access to and maintenance of the shared common features of such buildings and structures, including but not limited to driveways, utilities, walkways, roofs, and exterior walls.

10. The City of Madison subscribes to the policy that urbanizing land should desirably be located in a compact manner where arrangements for public transportation will minimize the impact of commuting automobile traffic on City residents and where the full range of urban services and facilities will be available. Within a recognized urban service area, those subdivisions or land divisions that could provide adequate public facilities and public services would be favored. Subdivisions and land divisions shall conform to the following policies:

    a. To encourage compact balanced growth..

    b. To encourage the development of balanced compact communities with appropriate commercial, public services, industrial, employment, residential and open space land uses meeting the needs of present and future residents.

    c. To direct new growth to those areas capable of providing a full range of urban services and facilities.

    d. To prevent scattered and noncontiguous development without discouraging new and desirable development.

e. To ~~insure~~ ensure that new development will not be detrimental to the physical, social and economic well-being of residents of the City or Dane County.

f. To ~~insure~~ ensure that new development will be organized and timed so as to permit urban services and facilities to be provided as economically and efficiently as possible.

g. To discourage new developments in those areas that are premature in terms of planning and timing for the provision of adequate public services and facilities.

h. To preserve high quality agricultural lands for that purpose when located in an area designated for preservation.

i. To prohibit development in areas or forms where substantial problems will result from excessive automobile traffic volume.

j. To favor land use intensities and patterns that are supportive of alternative modes of transportation.

11. A preliminary plat or final plat of any subdivision, or a land division shall not be approved unless the Plan Commission and the Common Council determine that adequate public facilities and public services are available to support and service the area of the proposed subdivision or land division, except as provided hereinafter in Subdivision (c) for certain land divisions and subdivisions located within the extraterritorial plat approval jurisdiction. In considering the questions of adequacy of public facilities and public services as set forth above, the Plan Commission and Common Council shall consider but not be limited to:

a. The nature, extent and size of the proposed subdivision and its impact in terms of the estimated increase in population expected to result;

b. The present or projected state of development likely to result when said subdivision is developed with projected densities as anticipated by adopted neighborhood or sub-area plans and currently approved subdivisions in the immediate vicinity of the proposed subdivision; and

c. The avoidance of expenditures of public funds necessitated by the proposed subdivision or land division which are not in adopted capital or operating budgets. For subdivisions or land divisions in the City of Madison, the applicant shall furnish data requested by the City Engineer, Water Utility Manager, Fire Chief, Police Chief, Director of Transportation, Traffic Engineer, and Director of Planning and Community and Economic Development, who will coordinate statements of adequacy for transportation, storm sewer, sanitary sewer, water service, fire and police protection, parks, open space, and recreation and school facilities for the Plan Commission and the Common Council. For subdivisions in the extraterritorial area, the applicant shall include with the application for subdivision approval, a statement evaluating and demonstrating compliance with the provisions of this section to be reviewed by City departments and forwarded with appropriate comments to the Plan Commission and Common Council. Public

facilities and public services may be determined adequate for a proposed subdivision or land division when the following conditions are found to exist:

d. The proposed subdivision and land division shall be deemed adequately accessible via roads, sidewalks, bikeways, and public transportation facilities if any of the following conditions are present:

   i. Existing roads are adequate to accommodate all modes of transportation that would be generated by the subject subdivision or land division in addition to existing traffic and are publicly maintained all weather roads; or

   ii. Such additional roads or road improvements necessary in combination with existing roads to accommodate the additional transportation needs that would be generated by the subject subdivision are budgeted in the current adopted budget for construction with public or private financing; or

   iii. Public bus or other form of mass transportation sufficient to serve the proposed development in combination with (i) or (ii) or both is available or programmed within the area of the subdivision under consideration.

   iv. In its determination of the adequacy of transportation to accommodate traffic of all modes, the Plan Commission and Common Council shall consider the recommendation of the City of Madison Department of Transportation or the Greater Madison Metropolitan Planning Organization guidance documents, the applicable levels of traffic service, peak hour use and average use, bicycle and pedestrian accommodations, as well as any other information presented.

e. The proposed subdivision or land division shall be determined to have adequate storm sewer when the City Engineer certifies to the Plan Commission and the Common Council that adequate funds, either public or private, are available to assure the installation of storm sewers meeting the standards of the Board of Public Works or, in the event of other units of government, standards that are comparable to those established by the Board of Public Works for a storm sewer and drainage facilities.

f. The proposed subdivision or land division shall be determined to have adequate sanitary sewerage facilities if located within the urban service area prescribed by the regional planning commission and in an area in which main line interceptor sewer service is presently available, under construction, or designated by the Common Council or other local unit of government 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. In its determination of the adequacy of sewerage service, the Plan Commission and Common Council shall consider the recommendation of the City Engineer, the

capacity of trunk lines and sewerage treatment facilities and any other information presented.

g. The proposed subdivision or land division shall be deemed to have adequate water service if the following conditions are met:

i. It is located within the urban service area prescribed by the regional planning commission, and

ii. It is contiguous to an arterial transmission water main of adequate capacity for the increased supply necessary or if the water distribution system that is needed is under construction or scheduled by the appropriate governing unit for installation within the current budget year and funds, either private or public, are available for such program.

In its determination of the adequacy of water service, the Plan Commission and Common Council shall consider the recommendation of the Madison Water Utility, the capacity of distribution lines, water sources, water storage facilities and any other information presented.

h. The proposed subdivision or land division shall be deemed to have adequate fire protection and police service when it can be demonstrated that police or fire services are so situated that adequate and timely service can be provided so as not to involve danger or injury to health, safety or general welfare to the future residents of the proposed development. In its determination of the adequacy of police and fire services, the Plan Commission and the Common Council shall consider the recommendations of the Madison Police and Fire Departments or other local departments providing such services in the area of the proposed development including the grading of the Fire Department serving the area based on the American Insurance Association standards. When approving a subdivision or land division, the Plan Commission and Common Council shall consider the recommendation of the Fire Department on the adequacy of any proposed streets to provide access for firefighting commensurate with the intensity of development proposed and in consideration of the Building Code, MGO Chapter 29, and the Fire Prevention Code, MGO Chapter 34.

i. The proposed subdivision or land division shall be deemed to have adequate parks, open space and recreation when it can be demonstrated that the future residents of the proposed development will have such park, open space and recreation services and facilities available to them as are established by the standards in the most recently adopted plan for Park and Open Spaces by the City of Madison or Dane County.

j. The proposed development shall be deemed to have adequate school facilities when the school district in which such proposed subdivision will be located upon its development, provides information that adequate classroom space is either available within the normal walk-in service area or that adequate

transportation as normally provided by the school district can be provided to elementary through high schools that have sufficient classroom space to provide for the anticipated school age children in the proposed subdivision.

Where the Plan Commission and Common Council determine that one or more public facilities or public services are not adequate for the full development proposed, but that a portion of the area could be served adequately, or careful phasing of the development could result in all public facilities or public services being adequate, conditional approval may include only such portions, may specify phasing of the development, or may require a development or annexation agreement to ~~insure~~ ensure future provision of required public facilities and services.

(b) Land Divisions. No person, firm or corporation shall divide any land located within the corporate limits of the City of Madison or within the extraterritorial plat approval jurisdiction thereof which shall result in a land division as defined herein without filing for approval by the secretary of the Plan Commission and recording a certified survey map meeting all of the applicable requirements of Sec. 16.23 of the Madison General Ordinances and Wis. Stat. § 236.34, and Wis. Admin. Code Ch. Trans 405. Successive land divisions from a lot or parcel may be approved provided all divisions 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 unless waived by the secretary of the Plan Commission. This Ordinance shall apply to Condominiums created under Wis Stats. ch. 703, the Condominium Ownership Act, where an actual land division results. The requirements and criteria for approval in subd. (a) shall be applied to any land division required by this section to the extent allowed by law.

(c) Land Divisions or Subdivisions in Extraterritorial Plat Approval Jurisdiction. The Plan Commission may recommend or approve the subdividing of lands in the extraterritorial plat approval jurisdiction based on the applicable criteria enumerated hereinafter. The Plan Commission shall not consider any subdivision or land division which did not have prior approval by the approving authorities for both the Town(s) and Dane County. The Plan Commission may require any conditions in the approval of a subdivision or land division, including the use of any restrictive covenant.

The Plan Commission may recommend approval of a subdivision to the Common Council or may grant approval of a land division provided that the Plan Commission shall determine that the proposed subdivision or land division complies with each of the following criteria:

1. The proposed subdivision or land division shall be compatible with adjacent development patterns and shall maintain the general land development pattern of the area in question.

Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.

2. The proposed subdivision or land division and the 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 services facilities required to serve the development.

(d) Highway Noise Land Use Provisions.

1. General Provisions.

a. No owner of any unplatted lands which is adjacent to any existing state or federal expressway or freeway shall be granted final plat approval or shall commence or cause to be commenced construction of any structure, unless approved by the Director of the Department of Planning and Community and Economic Development or their designee.

b. Prior to approval of any preliminary plat, final plat or commencement of construction of any structure, every application for approval shall be submitted in writing to the Department of Planning and Community and Economic Development by the owner of the land on which the structure is proposed to be constructed and shall contain the following information:

i. Identification of the land on which the construction is proposed;

ii. The section under which approval is requested;

iii. Information and data supporting the claim that the appropriate requirements shall be met including specific enumerations that the Wisconsin Department of Transportation's Administrative Code TRANS 405 and the Federal Highway Administration's Procedures for Abatement of Highway Traffic Noise and Construction Noise, Title 23, CFR, Chapter I, Subchapter J, Part 772, provisions shall be met and any other information which the Department of Planning and Community and Economic Development may require.

iv. Approval certificate from the Department of Transportation certifying that hourly traffic sound levels Leq(h) as hereinafter indicated, are within permissible levels or that appropriate sound attenuation measures are incorporated into the design and construction of any structures to satisfy the highway noise provisions within this Ordinance.

c. In addition to the requirements contained in subparagraph b. above, the application shall also contain the following information as well as any other information requested by the Director of Transportation bearing on the approval:

i. The existing maximum hourly traffic sound level, Leq(h), for a representative sample of locations, measured and modeled consistent with the methodology in the Federal Highway Administration Highway Traffic Noise Model;

ii. The projected future Leq(h) at the site resulting from future traffic increases; and

iii. Where applicable, plans for sound attenuation measures on the site and/or of the structure proposed to be built and the amount of sound attenuation anticipated as a result of these measures.

2. Construction Restrictions for Habitable and Institutional Structures.

a. No new single family residential structure shall be approved for construction if any exterior hourly traffic sound level Leq(h) anywhere within a proposed outdoor living area is projected to be equal to or in excess of sixty seven (67) dBA upon completion of the structure or anytime thereafter.

b. No new multi-family dwelling, dormitory, mobile home park, transient lodging, church, library, school, hospital, nursing home or similar structure, or substantial modification of such existing structure, shall be approved for construction if any exterior hourly traffic sound level, Leq(h), anywhere within a proposed outdoor living area on the site is projected to be equal to or in excess of sixty seven (67) dBA upon completion of the structure or modification or anytime thereafter.

c. Construction otherwise prohibited shall be allowed if there are no outdoor use areas on the site of the proposed structure projected to be exposed to an hourly traffic sound level, Leq(h), equal to or in excess of sixty seven (67) dBA and provided that there is incorporated into the design and construction of the structure such sound attenuation measures as are necessary to reduce the maximum interior hourly traffic induced sound level, Leq(h), in a habitable room to fifty two (52) dBA upon completion of the structure or modification, or anytime thereafter.

d. Prior to issuance of any building permit for any structure regulated pursuant to Subparagraph c. above, the owner of the structure shall submit to the Department of Transportation, plans and specifications identifying the sound attenuation measures to be incorporated into the design and construction of the structure to meet the interior Leq(h) criteria.

e. The Department of Transportation may conduct such inspections and measurements as are necessary to ensure the proper implementation of the sound attenuation measures proposed pursuant to Subparagraph d. above and to ascertain compliance with this provision.

3. Recreational Area Restrictions.

a. No land shall be designated or approved for construction or used as a public or private exterior recreational area, including, but not limited to, children's playgrounds, outdoor theaters and amphitheaters, picnic grounds, tennis courts and swimming pools, if any exterior hourly traffic sound level, Leq(h), anywhere on the site of the proposed recreational areas is projected to be equal to or in excess of sixty seven (67) dBA upon completion of the construction or designation of the site or anytime thereafter, except for the following:

i. This section shall not apply to the designation or approval of any green belt or open space in any area in which the noise level exceeds the level specified in Subparagraph a. above regardless of whether such green belt or open space is open to public use, provided that no recreational improvement or facility is constructed thereon.

ii. Designation or approval of exterior recreational area otherwise prohibited under Subparagraph a. above shall be allowed if the noise level specified in that subparagraph can be achieved by appropriate means of sound attenuation, such as berms, barriers, or buildings, at the perimeter of or elsewhere on the site.

b. No new interior recreational facility, including, but not limited to, gymnasiums, ice or roller skating rinks, indoor swimming pools, and tennis courts, shall be approved for construction if the hourly traffic sound level, Leq(h), anywhere on the site is projected to be equal to or in excess of sixty seven (67) dBA upon completion of the structure or anytime thereafter, unless there is incorporated into the design and construction of the structure such sound attenuation measures as are necessary to reduce the maximum hourly traffic induced sound level, Leq(h), to fifty two (52) dBA.

(e) Exceptions. The provisions of this Ordinance insofar as it may apply to divisions of less than five (5) parcels, shall not apply to:

1. Transfers of interests in land by will or pursuant to court order.

2. Leases for a term not to exceed ten (10) years, mortgages or easements.

3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Ordinance, the Zoning Code, or other applicable laws or ordinances.

4. Leases or transfers of lands within an approved Planned Multi-Use Site.

5. Qualifying land divisions set forth in cooperative plans and intergovernmental agreements.

6. Certified Survey Maps in the extraterritorial plat approval jurisdiction whereby existing parcels will be combined into one lot or outlot and no land division is proposed.

7. Where Certified Survey Maps are prepared for exempted land divisions as enumerated in paragraphs 1-6 above, the Secretary of the Plan Commission or their designee, upon review, shall have the authority to sign an appropriate notation thereon that the certified survey map is exempted from Plan Commission review pursuant to the applicable provision.

(f) Appeals to Circuit Court. Any person aggrieved by an objection to a plat or land division, condition of plat or land division approval or failure to approve a plat or land division may appeal from such action on a plat by the Common Council or from such action on a land division by the Plan Commission acting under Sec. 16.23(3)(c) of the Madison General Ordinances, as provided in Wis. Stat. §§ 62.23(7)(e)10 to 15, and authorized by Wis. Stat. § 236.13(5), within thirty (30)

days of notification of such final action by letter from the Secretary of the Plan Commission.

(4) Detailed Procedures For Dividing Land Within The City Limits and Extraterritorial Area.

(a) Pre-application Procedure. Prior to the filing of an application for approval of a preliminary plat or certified survey map, the subdivider may consult the Plan Commission and its staff for advice and assistance. This step does not require formal application, or filing of a plat, but is intended to inform the subdivider of the objectives of these regulations and of the comprehensive plan, neighborhood development plan or sub-area plan and official map, to otherwise assist the subdivider in planning their development; and in so doing to informally reach mutual conclusions regarding the general program and objectives of the development.

(b) Preliminary plat approval shall precede final plat approval unless the Director of the Department of Planning and Community and Economic Development has approved submission of the preliminary plat and final plat at the same time. If the preliminary plat will be submitted and approved prior to submission and approval of the final plat, the applicant shall comply with the procedures in (c) and (d) below. If the preliminary plat and final plat will be submitted together for joint approval, the applicant shall follow the procedure in (e) below.

(c) Preliminary Plat Procedure.

1. Before submitting a final plat for approval, the subdivider shall cause to be prepared a preliminary plat. The subdivider shall file for approval with the Secretary of the Plan Commission an electronic copy of the preliminary plat in a format that is capable of clearly legible reproduction using written application forms furnished by the Plan Commission. The preliminary plat shall be scheduled for review using the schedule published annually by the Plan Commission. The applicant shall submit an electronic report of title satisfying the Office of Real Estate Services of the Department of Planning and Community and Economic Development requirements, including copies of all documents identified within the report of title. If the area submitted for development is adjacent to an expressway or freeway as defined in Wis. Admin. Code Ch. Trans 405, the subdivider shall supply to the Department of Planning and Community and Economic Development and the Madison Department of Transportation, a noise site study report satisfying Wis. Admin. Code ch. Trans 405 and MGO Sec. 16.23(3)(d). If required by the City Traffic Engineer, the subdivider shall provide a report outlining the anticipated ~~automobile~~ motor vehicle traffic to be generated by the subdivision. An application for preliminary plat approval in the City's extraterritorial plat approval jurisdiction shall only be scheduled for consideration after the Secretary receives a written copy of both the Town(s)' and County's actions on the proposed subdivision.

The preliminary plat shall cover the entire area owned or controlled by the subdivider even though only a small 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 the ordinance and undue hardship would result from strict application thereof. A phasing plan shall be included with the preliminary plat whenever the proposed subdivision will be developed in more than one phase.

2. The preliminary plat shall be reviewed by the Department of Planning and Community and Economic Development for conformity with the comprehensive plan and any adopted neighborhood, sub-area and transportation plans, the Official Map, all ordinances, administrative rules and regulations, including title of ownership, encumbrances, easements, rights-of-way, leases, delinquent real estate taxes, special assessments, the necessary certificates, all other appropriate items, and plans which affect subdivisions; and it shall transmit a copy of the preliminary plat to appropriate City agencies, as determined by the Director of Planning and Community and Economic Development, for review and comment concerning matters within their jurisdiction. The Department of Planning and Community and Economic Development shall submit the comments and proposed conditions of approval to the Plan Commission.

3. The Plan Commission shall submit the preliminary plat together with the recommendations of the Commission to the Mayor and Common Council. The Common Council shall, within ninety (90) days of filing of the preliminary plat for necessary action, unless the time is extended by written agreement with the subdivider, take action to approve, approve conditionally, or reject the preliminary plat and shall state in writing or by resolution any conditions of approval or reasons for rejection. Failure of the Common Council to act within the ninety (90) days, or extension thereof, constitutes an approval of the preliminary plat.

4. Approval or conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather it 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 Plan Commission.

5. Notice Required. Before taking action, the Plan Commission shall hold a public hearing on the proposed preliminary plat, including any preliminary plat of a replat of a recorded subdivision or subdivisions, or any part of a recorded subdivision or subdivisions. The Secretary shall mail notices of the proposed preliminary plat at least ten (10) days prior to the time of such hearing to the owners of all properties situated within the limits of the exterior boundaries of the proposed plat, and to the owners of all properties within a radius of two hundred (200) feet of the exterior boundaries of the proposed plat. Notice of the preliminary plat may be combined with any notice required for a zoning map amendment or other land use request requiring notice prior to Plan Commission action pursuant to MGO Chapter 28.

6. For preliminary plats in the City's extraterritorial jurisdiction, copies of the approved street plans and profiles signed by the Town Chair and the subdivider shall be filed with and approved by the City Engineer. The subdivider may proceed with the installation of such approved improvements and under such regulations as the Town Board and the Metropolitan Sewerage Commission may require. Whenever connection with the water system of the City of Madison is desired, permission for such connection shall be obtained from the Common Council.

(d) Final Plat Procedure.

1. Within thirty-six (36) months of the Common Council approval of the preliminary plat, the subdivider shall file for approval with the secretary of the Plan Commission an electronic copy of the final plat in a format that is capable of clearly legible reproduction using written application forms furnished by the Plan Commission. The applicant shall submit an electronic report of title satisfying the Office of Real Estate Services of the Department of Planning and Community and Economic Development requirements, including copies of all documents identified within the report of title. If approval of the preliminary plat must be obtained from another approving authority subsequent to the preliminary plat approval by the Common Council, including for a preliminary plat in the City's extraterritorial plat approval jurisdiction, the final plat shall be submitted within thirty-six (36) months of such approval. The Plan Commission may, however, extend the thirty-six (36) month time limit in any case. The final plat shall be scheduled for review using the schedule published annually by the Plan Commission.

2. A professional engineer, planner, or another person charged with the responsibility to review plats shall provide the Plan Commission with a recommendation on approval of the final plat based on a determination whether the final plat conforms substantially to the approved preliminary plat. Such determination and recommendation shall be part of the record and shall be submitted in writing.

3. The Plan Commission shall examine the final plat as to its conformance with the preliminary plat, the requirements set forth in this Ordinance, and with any other ordinances, administrative rules and regulations, and plans which may affect it; and shall recommend approval, conditional approval or rejection of the plat. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time. In the event that the final plat constitutes only a portion of the approved preliminary plat, the interim report of title need only include those lands included in the final plat. The interim report of title shall be reviewed by the Office of Real Estate Services of the Department of Planning and Community and Economic Development.

4. The Plan Commission shall transmit the plat, together with the recommendations of the commission to the Mayor and Common Council for necessary action. The Council shall approve or reject the final plat within sixty (60) days of its submission, unless the time is extended by written agreement with the subdivider. Reasons for rejection shall be forwarded to the subdivider in writing. If the Common Council fails to act within sixty (60) days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the City Clerk.

5. After the final plat has been approved by the Common Council, the subdivider shall submit the final plat and an interim report of title and copies of supporting documents satisfying the Office of Real Estate Services of the Department of Planning and Community and Economic Development requirements, to the Director of the Planning Division or their designee, who shall coordinate with any reviewing agency that submitted comments or conditions on the subdivision to ensure that all

such comments and conditions have been satisfied, including the approval of plans and the execution of a contract and submittal of bond insuring the installation of improvements for the plat in accordance with Subsection (7) hereof. If the final plat complies with the conditions of approval and is submitted within the required time of the date of approval by the Common Council pursuant to Wis. Stat. § 236.25(2)(b), the secretary of the Plan Commission or their designee shall sign the final plat affirming its approval and communicate to the City Clerk and City Treasurer that they may affix their approvals to the final plat so that it may be recorded with the Register of Deeds If the plat is not recorded in accordance with the time requirements of said statute, re-approval by the Common Council shall be required before the final plat is recorded and an additional interim report of title may be required at the time the final plat is resubmitted for approvals.

(e) Combined Preliminary Plat and Final Plat Procedure. The procedures and required documentary submissions shall be the same as set forth in (c) and (d) above with the exception of the following.

1. All materials required for the preliminary plat and the final plat shall be submitted at the same time using the schedule for review of preliminary plats published annually by the Plan Commission..

2. The Plan Commission shall submit both the preliminary plat and the final plat together with the recommendation of the Commission to the Mayor and Common Council The Common Council shall, within ninety (90) days of the filing of both plats for necessary action, unless the time is extended by written agreement with the subdivider, take action to approve, approve conditionally, or reject the preliminary plat and the final plat and shall state in writing any conditions of approval or reasons for rejection. Failure of the Common Council to act within the ninety (90) days, or extension thereof, constitutes an approval of any plat for which no action was taken.

(f) Land Division (Certified Survey) Procedure.

1. Within the corporate limits of the City of Madison, or within the extraterritorial plat approval jurisdiction thereof, a certified survey map approved by the Secretary of the City Plan Commission or their designee and meeting all of the requirements of Wis. Stat. Ch. 236.34, may be utilized in lieu of a final plat for creating a land division. Under this section, a certified survey map may be used for the express purposes of combining land into one lot for building development.

2. Unless waived by the Secretary of the Plan Commission or their designee, an acceptable preliminary plat shall be filed by the subdivider prior to or with the certified survey map. In making a determination as to whether the preliminary plat requirement may be waived, the Secretary of the Plan Commission or their designee shall consider the recommendations of other reviewing departments and may require sketches and/or other information to be supplied by the subdivider to be circulated to City departments for determination of whether the objectives of the subdivision regulations can be achieved without the preliminary plat. The preliminary plat must be submitted on all lands under the control of the applicant and (or) lands in which the applicant has an ownership interest. The land will be determined by quarter-quarter section lines. The

preliminary plat shall be reviewed as required in Subsection (5)(c) of this Ordinance. When the preliminary plat is waived, the certified survey map shall show the entire ownership with a survey for the parcel or parcels being separated and a scaled drawing from recorded information for the parcel remaining.

3. All unpaid and delinquent real estate taxes shall be paid prior to recording the certified survey map. For property within the City limits, all unpaid special assessments shall be paid unless determined otherwise by the Board of Public Works.

4. The applicant for a land division shall file for approval with the Secretary of the Plan Commission an electronic copy of the certified survey map in a format that is capable of clearly legible reproduction using written application forms furnished by the Plan Commission. The applicant shall submit an electronic report of title satisfying the Office of Real Estate Services of the Department of Planning and Community and Economic Development requirements, including copies of all documents identified within the report of title. The certified survey map shall be scheduled for review using the schedule published annually by the Plan Commission. An application for a proposed land division in the City's extraterritorial plat approval jurisdiction shall only be scheduled for consideration after the Secretary receives a written copy of both the Town(s)' and County's actions on the proposed land division.

5. The certified survey map shall be reviewed by the Department of Planning and Community and Economic Development, and other City agencies as determined by the Director of Planning and Community and Economic Development for comment concerning matters within their jurisdiction, for conformity with the comprehensive plan and any adopted neighborhood, sub-area and transportation plans, all ordinances, administrative rules and regulations. The Office of Real Estate Services shall review the map, necessary public records and report of title for ownership, mortgages, liens, judgments, and other encumbrances, easements, rights-of-way, leases, verification of all real estate taxes and special assessment payments, due diligence regarding matters of environmental hazard and all other appropriate items and shall provide recommendations on the certificate page or pages and the necessary signatures.

6. Following review under this subsection, the Secretary of the Plan Commission or their designee may administratively approve or approve conditionally the certified survey map, or refer it to the Plan Commission for its consideration per 7. below. The subdivider shall be notified in writing of any conditions of approval or the reasons for referral to the Plan Commission. A resolution approving the survey and accepting the dedications contained therein shall be presented to the Common Council for approval. However, certified survey maps of two-family twin dwellings and land divisions in the extraterritorial plat approval jurisdiction shall not require Common Council approval The Plan Commission or its Secretary and the Common Council shall act on the land division within ninety (90) days of the filing of a complete application, unless the time is extended by written agreement with the applicant.

7. Plan Commission Review. When the Secretary of the Plan Commission determines that a proposed land division does not meet the standards for administrative approval, the land division is located within the City's extraterritorial plat approval jurisdiction, an applicant appeals a condition of approval, or an applicant appeals the requirement for a preliminary plat, the certified survey map shall be referred to the Plan Commission for further consideration. When an appeal or a proposed land division application is rejected, the Plan Commission shall furnish the reasons therefor to the applicant in writing.

8. The approved certified survey map and an interim report of title and copies of supporting documents satisfying the Office of Real Estate Services of the Department of Planning and Community and Economic Development requirements, shall be presented to the Director of the Planning Division or their designee, who shall coordinate with any reviewing agency that submitted comments or conditions on the land division to ensure that all such comments and conditions have been satisfied, including the approval of plans and the execution of a contract and submittal of bond insuring the installation of improvements for the plat in accordance with Subsection (7) hereof. Once all reviewing agencies have determined that the conditions of approval of the land division have been met, all taxes and special assessments have been paid as required in this Ordinance, the final survey is determined to be acceptable, and the certified survey map has been executed by the land owner(s), surveyor and all parties having an interest in the property, the applicant shall receive the signatures of the Secretary of the Plan Commission or their designee. If there are any dedications to the City, the City Clerk or their designee shall sign the survey. Once all the City's signatures have been affixed, the certified survey map shall be recorded with Dane County by the subdivider or their designee.

(g) Fee and Dedication Schedule. So that each proposal shall pay its fair share of costs for public facilities and services and for review under this section, the following schedule of fees and/or dedications shall be applied to each subdivision and land division within the City. Review fees for subdivisions and land divisions shall also apply to land within the extraterritorial plat approval jurisdiction of the City.

1. Park and Open Space Dedication and Fees. There shall be a dedication of land and/or a payment of the Park-Land Impact Fee for each single-family, two-family, and multiple family dwelling unit. The Park and Plan Commissions shall recommend and the Common Council shall determine the land dedication and impact fee payment as well as the location of any land dedication and the acceptance of impact fees in lieu of dedication in accordance with the procedures in MGO Secs. 16.23(8)(f) and 20.08(2).

2. Water Service. The Madison Water Utility, in accordance with its Rules and Regulations approved by the Common Council on file with the Public Service Commission, shall annually establish a uniform schedule for the fees, or charges, for installation of a water service that is based on the size appropriate for each proposed dwelling and subject to filing the prescribed application, payment of fees and charges that have been established and currently in effect.

3. Any new preliminary or final plat submitted for Plan Commission and Common Council review hereunder shall be accompanied by a fee of two hundred fifty dollars ($250), plus fifty dollars ($50) per lot or outlot contained therein to contribute to the costs of such review.

4. Any replat of an existing plat submitted for Plan Commission and Common Council review hereunder shall be accompanied by a fee of five-hundred dollars ($500), plus fifty dollars ($50) per lot or outlot contained in the proposed replat, to contribute to the costs of such review, including the cost of providing notice as required herein.

5. Any certified survey map submitted for approval by the secretary of the Plan Commission hereunder shall be accompanied by a fee of two hundred fifty dollars ($250) plus two hundred dollars ($200) per lot or outlot contained therein to contribute to the costs of such review.

(5) Submittal Requirements for Plats and Land Divisions (Certified Survey Maps).

(a) Preliminary Plat. The preliminary plat shall be prepared by a professional land surveyor at a scale of not more than one hundred (100) feet to one (1) inch and shall show correctly on its face:

1. Date, scale and north point.

2. The title under which the proposed subdivision is to be recorded.

3. The name and address of the owner, subdivider, surveyor, engineer and professional land planner involved in the plat preparation shall appear on the plat.

4. Location of the proposed subdivision by government lot, quarter section, township, range and county and a location map showing the relationship between the plat and its surrounding area.

5. A scaled drawing from recorded information on the exterior boundaries of the proposed subdivision and a scaled reference to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby. The exact length and bearings shall be required and the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and total acreage encompassed.

6. Location and names of adjacent subdivisions, parks and cemeteries.

7. Location, right-of-way width and names of any adjacent existing streets, alleys or other public ways, easements and railroad and utility rights-of-way.

8. Type, width and elevation of any adjacent existing street pavements together with any legally established center line elevations for streets located outside the City limits.

9. Location, size and invert elevation, referenced to a vertical datum and adjustment as required by the City Engineer, of any existing sanitary or storm sewers, culverts or drain pipes and the location and size of any existing water and gas mains on and adjacent to the preliminary plat and proposed to be used in the development. If sewers and water mains are not on or adjacent to the preliminary plat the direction and distance to and size of the nearest ones, showing invert elevations of sewers shall be indicated.

10. Location of existing property lines, buildings, drives, streams and water courses, marshes or wetlands, rock outcrops, wooded areas, railroad tracks, all existing improvements with their dimensions, and other similar significant features within the plat or immediately adjacent thereto.

11. Water elevations of adjoining lakes or streams at the date of survey and approximate high and low water elevations, all referenced to a vertical datum and adjustment as required by the City Engineer.

12. Contours at vertical intervals of not more than two (2) feet where average slope is less than five percent (5%) or five (5) feet where slope is five percent (5%) or greater. Elevations shall be marked on such contours referenced to a vertical datum and adjustment as required by the City Engineer.

13. When requested by the Plan Commission location and results of tests made to ascertain subsurface soil, rock and water conditions including depth not available for immediate service, the provisions of Wis. Admin. Code ch. SPS 385 shall be complied with and the appropriate data submitted with the preliminary plat.

14. Location, width and names of all proposed streets and public rights-of-way such as alleys and easements. If the subdivider chooses, they may label the streets with a letter of the alphabet for preliminary plat consideration. All street names shall be approved by the City Engineer prior to final plat recording

15. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, greenways or parkways, drainageways or other public use.

16. Approximate dimensions of all lots together with proposed lot and block numbers.

17. Radii of curves at all street intersections. Approximate radii of all other curves.

18. Plans and profiles for streets, walkways, greenways and public easements, showing existing ground surface and proposed grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested may be required to be submitted to the Department of Planning and Community and Economic Development at the time of preliminary plat submission when unusual topographic or other unusual conditions exist. Otherwise the plans and profiles shall be submitted with the final plat. All elevations shall be based on datum and adjustment as required by the City. The type and form of the plan and profile sheets shall meet the approval of the City Engineering Division.

19. When and to the extent requested by the City Engineer because of drainage, ground or tree cover or ground water concerns, a lot grading plan for the preliminary plat showing proposed contours at vertical intervals of not more than two (2) feet. Elevation shall be marked on such contours referenced to a vertical datum and adjustment as required by the City Engineer.

20. Private easements, or alternatively private outlots, for Cluster Box Units as required under Subsection (6)(g) below.

(b) Final Plat. The final plat of the subdivision shall comply with the requirements of Wis. Stat. Ch. 236, which is hereby adopted by reference. The plat shall be accompanied by a written application for approval on forms furnished by the Plan Commission.

1. Where the plat is located within or adjacent to a section or quarter section the corners of which have been relocated and monumented by the City of Madison, the plat shall be tied directly to one of such corners. The exact length and bearing of such tie shall be determined by field measurement, the material on the corner identified, and the WISCRS – Dane NAD 83 datum (adjustment as required by the City Engineer or future published projection and adjustment required by the City Engineer) coordinates of the monument marking the relocated section or quarter section corner to which the plat is tied shall be indicated on the plat. The note on the plat shall also define which section or quarter section line is used for referencing the bearings on the plat.

2. The plat shall also be accompanied by plans and profiles in accordance with Paragraph (7)(a)19. of this Section if they have not been previously submitted.

3. The plat shall include on its face a tabulation of the lot area to the nearest square foot for each lot and outlot included in the final plat.

4. The plat shall include private easements, or alternatively private outlots, for Cluster Box Units as required under Subsection (6)(g) below.

5. The certificate of approval by the Secretary of the Plan Commission shall be produced legibly on the face of the plat with nonfading ink.

(c) Land Divisions (Certified Surveys).

1. The land division shall comply with the provisions of this Ordinance relating to general requirements, design standards, the preliminary plat data requirements of subsection (5)(a), and required improvements for subdivisions under this Ordinance. The certified survey map shall meet the requirements of Wis. Stat. § 236.34.

   a. For undeveloped lands subject to a condominium or expansion lands as defined by a condominium that result in a undeveloped parcel remnant, a lot or lots may be created by certified survey map from said undeveloped lands provided that no part of a lot or lots to be created shall be part of a condominium or be lands removed from the condominium by recorded instrument and shall be capable of being served by City water and sewer. Service from a private water or sewer system shall not be permitted. The lot or lots created may share cross access, parking, and stormwater management facilities if such sharing was required by any zoning approval for the property and if adequate easements and/or agreements are provided, subject to the approval of the City Engineer, City Traffic Engineer, and Planning Director.

2. The certified survey map shall be performed and the map prepared by a professional land surveyor, and the map shall comply with the requirements of Wis. Stat. § 236.34, which is hereby adopted by reference. In addition, the map shall show all existing buildings, structures, watercourses, drainage ditches and other topographical

features pertinent to proper division. Any building or structure and its location on the lot shall be dimensioned to the nearest one-tenth (0.1) foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.

3. The certificate of approval by the Secretary of the Plan Commission shall be produced legibly on the face of the map with nonfading ink.

4. Any restriction placed on the face of the map, whether covenant, easement, or any other restriction, which is required by the provisions of this Ordinance and which names a public body or public utility as grantee, promissee or beneficiary, is hereby deemed accepted and vests in the public body or public utility the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction. The restriction may be released or waived in writing by the public body or public utility having the right of enforcement.

5. The certified survey map shall have bearings and coordinates referenced to WISCRS – Dane County NAD 83 datum (adjustment or future published projection and adjustment, as required by the City Engineer). Any elevations shown or noted on the certified survey map shall be referenced to NAVD 88 (adjustment as required by the City Engineer).

(6) Design Standards.

(a) General.

1. In any new subdivision, or where a land division is being used in lieu of a subdivision, the street layout shall conform to the arrangement, width and location indicated on the comprehensive plan, any neighborhood, sub-area, or transportation-related plan, and the official map. Streets shall be designed 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 or land division shall be such as to provide each lot by means of a public street satisfactory access to any existing public street. The subdivision or land division shall further maximize the use of street orientations which provide solar access to lots and contemplated buildings.

   a. Cul-de-sacs shall not be used in any street layout, unless the topography or other unique physical feature of a development makes cul-de-sacs the only, or most logical, street layout. Where cul-de-sacs are determined to be necessary, a public sidewalk, connecting path or multi-use path shall be provided to connect to another public right-of-way unless topography or other unique physical features make this connection impossible.

2. Complete Green Streets. The most current Complete Green Streets Guide shall be used to develop street type, width, and allocation of space between transportation modes. The tables Guide shall be used to develop typical sections, travel way width, and total right of way width. For any subdivision or land division that proposes to deviate from the design standards in the guide, the Plan Commission shall consider the

recommendation of the Transportation Commission before taking action on such subdivision or land division.

3. Arrangement.

   a. Arterial streets and highways shall be properly integrated with the existing and proposed system of arterial streets and highways and insofar as practicable shall be continuous and in alignment with existing, planned and platted streets with which they are to connect.

   b. Collector streets shall be designed to facilitate a healthy tree canopy, and shall be properly related to the mass transportation system, to special traffic generators such as schools, places of worship, parks, and shopping centers, to concentrations of population and to major streets into which they feed.

   c. Local streets shall be designed to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems; to facilitate a healthy tree canopy; to avoid adverse effects on lakes and waterways; and to require the minimum street area necessary to provide safe and convenient access to abutting property.

   d. Proposed streets shall extend to the boundary lines of the subdivision unless prevented by topography or other physical conditions; or unless in the opinion of the Plan Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision and for the advantageous development of the adjacent lands. Temporary turnarounds adjacent to the boundary of the subdivision being subdivided may be required at street ends.

   e. Street patterns and lot lines generally determine building orientation. To facilitate solar access, streets shall be oriented in an east-west direction to the maximum extent possible or to within twenty (20) degrees of such orientation. This requirement shall not apply to portions of the subdivision where the applicant demonstrates that:

      i. There are other means of assuring solar access to lots in question, including but not limited to cluster development on large parcels or through the use of building setback or solar access easements.

      ii. Topographic conditions on or surrounding the land being subdivided make such orientation unreasonable.

      iii. The shape and size of the property being subdivided make such orientation unreasonable.

      iv. Adopted storm water management plans or policies indicate a different street orientation.

      v. Existing or approved future development contiguous to the subject property precludes adequate solar access to the portion in question.

vi. Existing street patterns contiguous to the subject property make such orientation unreasonable.

vii. Specific adverse environmental impacts would occur on the site if such orientation were achieved.

viii. Desirable street circulation patterns require some streets to be in a more north-south direction.

ix. The final platting of only a portion of an approved preliminary plat precludes changes in remaining portions of the preliminary plat which are necessary to provide adequate solar access to the portion in question.

4. Treatment Of Railroad Rights-Of-Way, Limited Access Arterial Streets, and Highways. Wherever the proposed subdivision or land division contains or is adjacent to a railroad right-of-way, limited access arterial street, or highway, the subdivision or land division shall provide the following treatment:

a. In residential districts, a buffer strip at least thirty (30) feet in depth in addition to the normal lot depth required shall be provided for reversed frontage lots adjacent to a railroad right-of-way or a state or U.S. highway. The subdivider shall install in the buffer strip screening and landscaping, and when applicable, noise abatement facilities per the Wisconsin Administrative Code, Wisconsin Department of Transportation, Chapter Trans 405, "Siting Noise Barriers". For the above lots, the strip shall be a part of the lots and shall have the following restriction lettered on the face of the plat:

"This strip reserved for noise abatement facilities. The building of buildings hereon is prohibited and any bermed area shall not be counted as any required yard. Maintenance of this strip and any facilities thereon is the responsibility of the owner."

For all other lots adjacent to a state or U.S. highway or railroad right-of-way, or where a subdivision or land division will back onto an arterial street with reversed frontage, a buffer strip at least thirty (30) feet in depth in addition to the normal lot depth required shall be a part of the lots and shall have the following restriction lettered on the face of the plat:

"This strip reserved for the planting of trees or shrubs by the owner; the building of buildings hereon is prohibited, and the rear 30 feet of the strip shall not be counted as any required yard. Maintenance of this strip is the responsibility of the lot owner."

The restriction included on the final plat or certified survey map shall identify the governmental unit responsible for enforcement. In lieu of including this buffer strip being located on lots created by a subdivision or land division, the buffer strip may be located in an outlot to be maintained by a private association.

b. In areas planned for predominantly commercial and industrial uses, provision shall be made on each side of the railroad right-of-

way, highway, or limited access arterial street for streets approximately parallel to and at a distance from such right-of-way or highway suitable for the appropriate use of the land between such streets and right-of-way, but not less than one hundred fifty (150) feet distant from said right-of-way. The Secretary of the Plan Commission or their designee shall evaluate and determine the need for these provisions.

c. Streets parallel to a railroad right-of-way or arterial street or highway shall, when intersecting an arterial street, highway or a collector street, be located at a minimum distance of two hundred fifty (250) feet from said right-of-way, arterial street or highway. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

d. Location of local streets immediately adjacent and parallel to railroad rights-of-way shall be avoided.

~~5.~~ ~~Buffering From Arterial Streets And Highways. Whenever the proposed subdivision or land division contains or is adjacent to an arterial street or highway, adequate protection of residential properties shall be provided with a buffer that includes screening and/or landscape planting contained in a non-access reservation along the property line adjacent to such arterial street or highway. Details of the screening and/or landscaping to be installed shall be approved by the Secretary of the Plan Commission.~~

5. Buffering From Arterial Streets And Highways. Whenever the proposed subdivision or land division contains or is adjacent to an arterial street or highway, adequate protection of residential properties ~~shall be provided with~~ may be required through inclusion of a buffer that includes screening and/or landscape planting ~~contained in~~ and/or a non-access reservation along the property line adjacent to such arterial street or highway. Details of ~~the~~ any screening and/or landscaping to be installed shall be approved by the Secretary of the Plan Commission. Any non-access reservation required shall be shown graphically on the face of the plat or certified survey map.

~~6~~5~~6~~. Alleys. Alleys may be provided for off-street loading and access. Dead end alleys shall not be approved; and alleys shall not have their points of connection on an arterial street or highway unless approved by the Plan Commission in consultation with the City Traffic Engineer or their designee.

~~7~~6~~7~~. Reserve Strips. There shall be no reserve strips controlling access to streets except where control of such strips is definitely placed in the City under conditions approved by the Plan Commission.

~~8~~7~~8~~. Intersections.

a. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. The point of curve of the center line of a curved street intersecting another street shall be not less than fifteen (15) feet, on the property side, of the property line of the street being intersected.

b. The number of streets converging at one intersection shall be not more than two (2).

c. Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet except that at all intersections along collector and arterial streets the radius can be increased to twenty-five (25) feet if needed to accommodate truck turning movements or sidewalk improvements to meet ADA requirements. The Plan Commission may require a larger radius where desirable.

d. Local streets shall not necessarily continue across arterial or collector streets, but if the center lines of such minor streets approach the major streets from opposite sides thereof within three hundred (300) feet of each other, measured along the center line of the arterial or collector street, their location shall be adjusted so that the alignment across the arterial or collector street is continuous and a jog is avoided.

e. Local street intersections, wherever practicable, should be spaced no closer than two hundred fifty (250) feet between center lines, unless a lesser spacing is desirable to facilitate a compact development pattern recommended in an adopted plan.

f. Cul-de-sac streets designed to have one end permanently closed shall not exceed six hundred (600) feet in length.

~~9~~8~~9~~. Widths Of Streets And Pavements, Greenways And Drainageways.

a. At the time of application for a subdivision or land division that proposes the creation of public or private streets and alleys, the applicant shall provide a plan that overlays the proposed plat or certified survey map that demonstrates that the requirements for building streets of a particular width are met. Said plan shall identify any proposed on-street parking and shall accommodate any planned on-street or off-street bike facilities.

b. The minimum right-of-way and width of pavement of all proposed streets and alleys shown on a subdivision or land division shall be of the width specified by the comprehensive plan or any neighborhood or sub-area plan, the Official Map, and the adopted Complete Green Streets Guide If no width is specified therein, the minimum widths shall be approved by the Plan Commission in consultation with the City Engineer, City Traffic Engineer, and Director of Transportation.

c. Public Alleys:

1. Alleys shall have a minimum right-of-way width of twenty-six (26) feet, with a minimum pavement width of twelve (12) feet and one point five (1.5) foot curbs. For any alley providing the sole access to abutting lots, the minimum pavement width shall be a minimum of twenty (20) feet wide to provide adequate access for fire and other emergency vehicles. The final width of pavement and alley right-of-way shall be only be approved following a recommendation by the City Engineer and Fire Marshal.

2. Alleys shall be extended through the full block. No intra-block alley intersections shall be allowed.

3. No parking shall be allowed in an alley or in any driveways located adjacent to the alley.

4. No utility pedestals, trees or landscaping, and fences shall be allowed in the alley right-of-way.

5. Alley ends shall be constructed with aprons providing eight (8) foot flares to accommodate sanitation and street maintenance vehicles.

d. Any street segment planned to end in a cul-de-sac and which will provide access to primarily residential uses shall terminate in a circular turnaround having a minimum right-of-way diameter of one hundred (100) feet and minimum outside curb diameter of seventy-two (72) feet. For street segments which will provide access to primarily commercial or industrial uses, or where a high number of vehicles with long wheel bases are expected, such street shall end in a cul-de-sac with a circular turnaround having a minimum right-of-way diameter of one hundred twenty (120) feet and a minimum outside curb diameter of ninety-two (92) feet. The reverse curve on a cul-de-sac shall have a fifty (50) foot minimum radius when the bulb is centered on the street and a one hundred (100) foot minimum radius when the bulb is offset.

e. If greenways or drainageways influenced by topographical features such as streams or ponds, ravines, wooded areas or other natural features are to be provided within the proposed plat, their width and location shall be determined as may be deemed necessary to preserve such features. Generally greenways and drainageways shall have a minimum width of two hundred (200) feet, but they shall not in any case be less than one hundred (100) feet in width.

~~10~~910. Grades. Unless necessitated by exceptional topography, and subject to the approval of the Plan Commission, the maximum street grades shall not exceed the following:

a. Arterial streets and highways: six percent (6%).

b. Collector streets: eight percent (8%).

c. Local streets and alleys: ten percent (10%).

d. Pedestrian ways: Shall comply with the maximum grades allowed by the Americans with Disabilities Act.

The grade of any street or sidewalk shall in no case exceed twelve percent (12%) or be less than one-half of one percent (0.5%). Streets which are designed to exceed the proposed maximum grade due to topography shall limit this grade to six hundred (600) feet or less of street centerline and shall not occur at or near intersections.

All changes in street grades shall provide sight distances as conditions require as determined by the City Engineer, Traffic Engineer and/or Transportation Director.

Street grades shall be established wherever practicable in such a manner to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.

~~11~~10~~11~~. Radii of Curvature. When a continuous street center line deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced. Local streets shall have a minimum centerline radius of one hundred and fifty (150) feet.

Collector and Arterial streets shall have a minimum centerline radius dependent on the anticipated speed limit for the street both of which as determined by the City Traffic Engineer. The minimum centerline radius for low speed urban streets without a median shall be as follows:

Speed Limit	Centerline Radius Two-Lane Roadway*	Centerline Radius Four-Lane Roadway*
20 mph	200 feet	300 feet
25 mph	300 feet	450 feet
30 mph	475 feet	625 feet
35 mph	700 feet	850 feet

*A larger centerline radius curve than listed in the above table for a given speed may be required by the City Traffic Engineer if special traffic conditions are likely to occur on a collector or arterial street.

Collector and Arterial streets with an anticipated speed limit over thirty five (35) miles per hour or which are designed with a median or which have more than four (4) traffic lanes shall have a centerline radius as established by the design criteria for high speed urban streets as provided in the latest addition of "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials (AASHTO). The design speed shall generally be five (5) miles per hour over the anticipated speed limit to provide a reasonable margin of safety.

Where the above centerline radius is not considered feasible because of existing features or other factors, the Plan Commission may, after considering the recommendations of the City Engineer, Director of Transportation, and the City Traffic Engineer, permit the use of a shorter centerline radius.

A tangent at least one hundred fifty (150) feet in length shall be provided between reverse curves on arterial and collector streets, and one hundred (100) feet in length between reverse curves on local streets. However, on those local streets where there is a cul-de-sac or loop street pattern and low density development assuring a low volume of traffic and adequate vision clearance, an objective of retaining existing desirable trees that would otherwise be damaged and the resultant pattern of development would be consistent with that of adjoining lands, the Plan Commission may alter the requirements listed above for local streets.

~~12~~11~~12~~. Half Streets. Where an existing dedicated or platted half street is adjacent to the tract being divided, the other half of the street shall be dedicated by the subdivider. Streets less than full width on the boundary

of the tract being divided shall not be less than a width sufficient to produce a full pavement, a full terrace on the plat side and a reserve strip as determined by the Plan Commission.

~~13~~12~~13~~. Street Names. New street names shall conform to the approved street name policy administered by the City Engineer as provided for under MGO Sec. 10.34.

~~14~~15~~14~~. Use of Private Rights of Way. The City encourages the use of public streets and alleys in the design of subdivisions or land divisions to the greatest extent possible. However, in instances where the Plan Commission and Common Council determine that private streets and alleys would be more advantageous for complying with the statement of purpose and criteria for approval of this ordinance, the subdivider may include privately constructed and maintained streets and alleys in the subdivision or land division provided that any such private rights of way comply with the design requirements in this section and the subdivider executes a covenant acknowledging in perpetuity that the future maintenance of any such private rights of way shall not be the responsibility of the City, and that the abutting lot owners shall be responsible for maintenance and providing any services that the City cannot provide on a private right of way, including but not limited to refuse collection and maintenance of pavement and street lighting.

~~15~~14~~15~~. Special Considerations. The standards applicable to street right-of-way, roadway width and provision for sidewalks may be waived by consent of the Plan Commission and Board of Public Works for special situations where other well planned interior street and pedestrian systems are provided.

(b) Easements.

1. Lines To Be Underground In Newly Platted Areas.

a. All new electric distribution lines (excluding lines of twelve thousand (12,000) volts or more), and all new communication lines (telephone, fiber, cable, etc.) from which lots are individually served, installed within a newly platted area, mobile home park, or planned development district, shall be underground unless the Plan Commission shall specifically find after study that:

i. The placing of such facilities underground would not be compatible with the planned development; or

ii. Location, topography, soil, swamp, solid rock, boulders, stands of trees, rows of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable; or

iii. The lots to be served by said facilities can be served directly from existing overhead facilities.

b. Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to, substations, pad-mounted transformers, padmounted sectionalizing switches and above-grade pedestal-mounted terminal boxes, may be located aboveground.

c. The subdivider or their agent shall furnish proof to the Plan Commission that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owner or owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to approval of the final plat, site plan, certified survey map or planned commercial site plan.

d. Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed, subject to any exception permitted by the Plan Commission under subparagraphs (a)1, 2 and 3 above.

e. Easement Conditions.

i. Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines, across lots or along front lot lines where necessary, for the installation of storm and sanitary sewers, gas, water, electric lines, communication lines and heat mains. Such easements as required by the utility company or other private utility lines shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map. All easements for storm and sanitary sewers, water and heat mains, pedestrian walks, and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.

ii. Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt shall not be stored on such easement areas. Any above-ground electric facilities shall be placed with an adequate distance from street corners (as determined by the City Traffic Engineer or designee) to avoid impeding the vision of motorists. Utility facilities when installed on utility easements whether overhead or underground shall not disturb any monumentation in the plat.

iii. Where the electric and/or communications facilities are to be installed underground, a plat restriction shall be recorded with the final plat or certified survey map stating that the final grade established by the subdivider on the

utility easements shall not be altered by more than six (6) inches by the subdivider, their agent, or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved. The purpose of this restriction shall be to notify initial and future lot owners of the underground facilities at the time of purchase and to establish responsibility in the event of damage to such facilities or to the need to alter such facilities. When the utility company uses a service application said application should also notify the initial and subsequent lot owners of their responsibility regarding such underground facilities.

2. Drainage Easements. Where a subdivision is traversed by a water course, drainageway, channel or stream, an adequate drainageway or easement shall be provided as required by the Plan Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission and parallel streets or parkways may be required in connection therewith. Wherever possible the storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, these sizes and design details to be subject to review and approval by the City Engineering Department and City Parks Department.

3. Street Lighting. In a newly platted area, the subdivider shall provide for the location of all street lights and street light systems within the area being developed, upon consultation with the electric utility serving the subdivision and as approved by the Traffic Engineer in accordance with the provisions of Section 12.03(4)(c) of the Madison General Ordinances and consistent with the standards of the utility serving the area. Street lighting will be installed by the serving electric utility or the City of Madison and the City shall assess the benefiting property owners for street lights in areas served by underground distribution systems where the underground service cable has been requested and paid for by the developer or property owners.

(c) Blocks.

1. The lengths, widths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, pedestrian safety, control and safety of street traffic, and the limitations and opportunities of topography. While there is not a minimum block length requirement included in the subdivision ordinance, block lengths shall not, as a general rule, exceed five hundred (500) feet in length between street lines unless required by exceptional topography or other limiting factors when approved by the Plan Commission. Overall, the development pattern in a plat or certified survey map should follow the development pattern recommended by a neighborhood or sub-area plan.

2. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.

3. Pedestrian ways or crosswalks, not less than ten (10) feet in paved width and located in outlots or easements dedicated to the public not less than twenty (20) feet in width , shall be provided near the center and entirely across any block nine hundred (900) feet or more in length where deemed essential, in the opinion of the Plan Commission, to provide adequate pedestrian circulation or access.

(d) Lots.

1. The size, shape and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. The lots shall be oriented to maximize solar access to buildings. Solar access is generally the greatest when the buildings' longest axis is east to west and southerly building exposures are maximized. Lots shall be oriented to maximize opportunities for pedestrian travel and neighborly interaction.

2. Every lot shall front or abut on a public street, subject to the following exceptions:

   a. A lot, not fronting or abutting on a public street, may be included in a subdivision or land division provided said lot is in an approved Planned Multi-Use Site or a Planned Development District for which an approved specific implementation plan has been recorded and which is limited by a reciprocal land use agreement or plan of plan of building placement, a reciprocal use off-street parking system, a cross access easement or a reciprocal ingress and egress system for buildings, loading and parking sites.

   b. A lot, not fronting or abutting on a public street, may be included in a subdivision or land division if it meets the requirements in Sec. 28.135(2)(b), MGO.

3. Lot dimensions shall conform to the requirements of the Zoning Code in MGO Chapter 28. All lots shall have a minimum average depth of one hundred (100) feet except for lots in the Traditional Residential-Consistent (TR-C), Traditional Residential-Varied (TR-V), Traditional Residential-Urban (TR-U), and Traditional Residential-Planned (TR-P) zoning districts in Chapter 28, MGO, which shall have a minimum average depth of eighty (80) feet. No minimum depth shall be required for any lots in an approved Planned Multi-Use Site or Planned Development District. Where not served by a public sewer, lot dimensions and areas shall in addition conform to the requirements of the State of Wisconsin. The lot width shall normally be measured at the rear line of the required front yard setback except that for deep residential lots and for triangular or gore shaped lots, where the setback line is noted on the plat or certified survey map and is greater than the required yard, the lot width shall be measured at the indicated setback line.

4. Side lot lines shall be as nearly as possible at right angles to straight street lines or radial to curved street lines on which the lots face, except where more flexible lot line orientation is necessary to secure solar access to the lot, such as in the case of intercardinal streets where the side lot lines are located as close as possible to the north-south axis.

5. Corner lots shall have sufficient width to permit adequate building setbacks from side streets.

6. In case a parcel is subdivided into large parcels, such parcels shall be arranged so as to allow the resubdivision of any such parcels into smaller lots in accordance with the provisions of this Ordinance and Chapter 28, MGO

7. Excessive depth in relation to width shall be avoided..

8. Lot lines shall follow municipal boundary lines rather than cross them.

9. Double frontage and reverse frontage lots shall be avoided except where necessary to provide separation of residential development from adjacent limited access arterial streets, railroad rights-of-way, or highways, or to overcome specific disadvantages of topography and orientation.

10. Residential lots backing on arterial streets shall be platted with extra depth to permit generous distances between the buildings and such streets.

11. Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

12. Outlots may be of any size and shape, and do not need access to a public street. Outlots may be dedicated to the public. Outlots may be sold and/or built upon if they meet size and access requirements, and any restrictions on the outlot have been released. The construction of improvements and facilities for public benefit shall be allowed on an outlot dedicated to the public.

(e) Building Setback Lines. Where not adequately controlled by zoning regulations, building setback lines appropriate to the location and type of development contemplated shall be established, as may be requested by the Plan Commission. Any such setback lines established by the Plan Commission shall be labeled and dimensioned on the face of the final plat or certified survey map. Any setback line established by the Plan Commission shall be enforced by the Zoning Administrator in a manner similar to how any setback established by zoning is enforced. However, any building setback line not specifically established by the City as stated on the face of the plat or certified survey map shall not be enforced by the City.

(f) Public Sites and Open Spaces. The following provisions are established to preserve and provide properly located public sites and open spaces as the community develops, and to ~~insure~~ ensure that such public sites and open spaces are provided and developed to serve the need for parks generated by the additional persons brought into the areas by such development, in accordance with standards adopted in Madison's Park and Open Space Plan. These provisions are intended to apply to all lands proposed to be developed for residential purposes, including single-family, two-family, and multi-family sites, land divisions, planned developments, and residential building complexes, either through subdivisions, certified survey maps, rezonings, conditional use approvals or other zoning or land use approvals.

1. In the design of the plat due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways, storm water management or treatment facilities, and other public purposes. In the location of such sites consideration shall be given to the preservation of scenic and historical landmarks and sites; watercourses, streams, lakes, ponds, wetlands and their accompanying watersheds; and significant woodland, prairie and wetland plant and animal communities. Consideration shall also be given to solar access where the location of open space lands provide greater achievement of solar access objectives and requirements of the entire subdivision.

2. Outside the corporate limits but within the extraterritorial plat limits, where it is recommended by the Park Superintendent or Board of Park Commissioners and the Plan Commission and determined by the Common Council that a portion of the plat or planned development is required for such public sites or open spaces, the developer may be required to dedicate such area to the municipality having jurisdiction, or otherwise provide for said public land as agreed to by the City, the affected township and the Dane County Agriculture, Zoning, Planning and Water Resources Committee. Where such dedication or other provision is not required, the developer may be required to reserve such area for a period not to exceed five (5) years after which the City, County or town shall purchase or release the property.

3. Within the corporate limits of the City, where feasible and compatible with the comprehensive plan or neighborhood or sub-area plan, the subdivider shall provide and dedicate to the public adequate land to provide for the park and recreation needs of the subdivision or land division.

4. Using the definitions set forth in MGO Sec. 20.08(2)(c)2., the required land dedication to meet the subdivision or land division's park and open space needs shall be as follows:

Type of Development	Square Feet/Unit or Bedroom
Single-Family/Duplex	1,081
Multi-Family	734
Large Multi-Family	1,424
Age Restricted Multi-Family	573
Group Living Quarters	410

Where a definite commitment has been made by the developer and City on the number of dwelling units to be provided on a multi-family lot or bedrooms to be provided in group living quarters, the dedication shall be based on that number. Where no such commitment exists, the dedication shall be based on the maximum number of dwelling units the lot will support, exclusive of open space and other public lands.

5. The Plan Commission, after recommendation of the Park Superintendent or Board of Park Commissioners shall determine that any land to be dedicated as a requirement of this section shall be reasonably adaptable

to meet desirable on-site facilities as outlined in Madison's Park and Open Space Plan, and shall so recommend to the Common Council. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size and shape, topography, geology, tree and other plant cover, access, and location.

6. In the event that dedication would result in sites too small to be usable, or if the comprehensive plan calls for such public sites or open spaces to be located elsewhere, or if such sites would not otherwise be suitable as determined by the Plan Commission, after recommendation of the Park Superintendent or Board of Park Commissioners, a payment of a fee in lieu of land dedication shall be required. This fee in lieu of land dedication is the Park-Land Impact Fee as set forth in MGO Sec. 20.08(2)(c)4., and shall be determined under that Section.

7. Payment of Park-Land Impact Fee. In addition to the payment requirements set forth under MGO Sec. 20.09, payment of the Park-Land Impact Fee shall be made in one of the following ways:

   a. In a lump sum prior to the recording of a final plat or certified survey map.

   b. When the developer proposes to add sixty (60) or more multi-family dwelling units, the developer may pay fifty (50) percent of the total amount of Park-Land Impact Fees prior to said recording and either file with the Parks Division an agreement and performance bond or a letter of credit in a form approved by the City Attorney to guarantee payment of the unpaid balance of the Park-Land Impact Fee, with interest, to the City within two (2) years of the date of said recording. The interest rate shall be determined by the Finance Director at the beginning of each year using the cost of the prior year general obligation borrowing plus one (1) percent for administration rounded up to the next highest one-half (1/2)percent. Interest shall be computed from the date of recording and each yearly anniversary thereafter, and shall be prorated based upon when payment is received.

   c. When the Park-Land Impact Fee exceeds fifty thousand dollars ($50,000), the developer may pay such fees in installments prior to the execution of the subdivision improvement contract for each phase, with each such installment payment for the full amount of the respective phase at the adjusted Park-Land Impact Fee rate then in effect for the year each such phase installment payment is paid. If the development proposal for later phases changes, the Park-Land Impact Fee due for a phase will be adjusted up or down to account for the actual development that is approved.

   d. The developer may pay such fees at the time of the issuance of individual building permits at the Park-Land Impact Fee rate then in effect for the year when the building permit is issued.

8. Where privately-owned open space for park and recreational purposes which will not be closed to the public is provided in a proposed plat or land division and such space is to be privately owned and maintained by the future residents of the subdivision, such areas shall be credited against the requirement of dedication for park and recreation purposes, or

the payment of fees in lieu thereof, provided the Common Council finds that the following standards are met:

a. That yards, court areas, setbacks, land required for storm water management and other open areas required to be maintained by the Zoning and Building Codes shall not be included in the computation of such private open space; and

b. That the private ownership and maintenance of the open space is adequately provided for by recorded, written agreement and open space easement; and

c. That the use of the private open space is restricted for park and recreational purposes not closed to the public by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be defeated or eliminated without the consent of the Common Council; and

d. That the Common Council after recommendation from the Park and Plan Commissions determines that the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land; and

e. That facilities proposed for the open space are in substantial accordance with the provisions of the comprehensive plan, and are approved by the Common Council.

(g) Cluster Box Units. Adequate private easements or, alternatively, privately owned outlots shall be provided to accommodate the Cluster Mail Boxes ("CBUs") required by the United States Postal Service ("USPS") for the delivery of mail. Cluster Box Unit easements or outlots shall meet the following requirements:

1. The locations of the CBUs shall be coordinated with the USPS Growth Coordinator (or other designee) and both City Engineering and Traffic Engineering.

2. The CBUs shall generally be located within one (1) block, or within a reasonable distance as determined by the Plan Commission, under advisement of the City Engineer, of each residence served by a particular CBU. Additional criteria, pursuant to policies adopted from time to time by the Board of Public Works or under the direction of the USPS, shall be used to determine the final locations of the CBUs.

3. If the locations of the CBUs cannot be finalized prior to the recording of the final plat, as determined by the City Engineer, the final placement of the CBUs in the development shall be determined with each phase of the development.

4. CBUs serving new lots or outlots or serving any existing parcels, lots or outlots shall not be permitted on or within any publicly owned or dedicated lands within the City, or lands to be dedicated to the City.

(7) Required Improvements.

(a) Statement of Intent. It is the intent of the City of Madison to encourage high quality development at a minimum cost to the public. These required improvements represent the minimum standards. The subdivider and the City

may negotiate to provide and maintain improvements above and beyond the minimum standards.

(b) Bond For Monuments. Before final approval of any subdivision or land division within the corporate limits of the City of Madison, the subdivider shall install monuments placed in accordance with the requirements of Wis. Stat. ch. 236. The City Engineer may waive the placement of monuments for a reasonable time on the condition that the subdivider executes a surety bond to ~~insure~~ ensure the placing of such monuments within the time required. On behalf of the City of Madison, the City Clerk is authorized to accept such surety bonds and contracts in the amount approved by the City Engineer.

(c) Contract for Public Improvements for Subdivisions and Land Divisions.

1. Form of Contract. As a condition of approval of the subdivision, the subdivider shall be required to enter into a contract to provide certain public and private improvements. A contract to provide certain public and private improvements may be required for a land division if such improvements are identified during the review process.

2. Security. The subdivider shall file with said contract, subject to the approval of the City Attorney, security in the form of a bond, an irrevocable letter of credit or a certified check, in an amount that is not more than one hundred twenty (120) percent of the estimated total cost to complete the required public improvements as security to guarantee that the improvements will be completed by the subdivider or their contractors as provided by the contract for subdivision improvements. If the improvements will be installed in phases, the amount of the security shall be limited to the phase being constructed. The subdivider shall provide the security for not more than fourteen (14) months after the date the public improvements for which the security is provided are substantially completed and upon substantial completion of the public improvements, the amount of the security the subdivider is required to provide may be no more than an amount equal to the total cost to complete any uncompleted public improvements plus ten (10) percent of the total cost of the completed public improvements. Public improvements reasonably necessary for a project or a phase of a project are considered to be substantially completed upon the installation of the asphalt or concrete binder course on roads to be dedicated, or, if the required public improvements do not include a road to be dedicated, at the time that ninety (90) percent of the public improvements by cost are completed. Interpretation of these requirements shall be consistent with Wis. Stat. § 236.13(2).

3. Construction Phases and Time of Completion. All subdivision improvements shall be completed within eighteen (18) months from the date of recording of the subdivision, unless otherwise approved by the City Engineer or the Board of Public Works and the Common Council after submission by the subdivider of the necessary written amendment to extend the security. However, the subdivider and the City may agree that the subdivider may install the improvements in construction phases, provided that: the phases are specified in the contract for subdivision improvement; the developer records deed restrictions approved by the City Attorney which specify that the lots which are included in future construction phases of the subdivision will not be transferred or sold

unless the City's approval is obtained; the subdivider minimizes grading and other disturbance of land included in future construction phases in order to prevent erosion, the erosion control plan submitted and approved addresses the individual phases of construction; and, the construction phases proposed by the subdivider reflect the needs of the City and adjacent property owners for street and other improvements to serve lands adjacent to and within the subdivision.

4. Guarantee of Work. Upon completion of the construction of major components of the work, i.e., public water distribution system, public sewerage system, public drainage system, public streets and walkways, street lighting, intersection area improvements, traffic signals, park improvements or buffer and planting strips, the subdivider shall request an inspection by the City Engineer. Upon acceptance by the City Engineer, submittal of the lien waivers, affidavits regarding payment and compliance with the prevailing wage rate from all contractors, and detailed and itemized breakdown of the work to be accepted, each major component of the work shall be submitted to the Board of Public Works and Common Council for acceptance. Upon substantial completion, as defined below, the City Engineer is authorized to accept a reduction in the security to an amount equal to the estimate of the City Engineer of the cost of work remaining to be completed, plus ten (10) percent of the total cost of the public improvements to ~~insure~~ ensure performance of any one-year guarantee against defects in workmanship and materials of the work component accepted. When work on major components of construction has been substantially completed except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the City Engineer are valid for noncompletion, the City Engineer is authorized to accept the reduction in the amount of security sufficient to cover the work remaining to be completed plus ten (10) of the total cost of the public improvements to ~~insure~~ ensure performance of a one-year guarantee period against defects in workmanship and materials. Prior to authorizing said reduction, the City Engineer may require the subdivider to submit a lien waiver from their contractors. The City Engineer may require additional deposits or subsequent contracts and security for components of the work that are not constructed at the time of substantial completion.

5. Contractor Qualifications. The contractor(s) employed by the subdivider to construct the public improvements shall be prequalified by the Board of Public Works for the appropriate category of work. The contractor(s) shall maintain insurance as required by the City of Madison Standard Specifications for Public Works Construction.

The contractor(s) shall comply with Wis. Stat. § 66.0903 which provides for the payment of the prevailing wage rates to the contractor's employees.

6. Construction by the City. In those cases where the Common Council determines that it is in the interest of the City to install all or part of the improvements and special assess the cost of the work, the subdivider, and their heirs and assigns, waive notice and hearing to the assessment for public improvements in accordance with Wis. Stat. § 66.0703(7)(b), in a recordable document.

7. Exceptions for Governmental Units. Governmental units sponsoring a subdivision shall enter into a Contract for Public Improvements for Subdivisions but may file, in lieu of the required surety, a letter from the officers authorized to act in its behalf, agreeing to comply with the provisions of the contract, and a copy of the contractor's performance bond.

8. Cluster Box Units. The subdivider shall be required to install CBUs to serve the subdivision. Installation shall be in accordance with the current specifications as adopted by the City of Madison Board of Public Works and in compliance with USPS requirements. This requirement shall be included in the contracts entered into under this subdivision when a contract with the subdivider is required.

(d) Public Improvements and Procedures. The subdivider shall comply with the following procedures, standards, and specifications unless amended by the Plan Commission, Board of Public Works, or Common Council.

1. Erosion Control. Prior to recording the final plat or undertaking any land disturbances, the subdivider shall obtain a Land Disturbing Activity and Runoff Control Permit specified in Chapter 37, Madison General Ordinances. Prior to the acceptance of the public improvements required of the subdivider, they shall submit a post construction erosion control plan to the City Engineer for approval.

2. Inter-/Intra-Block Surface, Drainage and Foundation Design. Prior to the issuance of building permits, the Developer shall submit for review and approval, a Master Storm Water Drainage Plan to the City Engineering Division as part of the Post Erosion Control Plan. The plan shall indicate, but not be limited to, elevations of all lot corners to the nearest one-quarter (1/4) foot, elevation of streets, existing topography of the block, proposed intra-block drainage, and an indication of the direction of drainage through the use of arrows on all lot lines which are not common with public street right-of-way.

Proposed slopes along lot lines, and thus between known points of elevation, shall always be greater than or equal to.0075 ft/ft. No building permits shall be issued prior to City Engineering's approval of this plan.

The following notes shall be included on the final plat/certified survey map:

a. All lots within said plat/certified survey shall be subject to public easements for drainage purposes which shall be a minimum of six (6) feet in width measured from the property line to the interior of each lot except that the easements shall be twelve (12) feet in width on the perimeter of the plat/certified survey. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat/certified survey. Easements shall not be required on property lines shared with greenways or public

streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water. In the event of a City of Madison Plan Commission and/or Common Council approved re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.

b. The intra-block drainage easement shall be graded with the construction of each principal structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

c. Easement widths may be reduced to match zoning district yard requirements upon approval by the City Engineer.

The following note shall accompany the Master Storm Water Drainage Plan:

a. For purposes of said plan, it is assumed that grading shall be a straight line grade between points unless otherwise indicated. All slopes shall be.0075 ft/ft or steeper. Grade breaks between lot corners requiring drainage arrows shall be shown by spot elevations or through the use of drainage arrows.

Two (2) weeks prior to the recording of the final plat the subdivider shall submit to the City Engineer a Surface Water Drainage Plan for all blocks within the plat. The water drainage plan may be submitted as part of the Erosion Control Plan. The Surface Water Drainage Plan shall indicate, but not be limited to, the following: elevation of streets, existing topography of the block, proposed inter-block drainage, and indication of the direction of drainage.

Upon approval of the Surface Water Drainage Plan the subdivider shall cause to be set upon the final plat arrows indicating the direction of drainage for each property line not fronting on a street, and the following note:

"Arrows indicate the direction of surface drainage swale at individual property lines and said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer."

Two (2) weeks prior to the recording of the final plat the subdivider shall submit a report by a professional engineer regarding the location of the ground water table and subsurface soil and rock conditions as determined pursuant to MGO Sec. 16.23(7)(a)13. Where the ground water table is equal to or less than nine (9) feet from the proposed street centerline elevation the subdivider shall place the following note on the plat:

"Subsoil information indicates that the basement of structures on Lot(s) are to be at elevation or higher or that a structural plan of the structure's foundation shall be submitted to the Director of the

Building Inspection Division for approval with the application for a building permit as required information."

The elevation of the basement as described in the paragraph to be placed on the plat shall be a minimum of two (2) feet higher than the elevation of the ground water table as determined in the Engineer's report.

3. Public Water Distribution System. The subdivider shall provide the public water distribution system and services necessary to serve their subdivision, all in accordance with the plans prepared by the Water Utility Manager [lots created to accommodate two-family detached dwelling units, "two-family twin lots", shall be served with two (2) water services]. The subdivider shall dedicate any lands required for the installation of wells or reservoirs by the City's Water Utility and easements required for the installation of the public water distribution system. All costs associated with the installation of the public water distribution system, including those of the Water Utility, shall be borne by the subdivider except that the Water Utility shall provide pipe and appurtenances whose diameter is greater than ten (10) inches provided that the subdivider reimburse the Water Utility for an equal quantity of ten (10) inch pipe and appurtenances. Water mains outside of, or on the perimeter of the subdivision may be installed in accordance with an assessment reimbursement contract as provided in the Water Utility Service Rules as filed with the Wisconsin Public Service Commission. The public water distribution system shall be installed in accordance with the Standard Specifications for Public Works Construction, the rules and regulations of the Water Utility and the requirements of the Wisconsin Department of Natural Resources and the Madison Fire Department.

4. Public Sewerage System. The subdivider shall install public sanitary sewers, interceptors, pumping stations and force mains, and building sewers within the public right of way (laterals) to serve all lots in the subdivision, extending the sanitary sewer mains to the perimeter of the subdivision at their sole expense, all in accordance with the plans prepared by the City Engineer [lots created to accommodate two-family detached dwelling units, "two-family twin lots" shall be served with two (2) water services]. The subdivider shall dedicate any easements required for the installation of public sanitary sewers, force mains or interceptors and shall dedicate any lands required for the pumping stations. The subdivider shall pay all sanitary interceptor area or connection charges levied by the Madison Metropolitan Sewerage District, the City, or other municipality whose charges are approved or certified by the City prior to the commencement of the installation. The installation will comply with the Standard Specifications for Public Works Construction and the requirements of the Wisconsin Department of Natural Resources.

5. Public Drainage System. The subdivider shall construct a public drainage system consisting of storm sewer mains and manholes, storm inlets and leads, greenways, storm water detention/retention basins, culverts and appurtenances in accordance with the plans prepared by or approved by the City Engineer to serve the subdivision. In those cases where the City Engineer determines that a significant portion of the area generating storm water drainage is beyond the perimeter of the subdivision, or in

those cases where the cost of storm sewer mains is significant, the subdivider may request that the City install the storm sewer mains and manholes and special assess the cost of the improvements. The schedule installation shall be contingent on available funding. The subdivider, and their heirs and assigns, waive notice and hearing to the assessment for public drainage improvements in accordance with Wis. Stat. § 66.0703(7)(b), in a recordable document. The subdivider shall pay outstanding special assessments or connection charges for downstream drainage improvements attributed to their subdivision.

Greenways included in the subdivision shall be improved by the subdivider as follows:

a. The preliminary plat shall indicate the greenway boundaries, natural drainageways, intermittent streams, springs, ponds, creeks, streams and lakes. The City Engineer may require additional surveys including topographical maps or cross-sections to locate the drainageway.

b. Where the City Engineer determines that an existing drainageway has acceptable hydraulic capacities, the existing natural growth shall be preserved and any damaged areas shall be restored.

c. Where the City Engineer determines that the alignment of the drainageway does not have acceptable hydraulic capacities, the subdivider shall grade the greenway or drainageway with a ten (10) foot wide ditch bottom and four to one (4 to 1) side slopes, and revegetate all disturbed areas.

d. The subdivider shall provide and install culverts and endwalls in accordance with plans prepared by the City Engineer under all streets crossing the greenway or drainageways.

e. In order to assure proper drainage, the ground elevation of any property line abutting a greenway shall be not lower than four (4) feet above the elevation of the greenway flowline as established by the City Engineer. The City Engineer may establish a higher elevation for the property line based on the elevation of the regional flood or the design storm, as applicable. All door and window elevations shall be higher than the above described property line. The lot shall be graded or filled to drain to the property line abutting the greenway or to the street abutting the plat. The developer shall record a deed restriction with these requirements, satisfactory to the City Attorney and the City Engineer, for all lots abutting greenways or public drainageways.

6. Public Streets, Bikeways, and Walkways.

a. The subdivider shall submit profile plans of all streets and easements to the City Engineer prior to the recording of the final plat or certified survey map. The plans shall accurately fix the proposed lots, the existing grades and topographical features.

b. In accordance with the plans prepared by the City Engineer, the subdivider shall grade the full width of all street right of ways within the subdivision or land division and all easements, including vision triangles required in MGO Sec. 27.05(2)(bb) (Minimum

Housing and Property Maintenance Code). The grading shall be to subgrade elevation. Unless specified, grading shall be done in accordance with the Standard Specifications for Public Works Construction. Special provisions may be required by the City or mutually agreed upon with the developer to preserve existing trees or other natural features.

c. After the installation of water distribution, sanitary sewerage and public drainage facilities, the subdivider at their sole expense, shall install public streets and walkways within the subdivision or land division in accordance with the plans prepared by the City Engineer. No building permit shall be issued until the streets have been installed unless the subdivider shall provide and maintain temporary streets twenty-eight (28) feet in width paved with six (6) inches of compacted crushed stone and obtain the approval of the City Engineer and the Fire Marshal.

d. The City may, subject to available funding as determined by the City Engineer, install or reimburse the subdivider an amount not to exceed the statutory prescribed limit, the cost of the pavement, curb and gutter, and public walkway improvements that benefit and abut lands owned by the City. However, this shall not apply to inter-block walkways.

e. Public walkways, bikeways, paths, or sidewalks shall be installed within all public right of ways and public easements as required by the most current version of the Complete Green Streets Guide, unless a variance is granted by the Transportation Commission. The location of public walkways, bikeways, and paths may be modified to protect and preserve significant trees.

f. The subdivider shall install and maintain barricades conforming to the Standard Specifications for Public Works Construction at all street ends which are not constructed as a cul-de-sac prior to acceptance of the work and through the guarantee period specified in the contract for Public Improvements for Subdivisions.

g. The subdivider shall install public walkway, bikeway, path or sidewalk within the right-of-way of existing streets on the perimeter of the subdivision. The subdivider, and their heirs and assigns, shall also waive notice and hearing for the special assessment of the cost of the improvement of existing streets on the perimeter of the subdivision in accordance with Section 66.0703(7)(b), Wis. Stats., and MGO Sec. 4.09.The Developer may be required to install interim improvements on existing roads on the perimeter of the plat required by poor sight distance, or to widen or strengthen the existing pavement for the needs of the development.

h. The following note shall be included on the final plat/certified survey map: Streets in this plat with a minimum right-of-way width of less than sixty (60) feet and a minimum pavement width of thirty-two (32) feet are subject to inspection by the Madison Fire Department and Traffic Engineering three (3) years and five (5)

years after their completion and may be subject to parking restrictions as a result of said inspections.

7. Street Trees. In order to provide trees within the public right of way, the subdivider, and their heirs and assigns, waive notice and hearing to the assessment for public improvements in accordance with Section 66.0703(7)(b), Wis. Stats., and MGO Sec. 10.10(11), in a recordable document. The trees shall then be installed by the City in accordance with current street tree installation policies in effect at the time, and which shall be special assessed to the benefited properties at a time determined by the City. In the alternative, the subdivider may elect to install the trees and other landscaping at their sole expense in accordance with plans prepared or approved by the City Forester and Streets Superintendent as a component of the public improvements for the subdivision.

8. Street Lighting. In order to provide street lighting and underground distribution cable within the public right of way, the subdivider, and their heirs and assigns, waive notice and hearing to the assessment for public improvements in accordance with Section 66.0703(7)(b), Wis. Stats., and MGO Sec. 10.39, in a recordable document. The street lights shall then be installed by the City and special assessed to the benefited properties at a time determined by the City. In the alternative, the City may require the developer to install the street lights and underground distribution cable at their expense cost in accordance with plans prepared or approved by the Traffic Engineer as a component of the public improvements of the subdivision.

9. Intersection Area Improvements. The subdivider shall pay the cost of intersection area improvements such as additional or modified traffic lanes, turn lanes or bays, traffic signals, street lighting, conduit, flashers, signs, markings, loop detectors, bike lanes, bus lanes, pullouts and shelters or other improvements within existing streets beyond the perimeter of the development necessitated by or for the benefit of the development in accordance with the plans prepared or approved by the City Engineer and City Traffic Engineer. In addition, the City may require the subdivider to construct some or all of the aforementioned improvements at the subdivider's sole expense in accordance with the plans prepared or approved by the City Engineer or City Traffic Engineer.

10. Traffic Signals. In order to provide traffic signals and underground distribution cable within the public right of way, the subdivider shall pay to the City that portion of the cost of traffic signals determined by the City Traffic Engineer to be necessitated by the subdivision prior to the recording of the final plat. The subdivider, or their heirs and assigns, shall waive notice and hearing to the assessment for traffic signals in accordance with Section 66.0703(7)(b), Wis. Stats., and MGO Sec. 4.09, in a recordable document. The subdivider shall install the conduit, handholes and other appurtenances for the traffic signals, underground cable, and traffic monitoring equipment at their sole expense in accordance with plans prepared or approved by the Traffic Engineer as a component of the public improvements of the subdivision. The City shall install all traffic signals. The need for and schedule for installation of said signals shall be determined by the City.

11. Buffer or Planting Strips. The subdivider shall landscape all buffer or planting strips in accordance with the plans and specifications prepared or approved by the Director of the Planning Division.

(e) Reimbursement to the City for Costs Sustained. The subdivider of subdivisions within the City of Madison shall reimburse the City for its actual cost of design, inspection, testing, construction, traffic signing and marking, and associated legal and real estate expenses for the required public improvements for the subdivision. The City's expenses shall be determined as follows:

1. The cost of City employees' time engaged in the required public improvements based on the hourly rate paid to the employee multiplied by a factor determined by the respective Division/Department to represent the City's cost for statutory expense benefits, insurance, sick leave, holidays, vacation and similar benefits, overhead and supervision, said factor not to exceed two and one quarter (2-1/4).

2. The cost of City equipment employed.

3. The cost of mileage reimbursed to City employees which is attributed to the subdivision.

4. The actual costs of City materials incorporated into the work including transportation costs plus a restocking and/or handling fee not to exceed twenty (20) percent of the cost of the materials.

5. All consultant fees associated with the subdivision at the invoiced amount, in compliance with Section 66.0628(3), Wisconsin Statutes.

6. All plan review charges or other service expenses attributed to the subdivision that are imposed upon the City by other regulatory entities or service providers at the invoiced amount.

The subdivider shall advance to the City Treasurer an amount equal to an estimate of the City's expenses, as prepared by the participating City Divisions/Departments at the time the subdivider files a contract for subdivision improvements. At the conclusion of the project, the respective agencies shall bill the actual cost to the subdivider. In the event that the actual cost is calculated to be less than the advanced amount, the difference shall be refunded to the developer. In the event the advance is less than the actual amount, the subdivider shall be billed the difference and payment shall be a condition precedent to acceptance of any major components of construction.

7. The costs of City employees' time engaged in inspecting streets for a determination of the impact of streets with a minimum right-of-way width less than sixty (60) feet and a minimum pavement width less than thirty-two (32) feet.

(f) Cluster Box Units. For cluster box units (CBUs) required under Subsection (8)(h) above, the subdivider shall provide the City Engineering proof of the following:

1. The CBU easement or outlot shall be subject to express terms providing for the private maintenance and installation of the CBU, or be subject to a separately recorded CBU Owners Agreement. The easement, outlot, or Owners Agreement shall set forth the terms and conditions for the private installation, maintenance, repair and ownership of the CBUs. This documentation shall be reviewed by the City Engineer for conformance

with the adopted Board of Public Works polices as adopted from time to time.

2. The CBU documents required under Paragraph 1 shall be recorded prior to the construction of the public improvements serving any lot or outlot in the subdivision or phase thereof. This requirement shall be included in the contracts entered into under Subdivision (c). In the instance of land divisions that do not require a contract with the subdivider, the required approved CBU documents shall be recorded simultaneously with the final approved land division.

3. Proof of a signed mode of delivery agreement, or other similar USPS document from the USPS, shall be provided to City Engineering prior to recording any CBU easement or Owner's Agreement.

(8) Variances. When in the judgment of the Plan Commission it would be inappropriate to apply literally provisions of Subsection (6) of this Ordinance because the subdivision or land division is located outside the corporate limits or because extraordinary hardship would result, it may waive or vary such provisions associated with development form, density, and standards so that substantial justice may be done and the public interest secured. For any request to waive or vary the requirements for transportation facilities shown in a subdivision or land division, the Plan Commission may consider the recommendation of the Transportation Commission; consideration shall be given to whether the transportation facility required can be accommodated in another way.

(9) Severability Provision. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of a decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase thereof.

(10) Violations and 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 Wis. Stat. § 236.31(3).

(a) Any person, partnership, corporation or legal entity of any sort who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than two hundred dollars ($200) nor more than one thousand dollars ($1,000) for each violation plus the costs of prosecution. Each day of violation shall constitute a separate offense. In addition to said forfeiture, the fees for any certified survey map or land division or any preliminary or final plat shall be doubled. Where preliminary and final plat approvals have not been obtained for any land subdivision by the City, no offer or contract to convey may be made unless the offer or contract states on its face that said offer or contract is contingent upon approval of the final plat and shall be void if such plat is not approved.

(b) Building Permits shall be refused for construction on sites created in violation of these requirements.

(c) In addition to any other remedy contained within this chapter, the Common Council may authorize, by resolution, institution of injunctive or other appropriate action or proceedings to enjoin a violation of any provisions of these Land Subdivision Regulations."

2. The City Attorney is directed to update ordinance references to reflect the renumbering of Sec. 16.23 that will occur as a result of this ordinance.

EDITOR'S NOTE:

Section 16.23 entitled "Land Subdivision Regulations" of the Madison General Ordinances currently reads as follows:

16.23 LAND SUBDIVISION REGULATIONS.

(1) Introduction and Purpose. The purpose of these regulations is to regulate and control the subdivision of land within the corporate limits and extraterritorial plat approval jurisdiction of the City of Madison in order to promote the public health, safety and general welfare of the community. They are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to insure proper legal description and proper monumenting of subdivided land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors; to prevent the development of noise sensitive land uses (such as homes, schools and recreational areas) adjacent to highway corridors and to ensure that any such development that does occur is planned to mitigate the adverse effects of noise; to prevent the overcrowding of land and avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, storm drainage, schools, parks, playgrounds and other public requirements; to facilitate the further resubdivision of larger parcels into smaller parcels of land. These regulations are formulated to facilitate enforcement of development standards as outlined in the Building Code (Chapter 29), Zoning Code (Chapter 28), master plan and official map of Madison.

The standards contained are based on the requirements for development of the best possible urban environment outlined by the American Society of Civil Engineers, American Public Health Association, National Recreation Association, American Association of State Highway Officials, Institute of Transportation Engineers, Federal Emergency Management Administration, American Society of Planning Officials Reports, Wisconsin Administrative Code, TRANS 405, The Federal Highway Administration's Procedures for Abatement of Highway Traffic Noise and Construction Noise, Title 23, CFR, Chapter I, Subchapter J, Par. 772, and review by the Madison Area Surveyors Council.

In general, residential subdivisions will be encouraged to provide generous distances between building sites and existing industries and between building sites and high capacity streets, highways, and expressways and freeways to act as buffers against noise and noxious fumes. Residential subdivisions will also be discouraged from locating too close to existing or proposed airport approach zones.

(2) Definitions. For the purpose of these regulations certain words used therein are defined as follows:

A-Weighted Sound Level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Certified Survey Map. A drawing meeting all the requirements of Sec. 236.34 Wis. Stats. which is a map or plan of record of a land division.

Cluster Box Unit. A freestanding mailbox, as approved by the United States Postal Service (USPS), for communal use containing individually locked mailboxes and parcel compartments, along with any associated equipment and infrastructure necessary and/or required to site the mailbox. The associated equipment includes, but is not limited to, concrete pad(s), lighting equipment, landscaping and unenclosed roof shelter protecting the mailbox from precipitation.

Cluster Development. A development pattern and technique wherein structures are arranged in closely related groups to enable building at higher densities in certain areas while preserving natural features in others. A cluster development would normally incorporate private common open space areas and give emphasis to the pedestrian as opposed to the automobile in its design. The development might also contain owner-occupied row housing with privately owned common property comprising a major element of the development.

Commercial Area. Any area designated for commercial uses under Chapter 28 of the Madison General Ordinances.

Comprehensive Development Plan. A total site plan of an area of land eighty (80) acres or more in size all under the control of a developer(s) at the time of submission for review. Said plan shall specify and clearly illustrate the location, relationship and nature of all primary and secondary uses, public and private easements, public and private roads, pedestrian paths and common open space.

Condominium Instrument. The plat and plans of a condominium together with any attached exhibits or schedules, and any amendment, addendum, or other document that affects some change in a recorded condominium plat.

Construction. Any site preparation, assembly, erection, substantial repair, alteration, or similar actions, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

Decibel (dB). A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

Equivalent A-Weighted Sound Level (Lsg). The equivalent steady-state sound level, which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same period. For purposes of measuring or predicting noise levels, a receptor is assumed to be at ear height, located five feet above ground surface. "Leq(h)" means the hourly valve of Leq.

Existing Noise Level. The highest hourly noise level caused by existing conditions in a particular area.

Expressway/Freeway. The meaning found in Wis. Stat. § 84.295.

Extraterritorial Plat Approval Jurisdiction. That area outside the City limits in which the City of Madison Common Council has by resolution chosen to approve plats in accordance with Wis. Stat. § 236.10(5). A copy of said resolution is on file in the office of the City Clerk.

Final Plat. The map or plan of record of a subdivision, and any accompanying material, as described in subsection (7).

Future Noise Level. The highest hourly traffic noise level based on estimated traffic volumes within a 20-year period after the completion of construction of the new highway facility.

Greenway. An open area of land included under the definition of "Parkways" (Sec. 16.25), the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Greenways may serve multiple purposes including, in addition to their principal use for storm drainage, vehicular and/or pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basins, park development and other related uses.

Habitable Room. Any room meeting the requirements of the Uniform Building Code or other applicable regulations which is intended to be used for sleeping, living, cooking or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

Intercardinal Streets. Streets having or approximating a southeast to northwest or southwest to northeast orientation.

Land Division. The division of a lot or parcel of land for the purpose of transfer of ownership or building development where the act of division creates four (4) or less parcels or building sites of forty (40) acres or less in area.

Manufacturing. Any area designated for manufacturing uses under Chapter 28 of the Madison General Ordinances.

Master Plan. The comprehensive plan for guiding and shaping the growth and development of the Madison community, including all of its component parts as set forth in the various maps, plats, charts and descriptive and explanatory matter, prepared by the Madison City Department of Planning and Community and Economic Development and adopted and certified to the Common Council by the City Plan Commission.

Noise Barrier. Any device which reduces the transmission of highway traffic noise from a highway to an adjacent receptor, including but not limited to, earth berms, walls made from timber, metal, concrete, or any combination.

Noise Level. The sound level obtained through use of A-weighting characteristics. The unit of measure is the decibel (dB), commonly referred to as dBA when A-weighting is used.

Official Map. The map indicating the location, width and/or extent of existing and proposed streets, highways, parkways, parks and playgrounds as adopted and amended by the Common Council pursuant to Wis. Stat. § 62.23(6).

Other. All other pertinent terms shall be as defined in the Zoning Code of the City of Madison and in Wis. Stat. ch. 236.

Outdoor Living Area. Spaces that are associated with residential land uses typically used for passive recreational activities or other noise-sensitive uses. Such spaces include patio areas, barbecue areas, residential play areas; outdoor patient recovery or resting areas associated with hospitals, convalescent hospitals, or rest homes; outdoor school facilities routinely used for educational purposes which may be adversely impacted by noise. Outdoor areas usually not included in this definition are: front yard areas, driveways, greenbelts, maintenance areas, and storage areas associated with residential land uses; exterior areas at hospitals that are not used for patient activities; outdoor areas associated with places of worship and principally used for short-term social gatherings; and outdoor areas associated with school facilities that are not typically associated with educational uses prone to adverse noise impacts (for example, school play yard areas).

Parcel. Contiguous lands under the control of a subdivider(s), not separated by streets, highways or railroad rights-of-way.

Person. Any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

Planned Multi-Use Site. A specified area of land comprising one or more contiguous ownership parcels or building sites for multiple uses and which area is limited by a

reciprocal land use agreement or plan of building placement, a reciprocal use off-street parking system, a cross access easement or a reciprocal use ingress and egress system for buildings, loading and parking.

Planned Development District. Zoning Districts provided for in the City of Madison Zoning Code which allow diversification and variation in the physical development of land in return for an improved environment.

Preliminary Plat. A map showing the salient features of a proposed subdivision or land division as described in subsection (7), submitted to the secretary of the Plan Commission for purposes of preliminary consideration prior to all final plats and, when required, prior to all land divisions.

Residential Area. Any area designated for any residential use under Chapter 28 of the Madison General Ordinances.

Solar Collector. A device, structure or a part of a device or structure, a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.

Solar Energy. Direct radiant energy received from the sun.

Sound. An oscillation in pressure, partial displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound Level. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1,4-197, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound Level Meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

Specific Implementation Plan. One element of the documents required for review by the City when rezoning land to the Planned Development Districts as provided for in the City of Madison Zoning Code.

Street. A public way for pedestrian and vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

1. Arterial Streets And Highways. Those streets which provide rapid movement of concentrated volumes of traffic over relatively long distances. They provide principally for movement of persons and goods between activity areas.

    a. Principal Arterials. Those streets serving the major interstate corridors and corridors which connect major cities and regions. These routes provide the highest level of mobility and form a continuous system with constant operating conditions under a high degree of access control.

    b. Primary Arterials. Those streets serving long trips between important cities and the major, intracommunity corridors within the metropolitan area. These routes provide a high level of mobility

and constant operating conditions with only occasional minor restrictions.

c. Standard Arterials. Those streets which more commonly provide for intermediate length trips, thus serving through traffic movement in trade areas or feeding traffic to the principal and primary arterial streets from lower order activity areas not served by such routes.

2. Collector Streets. Those streets which provide moderate speed movement of persons and goods within large areas. They are basically local streets which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets. The dual purpose streets of the collector family are also subclassified into two subclasses, namely connectors and distributors.

a. Connector Streets. Those streets which perform a semiarterial function as well as serving as distribution and land access streets.

b. Distributor Streets. Those streets which perform the function of gathering and distributing traffic from and to the local streets and adjacent lands.

3. Local Streets. Those streets which are designed for low speeds and volumes and are to provide access from low-generation land activities to the collector and arterial systems.

4. Alleys. Those streets which are a secondary means of access for vehicular service to the back or side of properties otherwise abutting on a street.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility facilities and appurtenances attached thereto.

Subdivider. Person or persons requesting review or action on a subdivision or land division.

Subdivision. The division of a lot or parcel of land for the purpose of transfer of ownership or building development, where:

1. The act of division creates five (5) or more parcels or building sites of forty (40) acres each or less in area; or

2. The act of division creates five (5) or more parcels or building sites of forty (40) acres each or less in area by successive divisions within a period of five (5) years.

The term "subdivision" shall include resubdivision and when appropriate to the context shall relate to the process of subdividing or to the land subdivided, regardless of change in ownership.

(3) General Requirements.

(a) Subdivisions.

1. No person, firm or corporation shall divide any land located within the corporate limits of the City of Madison or within the extraterritorial plat approval jurisdiction thereof which shall result in a subdivision as defined herein without complying with the provisions of Wis. Stat. ch. 236, and the

requirements of this Ordinance. This Ordinance shall apply to Condominiums created under Wis. Stat. ch. 703, the Condominium Ownership Act, where an actual subdivision results.

2. The proposed subdivision shall conform to:

   a. The provisions of Wis. Stat. ch. 236.

   b. All applicable ordinances of the appropriate jurisdictions in effect when the preliminary plat is submitted, or if no preliminary plat is submitted, when the final plat is submitted, unless the applicant and the City agree that the applicable ordinances are those in effect at the time the plat is approved.

   c. The master plan and official map or any portion thereof.

      i. Whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in said master plan or official map, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at a width indicated along with all other streets in the subdivision.

      ii. Where a proposed school site or other public ground shown on the master plan or official map of the City of Madison is located in whole or in part within the proposed subdivision, such proposed public ground or park may be dedicated to the public, or reserved for a period of five (5) years from the date of approval of the final plat for acquisition by the City of Madison, Dane County, the township in which it is located, or any other appropriate agency having the authority to purchase said property.

      iii. Park and open space land and development improvements shall be provided as required in Section 16.23(5)(f)1.

      iv. Upon approval of a preliminary plat, lands proposed for public use referred to under (i) through (iii) above shall not be changed either in land form or content without the written approval of the City Engineer for lands involved in (i) and (ii) and without the written approval of the Superintendent of Parks for lands involved in (iii).

      Continued harvesting of agricultural crops other than woodland products is permitted provided, however, that such cropping has occurred within the last five (5) years on the land under consideration.

      v. No dedication under i., ii. and iii. above can be required in a total amount of more than thirty-three percent (33%) of the area to be platted, except that this limitation shall not apply to greenways, detention basis, or other stormwater management facilities required to serve the proposed development, or to existing easements for road purposes.

   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 provisions for such service have not been made. Where soil

survey information is available, such data shall also be considered in determining any areas not suitable for on-site soil absorption sewage disposal system due to inorganic soil, soil subject to flooding, ground water contamination or silting, soils with a high or fluctuating water table, proximity to bedrock, or excessive slopes.

e. The rules of the State Highway Commission relating to safety of access and the preservation of the public interest and investment on the streets if the subdivision or any lot contained therein abuts on a state trunk highway or street connecting thereto.

f. The requirements of City departments as determined during review of the subdivision.

3. No land shall be subdivided which is held by the City Plan Commission 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 safety or welfare of future residents or landowners in the proposed subdivision or of the community.

The City Plan Commission in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use, after affording the subdivider an opportunity to present evidence regarding such suitability at a public hearing.

4. In the case of land divisions and subdivisions plats, lot sizes shall conform to the area and width requirements prescribed for the zoning district in which the property is located, provided that in mixed-use and commercial and employment districts lotting shall be to widths and areas deemed by the Plan Commission to be appropriate for the prescribed use. For land divisions and subdivision plats of landmark sites and properties in Historic Districts, no land shall be divided or combined without the approval of the Landmarks Commission under Sec. 41.18(4).

5. In the case of land divisions and platted subdivisions, agreements, bylaws, provisions or covenants that govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities shall be submitted and approved by the Director of the Department of Planning and Community and Economic Development and the City Attorney prior to final approval of the development.

6. The City of Madison subscribes to the policy that urbanizing land should desirably be located in a compact manner within an existing city or village where arrangements for public transportation will minimize the impact of commuting automobile traffic on City residents and where the full range of urban services and facilities will be available. Within a recognized urban service area, those subdivisions that could provide adequate public facilities and public services would be favored. Subdivisions shall conform to the following policies:

a. To preserve and enhance the existing cities and villages and encourage compact balanced growth shared by and in association

with all the region's cities and villages. Planned new towns may also be appropriate in the future.

b. To encourage the development of balanced compact communities in Dane County with appropriate commercial, public services, industrial, employment, residential and open space land uses meeting the needs of present and future residents of those communities.

c. To direct new growth to those areas capable of providing a full range of urban services and facilities.

d. To prevent scattered and noncontiguous development without discouraging new and desirable development.

e. To insure that new development will not be detrimental to the physical, social and economic well-being of residents of the City or the County.

f. To insure that new development will be organized and timed so as to permit urban services and facilities to be provided as economically and efficiently as possible.

g. To discourage new developments in those areas that are premature in terms of planning and timing for the provision of adequate public services and facilities.

h. To preserve high quality agricultural lands for that purpose when located in an area designated for preservation.

i. To prohibit development in areas or forms where substantial problems will result from excessive automobile traffic volume.

j. To favor land use intensities and patterns that are supportive of alternative modes of transportation.

7. A preliminary plat or final plat of any subdivision shall not be approved unless the Plan Commission and the Common Council determine that adequate public facilities and public services are available to support and service the area of the proposed subdivision, except as provided hereinafter in Subdivision (c) for certain land divisions and subdivisions located within the extraterritorial plat approval jurisdiction. In considering the questions of adequacy of public facilities and public services as set forth above, the Plan Commission and Common Council shall consider but not be limited to: (1) The nature, extent and size of the proposed subdivision and its impact in terms of the estimated increase in population expected to result; (2) The present or projected state of development likely to result when said subdivision is developed with projected densities as anticipated by adopted area Master Plans and currently approved subdivisions in the immediate vicinity of the proposed subdivision; and (3) The avoidance of expenditures of public funds necessitated by the proposed subdivision which are not in adopted capital or operating budgets. For subdivisions in the City of Madison, the applicant shall furnish data requested by the City Engineer, Water Utility Manager, Traffic Engineer and Director of Planning and Community and Economic Development who will coordinate statements of adequacy for transportation, storm sewer, sanitary sewer, water service, fire and police

protection, parks, open space, and recreation and school facilities for the Plan Commission and the Common Council. For subdivisions in the extraterritorial area, the applicant shall include with the application for subdivision approval, a statement evaluating and demonstrating compliance with the provisions of this section to be reviewed by City departments and forwarded with appropriate comments to the Plan Commission and Common Council. Public facilities and public services may be determined adequate for a proposed subdivision when the following conditions are found to exist:

a. The proposed subdivision shall be deemed adequately accessible via roads and public transportation facilities if any of the following conditions are present:

   i. Existing roads are adequate to accommodate the traffic that would be generated by the subject subdivision in addition to existing traffic and are publicly maintained all weather roads; or

   ii. Such additional roads or road improvements necessary in combination with existing roads to accommodate the additional traffic that would be generated by the subject subdivision are budgeted in the current adopted budget for construction with public or private financing; or

   iii. Public bus or other form of mass transportation sufficient to serve the proposed subdivision in combination with (i) or (ii) or both is available or programmed within the area of the subdivision under consideration.

   iv. In its determination of the adequacy of transportation to accommodate traffic, the Plan Commission and Common Council shall consider the recommendation of the Department of Transportation or the Dane County Regional Transportation Study, the applicable levels of traffic service, peak hour use and average use, and any other information presented.

b. The proposed subdivision shall be determined to have adequate storm sewer when the City Engineer certifies to the Plan Commission and the Common Council that adequate funds, either public or private, are available to assure the installation of storm sewers meeting the standards of the Madison Board of Public Works or, in the event of other units of government, standards that are comparable to those established by the Madison Board of Public Works for a storm sewer and drainage facilities.

c. The proposed subdivision shall be determined to have adequate sanitary sewerage facilities if located within an area in which main line interceptor sewer service is presently available, under construction, or designated by the Common Council or other local unit of government 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. In its determination of the adequacy of sewerage service, the Plan Commission and Common Council shall consider the

recommendation of the City Engineer, the capacity of trunk lines and sewerage treatment facilities and any other information presented.

d. The proposed subdivision shall be deemed to have adequate water service if the following conditions are met:

i. It is located within the urban service area prescribed by the Common Council or other appropriate local units of government, and

ii. It is contiguous to an arterial transmission water main of adequate capacity for the increased supply necessary or if the water distribution system that is needed is under construction or scheduled by the appropriate governing unit for installation within the current budget year and funds, either private or public, are available for such program.

In its determination of the adequacy of water service, the Plan Commission and Common Council shall consider the recommendation of the Madison Water Utility, the capacity of distribution lines, water sources, water storage facilities and any other information presented.

e. The proposed subdivision shall be deemed to have adequate fire protection and police service when it can be demonstrated that police or fire services are so situated that adequate and timely service can be provided so as not to involve danger or injury to health, safety or general welfare to the future residents of the proposed subdivision. In its determination of the adequacy of police and fire services, the Plan Commission and the Common Council shall consider the recommendations of the Madison Police and Fire Departments or other local departments providing such services in the area of the proposed subdivision including the grading of the Fire Department serving the area based on the American Insurance Association standards.

f. The proposed subdivision shall be deemed to have adequate parks, open space and recreation when it can be demonstrated that the future residents of the proposed subdivision will have such park, open space and recreation services and facilities available to them as are established by the standards in the most recently adopted plan for Park and Open Spaces by the City of Madison or Dane County.

g. The proposed subdivision shall be deemed to have adequate school facilities when the school district in which such proposed subdivision will be located upon its development, provides information that adequate classroom space is either available within the normal walk-in service area or that adequate transportation as normally provided by the school district can be provided to elementary through high schools that have sufficient classroom space to provide for the anticipated school age children in the proposed subdivision.

Where the Plan Commission and Common Council determine that one or more public facilities or public services are not adequate for the full development proposed, but that a portion of the area could be served adequately, or careful phasing of the development could result in all public facilities or public services being adequate, conditional approval may include only such portions, may specify phasing of the development, or may require a development or annexation agreement to insure future provision of required public facilities and services.

(b) Land Divisions. No person, firm or corporation shall divide any land located within the corporate limits of the City of Madison or within the extraterritorial plat approval jurisdiction thereof which shall result in a land division as defined herein without filing for approval by the secretary of the City Plan Commission and recording a certified survey map meeting all of the applicable requirements of Sec. 16.23 of the Madison General Ordinances and Wis. Stat. § 236.34, and Wis. Admin. Code ch. Trans 405. Successive land divisions from a lot or parcel may be approved provided all divisions 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 unless waived by the secretary of the Plan Commission. This Ordinance shall apply to Condominiums created under Wis Stats. ch. 703, the Condominium Ownership Act, where an actual land division results.

(c) Land Divisions or Subdivisions in Extraterritorial Plat Approval Jurisdiction. The Plan Commission may recommend or approve the subdividing of lands in the extraterritorial plat approval jurisdiction based on the applicable criteria enumerated hereinafter. The Plan Commission shall not consider any subdivision or land division which did not have prior approval by the approving authorities for both the Town(s) and Dane County. The Plan Commission may require any conditions in the approval of a subdivision or land division, including the use of any restrictive covenant.

The Plan Commission may recommend approval of a subdivision to the Common Council or may grant approval of a land division provided that the Plan Commission shall determine that the proposed subdivision or land division complies with each of the following criteria:

1. The proposed subdivision or land division shall be compatible with adjacent development patterns and shall maintain the general land development pattern of the area in question.

   Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.

2. The proposed subdivision or land division and the 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 services facilities required to serve the development.

(d) Highway Noise Land Use Provisions.

1. General Provisions.

a. No owner of any unplatted lands which is adjacent to any existing state or federal expressway or freeway and for which a preliminary plat approval was not granted prior to November 6, 1990, shall be granted final plat approval or shall commence or cause to be commenced construction of any structure, unless approved by the Director of the Department of Planning and Community and Economic Development or her/his designee.

b. Prior to approval of any preliminary plat, final plat or commencement of construction of any structure, every application for approval shall be submitted in writing to the Department of Planning and Community and Economic Development by the owner of the land on which the structure is proposed to be constructed and shall contain the following information:

i. Identification of the land on which the construction is proposed;

ii. The section under which approval is requested;

iii. Information and data supporting the claim that the appropriate requirements shall be met including specific enumerations that the Wisconsin Department of Transportation's Administrative Code TRANS 405 and the Federal Highway Administration's Procedures for Abatement of Highway Traffic Noise and Construction Noise, Title 23, CFR, Chapter I, Subchapter J, Part 772, provisions shall be met and any other information which the Department of Planning and Community and Economic Development may require.

iv. Approval certificate from the Department of Transportation certifying that hourly traffic sound levels Leq(h) as hereinafter indicated, are within permissible levels or that appropriate sound attenuation measures are incorporated into the design and construction of any structures to satisfy the highway noise provisions within this Ordinance.

c. In addition to the requirements contained in subparagraph b. above, the application shall also contain the following information as well as any other information requested by the Director of Transportation bearing on the approval:

i. The existing maximum hourly traffic sound level, Leq(h), for a representative sample of locations, measured in accordance with guidelines presented in "Sound Procedures for Measuring Highway Noise: Final Report", August 1981, U.S. Department of Transportation, Federal Highway Administration, Arlington, VA, or modeled according to a methodology consistent with the methodology in the FHWA Highway Traffic Noise Prediction Model (Report No. FHWA-RD-77-108);

ii. The projected future Leq(h) at the site resulting from future traffic increases; and

iii. Where applicable, plans for sound attenuation measures on the site and/or of the structure proposed to be built and the amount of sound attenuation anticipated as a result of these measures.

2. Construction Restrictions for Habitable and Institutional Structures.

a. No new single family residential structure shall be approved for construction if any exterior hourly traffic sound level Leq(h) anywhere within a proposed outdoor living area is projected to be equal to or in excess of 67 dBA upon completion of the structure or anytime thereafter.

b. No new multi-family dwelling, dormitory, mobile home park, transient lodging, church, library, school, hospital, nursing home or similar structure, or substantial modification of such existing structure, shall be approved for construction if any exterior hourly traffic sound level, Leq(h), anywhere within a proposed outdoor living area on the site is projected to be equal to or in excess of 67 dBA upon completion of the structure or modification or anytime thereafter.

c. Construction otherwise prohibited shall be allowed if there are no outdoor use areas on the site of the proposed structure projected to be exposed to an hourly traffic sound level, Leq(h), equal to or in excess of 67 dBA and provided that there is incorporated into the design and construction of the structure such sound attenuation measures as are necessary to reduce the maximum interior hourly traffic induced sound level, Leq(h), in a habitable room to 52 dBA upon completion of the structure or modification, or anytime thereafter.

d. Prior to issuance of any building permit for any structure regulated pursuant to Subparagraph c. above, the owner of the structure shall submit to the Transportation Department, plans and specifications identifying the sound attenuation measures to be incorporated into the design and construction of the structure to meet the interior Leq(h) criteria.

e. The Department of Transportation may conduct such inspections and measurements as are necessary to ensure the proper implementation of the sound attenuation measures proposed pursuant to Subparagraph d. above and to ascertain compliance with this provision.

3. Recreational Area Restrictions.

a. No land shall be designated or approved for construction or used as a public or private exterior recreational area, including, but not limited to, children's playgrounds, outdoor theaters and amphitheaters, picnic grounds, tennis courts and swimming pools, if any exterior hourly traffic sound level, Leq(h), anywhere on the site of the proposed recreational areas is projected to be equal to or in excess of 67 dBA upon completion of the construction or designation of the site or anytime thereafter, except for the following:

i. This section shall not apply to the designation or approval of any green belt or open space in any area in which the noise level exceeds the level specified in Subparagraph a. above regardless of whether such green belt or open space is open to public use, provided that no recreational improvement or facility is constructed thereon.

ii. Designation or approval of exterior recreational area otherwise prohibited under Subparagraph a. above shall be allowed if the noise level specified in that subparagraph can be achieved by appropriate means of sound attenuation, such as berms, barriers, or buildings, at the perimeter of or elsewhere on the site.

b. No new interior recreational facility, including, but not limited to, gymnasiums, ice or roller skating rinks, indoor swimming pools, and tennis courts, shall be approved for construction if the hourly traffic sound level, Leq(h), anywhere on the site is projected to be equal to or in excess of 67 dBA upon completion of the structure or anytime thereafter, unless there is incorporated into the design and construction of the structure such sound attenuation measures as are necessary to reduce the maximum hourly traffic induced sound level, Leq(h), to 52 dBA.

(e) 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 Wis. Stat. § 236.31(3). Building permits shall also be refused for construction on sites created in violation of these requirements.

(f) Exceptions. The provisions of this Ordinance insofar as it may apply to divisions of less than five (5) parcels, shall not apply to:

1. Transfers of interests in land by will or pursuant to court order.
2. Leases for a term not to exceed ten (10) years, mortgages or easements.
3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Ordinance, the Zoning Code, or other applicable laws or ordinances.
4. Leases or transfers of lands within an approved Planned Commercial Site.
5. Qualifying land divisions set forth in Cooperative Plans.
6. Where Certified Survey Maps are prepared for exempted land divisions as enumerated in paragraphs 1-4 above, the Secretary of the Plan Commission or her/his designee, upon review, shall have the authority to sign an appropriate notation thereon that the Certified Survey Map is exempted from Plan Commission review pursuant to the applicable provision.

(g) Appeals to Circuit Court. Any person aggrieved by an objection to a plat or land division, condition of plat or land division approval or failure to approve a plat or land division may appeal from such action on a plat by the Common Council or from such action on a land division by the Plan Commission acting under Sec. 16.23(3)(c) of the Madison General Ordinances, as provided in Wis. Stat. §§ 62.23(7)(e)10 to 15, and authorized by Wis. Stat. § 236.13(5), within thirty (30)

days of notification of such final action by letter from the Secretary of the Plan Commission.

(4) Summarized Procedure For Dividing Land Within The City Limits Or Its Extraterritorial Area. In planning and developing a subdivision or land division within the City of Madison or its extraterritorial area, the subdivider or the subdivider's agent shall in every case follow one of the following procedures:

(a) For ownerships of eighty (80) acres or more:

1. Pre-application conference, preliminary plat (entire parcel) and final plat (all or part of preliminary plat); or

2. Pre-application conference, comprehensive development plan (CDP) on entire ownership, preliminary plat (first final plat area) and final plat (all or part of preliminary plat).

(b) For ownerships of less than eighty (80) acres with five (5) lots or more to be platted in five (5) years or less:

Pre-application conference, preliminary plat (entire parcel), final plat.

(c) For ownerships of less than eighty (80) acres with less than five (5) lots to be platted in five (5) years or less:

Pre-application conference, preliminary plat (entire parcel), certified survey map.

(5) Detailed Procedure For Dividing Land Within The City Limits.

(a) Pre-application Procedure. Previous to the filing of an application for approval of a preliminary plat, comprehensive development plan or certified survey map, the subdivider may consult the Plan Commission and its staff for advice and assistance. This step does not require formal application, or filing of a plat, but is intended to inform the subdivider of the objectives of these regulations and of the master plan and official map, to otherwise assist the subdivider in planning his/her development; and in so doing to informally reach mutual conclusions regarding the general program and objectives of the development.

(b) Preliminary plat approval shall precede final plat approval unless the Director of the Department of Planning and Community and Economic Development has approved submission of the preliminary plat and final plat at the same time. If the preliminary plat will be submitted and approved prior to submission and approval of the final plat, the applicant shall comply with the procedures in (c) and (d) below. If the preliminary plat and final plat will be submitted together for joint approval, the applicant shall follow the procedure in (e) below.

(c) Preliminary Plat Procedure.

1. Before submitting a final plat for approval, the subdivider shall cause to be prepared a preliminary plat and supplementary material and shall file with the secretary of the Plan Commission a written application on forms furnished by the Plan Commission for approval of said plat, accompanied by eighteen (18) blueline prints or other acceptable reproductions thereof at least twenty-one (21) days prior to the meeting of the Plan Commission at which action is desired. The applicant shall include a Report of Title satisfying the Office of Real Estate Services of the Department of Planning and Community and Economic Development requirements. If the area submitted for development is adjacent to an expressway or freeway as

defined in Wis. Admin. Code ch. Trans 405, the subdivider shall supply to the Department of Planning and Community and Economic Development and the Transportation Department, a noise site study report satisfying Wis. Admin. Code ch. Trans 405 and Sec. 16.23(3)(d), Madison General Ordinances.

The preliminary plat shall cover the entire area owned or controlled by the subdivider even though only a small 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 the ordinance and undue hardship would result from strict application thereof. Where a subdivider has control of lands equal to or in excess of eighty (80) acres separated only by existing public roads or railroads, in lieu of a preliminary plat on the entire ownership, s/he may elect to submit a comprehensive development plan for her/his lands as provided for hereinafter.

2. The preliminary plat shall be reviewed by the Department of Planning and Community and Economic Development for conformity with all ordinances, administrative rules and regulations, including title of ownership, encumbrances, easements, rights-of-way, leases, delinquent real estate taxes, special assessments, the necessary certificates, all other appropriate items, and plans which affect subdivisions; and it shall transmit a copy of the preliminary plat to appropriate City agencies, as determined by the Director of Planning and Community and Economic Development, for review and comment concerning matters within their jurisdiction. The Department of Planning and Community and Economic Development shall submit the comments to the Plan Commission.

3. The Plan Commission shall submit the preliminary plat together with the recommendations of the Commission to the Mayor and Common Council. The Common Council shall, within ninety (90) days of filing of the plat for necessary action, unless the time is extended by agreement with the subdivider, take action to approve, approve conditionally, or reject the preliminary plat and shall state in writing or by resolution any conditions of approval or reasons for rejection. One copy of the preliminary plat shall be returned to the subdivider and one to the surveyor with the date and action endorsed thereon. Failure of the Common Council to act within the 90 days, or extension thereof, constitutes an approval of the preliminary plat.

4. Approval or conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather it 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 Plan Commission.

5. Whenever it is proposed to replat a recorded subdivision or subdivisions, or any part of a recorded subdivision or subdivisions, the Plan Commission shall hold a public hearing on the proposed preliminary plat of the replat before taking action. When a preliminary plat of a replat is filed with the secretary of the Plan Commission, the secretary shall schedule a public hearing before the Plan Commission. The secretary shall mail notices of the proposed replat and of the scheduled hearing thereon at least ten (10) days prior to the time of such hearing to the owners of all properties situated within the limits of the exterior boundaries of the proposed replat, and to the

owners of all properties within a radius of two hundred (200) feet of the exterior boundaries of the proposed replat.

(d) Final Plat Procedure.

1. Sixteen (16) reproductions of the final plat (plus a sufficient number to be submitted to state agencies as required under the provisions of Wis. Stat. § 236.12. if the subdivider follows that procedure), an interim report of title satisfying the Office of Real Estate Services of the Department of Planning and Community and Economic Development requirements, along with a written application for approval on forms provided by the Plan Commission shall be submitted to the Secretary of the Plan Commission within thirty-six (36) months of the approval of the preliminary plat and at least fourteen (14) days prior to the meeting of the Plan Commission at which action is desired. If approval of the preliminary plat must be obtained from another approving authority subsequent to the preliminary plat approval by the Plan Commission, the final plat shall be submitted within thirty-six (36) months of such approval. The Plan Commission may, however, extend the time limit in either case.

2. A professional engineer, planner, or another person charged with the responsibility to review plats shall provide the Plan Commission with a recommendation on approval of the final plat based on a determination whether the final plat conforms substantially to the approved preliminary plat. Such determination and recommendation shall be part of the record and need not be submitted in writing.

3. The Secretary of the Plan Commission shall forthwith forward the ten (10) copies of the plat to the Plan Commission and shall within two (2) days of the submission forward such copies of the plat to the Director of Local and Regional Planning (if the subdivider follows that procedure) as may be required by Wis. Stat. § 236.12. The Plan Commission shall examine the final plat as to its conformance with the preliminary plat, the requirements set forth in this Ordinance, and with any other ordinances, administrative rules and regulations, and plans which may affect it; and shall recommend approval, conditional approval or rejection of the plat. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time. In the event that the final plat constitutes only a portion of the approved preliminary plat, the interim Report of Title need only include those lands included in the final plat. The City Clerk shall forward the interim Report of Title and one copy of the final plat to the Office of Real Estate Services of the Department of Planning and Community and Economic Development.

4. The Plan Commission shall transmit the plat, together with the recommendations of the commission to the Mayor and Common Council, within sixty (60) days of its submission to the City Clerk, for necessary action. The Council shall approve or reject the final plat within sixty (60) days of its submission to the City Clerk, unless the time is extended by agreement with the subdivider. Reasons for rejection shall be forwarded to the subdivider in writing. If the Common Council fails to act within sixty (60) days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the City Clerk.

5. After the final plat has been approved by the Common Council and petitions and a contract and bond insuring the installation of improvements filed in accordance with Subsection (9) hereof, the subdivider shall submit the final plat, an interim Report of Title, satisfying the Office of Real Estate Services of the Department of Planning and Community and Economic Development requirements, to the City Clerk, along with a check in the amount of twelve dollars ($12) to cover the cost of having six (6) copies of the recorded plat made by the Dane County Surveyor for City files. The interim Report of Title need only include those lands included in the final plat. If the final plat complies with the conditions of approval and is submitted within the required time of the date of approval by the Common Council pursuant to Wis. Stat. § 236.25(2)(b). If the plat is not recorded in accordance with the time requirements of said statute, reapproval by the Common Council may be required before the final plat is recorded and an additional interim Report of Title may be required at the time the final plat is resubmitted for approvals.

(e) Combined Preliminary Plat and Final Plat Procedure. The procedures and required documentary submissions shall be the same as set forth in (c) and (d) above with the exception of the following.

1. All materials required for the preliminary plat and the Final Plat shall be submitted at the same time, at least twenty-one (21) days prior to the meeting of the Plan Commission at which action is desired.

2. The Plan Commission shall submit both the preliminary plat and the final plat together with the recommendation of the Commission to the Mayor and Common Council. The Common Council shall, within ninety (90) days of the filing of both plats for necessary action, unless the time is extended by agreement with the subdivider, take action to approve, approve conditionally, or reject the preliminary plat and the final plat and shall state in writing any conditions of approval or reasons for rejection. Failure of the Common Council to act within the ninety (90) days, or extension thereof, constitutes an approval of any plat for which no action was taken.

(f) Comprehensive Development Plan Procedure.

1. When the subdivider has eighty (80) acres or more of land under her/his control, s/he may elect to file a comprehensive development plan in lieu of a preliminary plat for the entire lands under her/his control. The lands may be in a single parcel, or separated only by roads, streets, highways or railroad rights-of-way.

2. The applicant for a comprehensive development plan (CDP) shall file twelve (12) blueline prints and twelve (12) copies of all exhibits as required hereinafter with the secretary of the Plan Commission.

3. The CDP and exhibits shall be reviewed by the Department of Planning and Community and Economic Development, other City agencies as determined by the Director of Planning and Community and Economic Development, and Board of Education for conformity with the provisions of the ordinances and for the possible effect of the proposed division on any plans as set forth in the master plan, official map or neighborhood unit development studies, and comment concerning matters within their jurisdiction. Their recommendations in respect thereto shall be transmitted to the secretary of the Plan Commission not later than forty-five (45) days from the date the map is received by the reviewing departments. The Department of Planning

and Community and Economic Development may also refer the CDP and exhibits to the Capitol Area Regional Planning Commission staff for review and comment when the CDP is located outside the City limits.

4. The Plan Commission shall within sixty (60) days of the filing of the CDP and exhibits recommend approval, conditional approval or rejection. One copy of the plans shall be returned to the applicant with notification in writing of any conditions of approval or the reasons for rejection.

5. After action by the Plan Commission, the CDP and exhibits shall be referred to the Common Council for action. The Common Council shall within ninety (90) days of the filing of the CDP and exhibits approve, approve conditionally or reject it. The approved CDP and exhibits shall be filed for record with the Dane County Register of Deeds by the applicant after action by the Common Council.

6. Any major changes to the recorded CDP and exhibits shall be approved by the Common Council after recommendation by the Plan Commission, and shall be recorded. The determination of what constitutes a major change shall be made by the secretary of the Plan Commission. Her/his decision may be appealed to the Plan Commission as provided for preliminary plats and land divisions in Subsection (3)(e) of this Ordinance.

(g) Land Division (Certified Survey) Procedure.

1. Within the corporate limits of the City of Madison, or within the extraterritorial plat approval jurisdiction thereof a certified survey map approved by the Secretary of the City Plan Commission or her/his designee (and Common Council when dedication of land is involved) and meeting all of the requirements of Wis. Stat. ch. 236.34, may be utilized in lieu of a final plat after being filed by the subdivider for record with the Dane County Register of Deeds, for creating a land division. Unless waived by the Secretary of the Plan Commission or her/his designee, an acceptable preliminary plat shall be filed by the subdivider prior to or with the certified survey map. In making a determination as to whether the preliminary plat requirement may be waived, the Secretary of the Plan Commission or her/his designee shall consider the recommendations of other reviewing departments and may require sketches and/or other information to be supplied by the subdivider to be circulated to City departments for determination of whether the objectives of the subdivision regulations can be achieved without the preliminary plat. The preliminary plat must be submitted on all lands under the control of the applicant and (or) lands in which the applicant has an ownership interest. The land will be determined by quarter-quarter section lines. The preliminary plat shall be circulated to City departments as required in Subsection (5)(b) of this Ordinance. When the preliminary plat is waived, the certified survey map shall show the entire ownership with a survey for the parcel or parcels being separated and a scaled drawing from recorded information for the parcel remaining. The subdivider shall comply with the requirements of Subsection (6) for property outside the City limits and Subsection (9) for property within the City limits when a certified survey map is used. All unpaid and delinquent real estate taxes shall be paid prior to recording the certified survey map. For property within the City limits, all unpaid special assessments shall be paid unless determined otherwise by the Board of Public Works.

2. The applicant for a land division shall file sixteen (16) copies of a certified survey map and written application for approval with the Secretary of the Plan Commission on forms provided by her/him. The application shall include a report of title satisfying the Office of Real Estate Services of the Department of Planning and Community and Economic Development requirements and verification that all real estate taxes and special assessments have been paid. The Office of Real Estate Services shall review the map, necessary public records and report of title for ownership, mortgages, liens, judgments, and other encumbrances, easements, rights-of-way, leases, verification of all real estate taxes and special assessment payments, due diligence regarding matters of environmental hazard and all other appropriate items and shall provide recommendations on the certificate page or pages and the necessary signatures. The Office of Real Estate Services of the Department of Planning and Community and Economic Development shall consult with the City Attorney on matters of title as may be required.

3. The map shall be reviewed by the Department of Planning and Community and Economic Development, and other City agencies as determined by the Director of Planning and Community and Economic Development for comment concerning matters within their jurisdiction, for conformity with the provisions of the ordinances and for the possible effect of the proposed division on any plans as set forth in the comprehensive plan, the official map or neighborhood unit development studies. The comments shall be submitted to the secretary of the Plan Commission.

4. The Secretary of the Plan Commission or her/his designee shall within forty-five (45) days of the filing of the complete application approve, approve conditionally or refer it to the Plan Commission for its consideration. Failure of the Secretary or her/his designee to act upon the proposed land division application within forty-five (45) days shall be deemed a rejection subject to review before the Plan Commission under subsection (3)(c). The Plan Commission shall act on the land division within ninety (90) days of the filing of the complete application, unless the time is extended by agreement with the applicant. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection. After the land division has been approved by the Plan Commission or the Secretary or her/his designee, the necessary resolutions approving the survey and accepting the dedications contained therein shall be presented to the responsible governmental bodies for approval.

   Once all reviewing agencies have determined that the conditions of approval of the land division have been met and the survey has been executed by the land owner(s), surveyor and all parties having an interest in the property, the subdivider shall present the final survey to the Office of Real Estate Services along with an interim title report from the title company that prepared the report of title included with the application and proof of payment for all due real estate taxes and special assessments. Once the Office of Real Estate Services has reviewed the interim title report and determined that all taxes and assessments due have been paid as required in this Ordinance and the final survey is determined to be acceptable, the applicant shall receive the signatures of the Secretary of the Plan Commission or her/his designee. If there are any dedications to the City, the City Clerk or her/ his designee shall sign the survey. Once all the City's

signatures have been affixed, the certified survey shall be surrendered to the applicant or her/his designee for recording with Dane County.

5. When the Secretary of the Plan Commission determines that a proposed land division does not meet the standards for approval, the land division is located within the City's extraterritorial plat approval area, or an applicant appeals a condition of approval or an applicant appeals the requirement for a preliminary plat, it shall be referred to the Plan Commission for further consideration. An application for a proposed land division in the City's extraterritorial plat approval area shall only be scheduled after the Secretary receives a copy of both the Town(s)' and County's actions on the proposed land division. The Secretary shall schedule it for consideration after mailing notice of the scheduled meeting with the reasons for the referral at least ten (10) days prior to the meeting to the owners of all properties situated within the limits of the proposed land division application. When an appeal or a proposed land division application is rejected, the Plan Commission shall furnish the reasons therefor to the applicant in writing.

(h) Fee and Dedication Schedule. So that each proposal shall pay its fair share of costs for public facilities and services and for review under this section, the following schedule of fees and/or dedications shall be applied to each subdivision and land division within the City. Review fees for subdivisions and land divisions shall also apply to land within the extraterritorial plat approval jurisdiction of the City.

1. Park and Open Space Dedication and Fees. There shall be a dedication of land and/or a payment of the Park-Land Impact Fee for each single-family, two-family, and multiple family dwelling unit. The Park and Plan Commissions shall recommend and the Common Council shall determine the land dedication and impact fee payment as well as the location of any land dedication and the acceptance of impact fees in lieu of dedication in accordance with the procedures in Sec. 16.23(8)(f) and Sec. 20.08(2).

2. Water Service. The Madison Water Utility, in accordance with its Rules and Regulations approved by the Common Council on file with the Public Service Commission, shall annually establish a uniform schedule for the fees, or charges, for installation of a water service that is based on the size appropriate for each proposed dwelling and subject to filing the prescribed application, payment of fees and charges that have been established and currently in effect.

3. Any preliminary or final plat submitted for Plan Commission and Common Council review hereunder shall be accompanied by a fee of two hundred fifty dollars ($250), plus fifty dollars ($50) per lot or outlot contained therein to contribute to the costs of such review.

4. Any certified survey map or land division submitted for approval by the secretary of the Plan Commission hereunder shall be accompanied by a fee of two hundred fifty dollars ($250) plus two hundred dollars ($200) per lot or outlot contained therein to contribute to the costs of such review.

(6) Detailed Procedure For Dividing Land Within The Extraterritorial Plat Approval Jurisdiction Of The City. In all cases the time period within which action is required shall not commence until the Town Board, Dane County and the City of Madison have received all maps, drawings and related data necessary for plat approval including a complete application, title report, and fees.

(a) Preapplication Procedure. As specified in Subsection (5)(a) hereof.

(b) Preliminary Plat Procedure.

1. As specified in Subsection (5)(c)1, 2, 3, 4 and 5 hereof.

2. Upon approval of the preliminary plat and after copies of the approved street plans and profiles signed by the Town Chair and the subdivider have been filed with and approved by the City Engineer, the subdivider may proceed with the installation of such improvements and under such regulations as the Town Board and the Metropolitan Sewerage Commission may require. Whenever connection with the water system of the City of Madison is desired, permission for such connection shall be obtained from the Common Council.

(c) Final Plat Procedure.

1. Twelve (12) reproductions of the final plat (plus a sufficient number to be submitted to state agencies as required under the provisions of Wis. Stat. § 236.12, if the subdivider follows this procedure), along with a written application for approval on forms provided by the Plan Commission shall be submitted to the City Clerk within thirty-six (36) months of the approval of the preliminary plat and at least fourteen (14) days prior to the meeting of the Plan Commission at which action is desired. However, if approval must be obtained from another approving authority subsequent to the preliminary plat approval by the Plan Commission, the final plat shall be submitted within thirty-six (36) months of such approval. The Plan Commission may, however, extend the time limit in either case. Where more than one approval is required, the letter of application shall indicate to which approving authority the plat is being first submitted in order to facilitate compliance with Wis. Stat. § 236.12(5). All of the requirements relating to improvements specified by the Town Board, the Metropolitan Sewerage Commission or the City of Madison in matters over which they have jurisdiction shall be met before filing of the final plat.

2. State and City review of final plat as specified in Subsection (5)(c)2. hereof.

3. Council action on final plat as specified in Subsection (5)(c)3. hereof.

4. Certification and recording of final plat as specified in Subsection (5)(c)4. hereof.

(d) Comprehensive Development Plan Procedure. As specified in Subsection (5)(d) hereof. Action by the Common Council assumes that all multiple-family development plans will be reviewed by the Plan Commission or Common Council of the City of Madison, or by the governing body having jurisdiction over the municipality, town or county in which the development is located at the time of development.

(e) Land Division (Certified Survey) Procedure. As specified in Subsection (5)(e) hereof, and in addition thereto, the Secretary of the Plan Commission may request approval of the certified survey map by the Town Board prior to approving it.

(f) Fee Schedule. So that each proposal shall pay its fair share of costs for review under this section, the fee schedule for preliminary and final plats and for certified survey map land divisions in Subsection (5)(f) shall apply to extraterritorial land division and subdivision.

(7) Plats, CDPs And Land Divisions (Certified Surveys) Data.

(a) Preliminary Plat. The preliminary plat shall be by a registered land surveyor prepared on tracing cloth or paper of good quality at a scale of not more than one hundred (100) feet to one (1) inch and shall show correctly on its face:

1. Date, scale and north point.
2. The title under which the proposed subdivision is to be recorded.
3. The name and address of the owner, subdivider, surveyor, engineer and professional land planner involved in the plat preparation shall appear on the plat.
4. Location of the proposed subdivision by government lot, quarter section, township, range and county and a location map showing the relationship between the plat and its surrounding area.
5. A scaled drawing from recorded information on the exterior boundaries of the proposed subdivision and a scaled reference to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby. The exact length and bearings shall be required and the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and total acreage encompassed.
6. Location and names of adjacent subdivisions, parks and cemeteries.
7. Location, right-of-way width and names of any adjacent existing streets, alleys or other public ways, easements and railroad and utility rights-of-way.
8. Type, width and elevation of any adjacent existing street pavements together with any legally established center line elevations for streets located outside the City limits.
9. Location, size and invert elevation of any existing sanitary or storm sewers, culverts or drain pipes and the location and size of any existing water and gas mains on and adjacent to the preliminary plat and proposed to be used in the development. If sewers and water mains are not on or adjacent to the preliminary plat the direction and distance to and size of the nearest ones, showing invert elevations of sewers shall be indicated.
10. Location of existing property lines, buildings, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks, all existing improvements with their dimensions, and other similar significant features within the plat or immediately adjacent thereto.
11. Water elevations of adjoining lakes or streams at the date of survey and approximate high and low water elevations, all referred to City datum.
12. Contours at vertical intervals of not more than two (2) feet where average slope is less than five percent (5%) or five (5) feet where slope is five percent (5%) or greater. Elevations shall be marked on such contours based on City of Madison datum where City datum is available within one-half (½) mile.
13. When requested by the Plan Commission location and results of tests made to ascertain subsurface soil, rock and water conditions including depth not available for immediate service, the provisions of Wis. Admin. Code ch. SPS 385 shall be complied with and the appropriate data submitted with the preliminary plat.

14. Location, width and names of all proposed streets and public rights-of-way such as alleys and easements. If the subdivider chooses, she or he may label the streets with a letter of the alphabet for preliminary plat consideration.

15. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.

16. Approximate dimensions of all lots together with proposed lot and block numbers.

17. Radii of curves at all street intersections. Approximate radii of all other curves.

18. When requested by the Plan Commission, a draft of a protective covenant whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

19. Plans and profiles for streets, walkways, greenways and public easements, showing existing ground surface and proposed grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested may be required to be submitted to the Department of Planning and Community and Economic Development at the time of preliminary plat submission when unusual topographic or other unusual conditions exist. Otherwise the plans and profiles shall be submitted with the final plat. All elevations shall be based on City of Madison datum where said datum is within one-half (½) mile of the plat. The type and form of the plan and profile sheets shall meet the approval of the City Engineering Division.

20. When and to the extent requested by the City Engineer because of drainage, ground or tree cover or ground water concerns, a lot grading plan for the preliminary plat showing proposed contours at vertical intervals of not more than two (2) feet. Elevation shall be marked on such contours based on City of Madison datum.

21. All lots on which secondary dwelling units may be constructed shall be identified.

22. Private easements, or alternatively private outlots, for Cluster Box Units as required under Subsection (8)(h) below.

(b) Final Plat. The final plat of the subdivision shall comply with the requirements of Wis. Stat. ch. 236, which is hereby adopted by reference. The plat shall be accompanied by a written application for approval on forms furnished by the Plan Commission.

1. Where the plat is located within or adjacent to a section or quarter section the corners of which have been relocated and monumented by the City of Madison, the plat shall be tied directly to one of such corners. The exact length and bearing of such tie shall be determined by field measurement and the material and Wisconsin State Plane coordinates of the monument marking the relocated section or quarter section corner to which the plat is tied shall be indicated on the plat. On replats of plats recorded after 1950, the Plan Commission may upon request waive this requirement if in its judgment it appears unnecessary or would cause extraordinary hardship or

expense. The note on the plat shall also define which section or quarter section line is used for referencing the bearing.

2. The plat shall also be accompanied by plans and profiles in accordance with Paragraph (7)(a)19. of this Ordinance if they have not been previously submitted.

3. The plat shall include on its face a tabulation of the lot area to the nearest square foot for each lot included in the final plat and all lots on which secondary dwelling units may be constructed shall be identified.

4. The plat shall include private easements, or alternatively private outlots, for Cluster Box Units as required under Subsection (8)(h) below.

(c) Comprehensive Development Plan.

1. The CDP and exhibits shall consist of the following minimum items:

a. A plan, drawn to a scale of one inch to two hundred feet (1" = 200') which shows all lands under the control of the applicant which are contiguous or separated only by existing public roads or railroad rights-of-way. The plan shall show items 1 through 7, 9 through 13, and item 15 of subsection (7)(a) preliminary plat data, and all proposed collector and arterial streets.

b. If the proposed development qualifies for a waiver on design standards, as provided for hereinafter, details showing the proposed deviation from the standards and the reasons therefor.

c. The projected population broken down into single family and multi-family units.

d. The multi-family dwelling units broken down into the number of units in each bedroom category on a percentage basis.

e. The development schedule clearly indicating the timing of proposed development, utility scheduling, etc.

f. A preliminary plat, meeting the requirements of this Ordinance, except the time limit for approval by the Plan Commission, on that portion of the CDP which will be included in the first final plan.

2. The Design Standards—Subsection (8) of this Ordinance—which apply to subdivisions and land divisions shall also apply to CDPs. However, if the CDP consists of a cluster development or other innovative designs which negate the necessity for meeting these standards, the Common Council may waive these standards upon recommendation of the Plan Commission and Board of Public Works. Where the land division or subdivision is part of an approved planned development district for which an approved specific implementation plan containing the revised standards has been recorded with the Dane County Register of Deeds, the waiver shall be deemed to have already been granted.

(d) Land Divisions (Certified Surveys).

1. The land division shall comply with the provisions of this Ordinance relating to general requirements, design standards, the preliminary plat data requirements of subsection (7)(a), and required improvements for subdivisions under this Ordinance. For lands subject to a condominium plat, a lot or lots may be created from a lot in said plat provided that no part of a

lot or lots to be created shall be part of a condominium and shall be capable of being served by City water and sewer. Service from a private water or sewer system shall not be permitted. The lot or lots created may share cross access, parking, and stormwater management facilities if such sharing was required by any zoning approval for the property and if adequate easements and/or agreements are provided, subject to the approval of the City Engineer, City Traffic Engineer, and Planning Director. The beginning point of survey shall meet the requirements of Wis. Stat. § 236.34(1)(d).

2. The survey shall be performed and the map prepared by a registered land surveyor, and the map shall comply with the requirements of Wis. Stat. § 236.34, which is hereby adopted by reference. In addition, the map shall show all existing buildings, structures, watercourses, drainage ditches and other features pertinent to proper division. Any building or structure and its location on the lot shall be dimensioned to the nearest one-tenth (0.1) foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.

3. The certificate of approval by the secretary of the Plan Commission shall be typed, lettered or otherwise reproduced legibly on the face of the map with nonfading ink.

4. (R. by ORD-08-00094, 8-23-08)

5. Restrictions For Public Benefit. Any restriction placed on the face of the map, whether covenant, easement, or any other restriction, which is required by the provisions of this Ordinance and which names a public body or public utility as grantee, promissee or beneficiary, is hereby deemed accepted and vests in the public body or public utility the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction. The restriction may be released or waived in writing by the public body or public utility having the right of enforcement.

(8) Design Standards.

(a) Streets and Alleys.

1. General. In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the official map, master plan or component neighborhood unit development plan. In areas for which such plans have not been completed the streets shall be designed 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 use of narrower, performance-based streets in new subdivisions and in the reconstruction of local streets may accomplish some or all of the following objectives: improved neighborhood livability from a more pedestrian-friendly environment; more compact development patterns that use less land, increase in land available for residential and commercial activities; more extensive streetscape vegetation and preservation of existing streetscape vegetation; reduction in the cost of street construction and maintenance, as well as development costs; reduction in traffic speed and non-local traffic; and reduction in stormwater runoff. Cul-de-sacs shall not be used in any street layout, unless the topography or other unique physical feature of a

development makes cul-de-sacs the only, or most logical, street layout. Where cul-de-sacs are determined to be necessary, a sidewalk, connecting path or multi-use path shall be provided to connect to another public right of way unless topography or other unique physical features make this connection impossible. The subdivision shall be such as to provide each lot by means of a public street satisfactory access to any existing public street. The subdivision shall further maximize the use of street orientations which provide solar access to lots and contemplated buildings.

2. Arrangement.

   a. Arterial streets and highways shall be properly integrated with the existing and proposed system of arterial streets and highways and insofar as practicable shall be continuous and in alignment with existing, planned and platted streets with which they are to connect.

   b. Collector streets shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers, to concentrations of population and to major streets into which they feed.

   c. Local streets shall be designed to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems; and to require the minimum street area necessary to provide safe and convenient access to abutting property.

   d. Proposed streets shall extend to the boundary lines of the subdivision unless prevented by topography or other physical conditions; or unless in the opinion of the Plan Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision and for the advantageous development of the adjacent lands. Temporary turnarounds adjacent to the boundary of the subdivision being subdivided may be required at street ends.

   e. Street patterns and lot lines generally determine building orientation. To facilitate solar access, streets shall be oriented in an east-west direction to the maximum extent possible or to within 20 degrees of such orientation. This requirement shall not apply to preliminary plats approved prior to the effective date of this Ordinance, provided the final plat of the preliminary plat is submitted within six (6) months, or to final plats submitted within six (6) months of preliminary plat approval or to portions of the subdivision where the applicant demonstrates that:

      i. There are other means of assuring solar access to lots in question, including but not limited to cluster development on large parcels or through the use of building setback or solar access easements.

      ii. Topographic conditions on or surrounding the land being subdivided make such orientation unreasonable.

      iii. The shape and size of the property being subdivided make such orientation unreasonable.

iv. Adopted storm water management plans or policies indicate a different street orientation.

v. Existing or approved future development contiguous to the subject property precludes adequate solar access to the portion in question.

vi. Existing street patterns contiguous to the subject property make such orientation unreasonable.

vii. Specific adverse environmental impacts would occur on the site if such orientation were achieved.

viii. Desirable street circulation patterns require some streets to be in a more north-south direction.

ix. The final platting of only a portion of an approved preliminary plat precludes changes in remaining portions of the preliminary plat which are necessary to provide adequate solar access to the portion in question.

3. Treatment Of Railroad Rights-Of-Way And Limited Access Arterial Streets. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or limited access arterial street, the subdivision shall provide the following treatment:

a. In residential districts a buffer strip at least thirty (30) feet in depth in addition to the normal lot depth required shall be provided adjacent to a railroad right-of-way or a state or U.S. highway. The subdivider shall install in the buffer strip, noise abatement facilities per the Wisconsin Administrative Code, Department of Transportation, Chapter Trans 405, "Siting Noise Barriers". For the above lots, the strip shall be a part of the lots and shall have the following restriction lettered on the face of the plat:

"This strip reserved for noise abatement facilities. The building of buildings hereon is prohibited and any bermed area shall not be counted as any required yard. Maintenance of this strip and any facilities thereon is the responsibility of the owner."

For all other lots adjacent to a state or U.S. highway or railroad right-of-way such buffer strip shall be a part of the platted lots and shall have the following restriction lettered on the face of the plat:

"This strip reserved for the planting of trees or shrubs by the owner; the building of buildings hereon is prohibited, and the rear 30 feet of the strip shall not be counted as any required yard. Maintenance of this strip is the responsibility of the lot owner."

b. In commercial and industrial districts, provision shall be made on each side of the railroad right-of-way or limited access arterial street for streets approximately parallel to and at a distance from such right-of-way or highway suitable for the appropriate use of the land between such streets and right-of-way, but not less than one hundred fifty (150) feet distant from said right-of-way. The Secretary of the Plan Commission or her/his designee shall evaluate and determine the need for these provisions.

c. Streets parallel to a railroad right-of-way or arterial street or highway shall, when intersecting an arterial street, highway or a collector street, be located at a minimum distance of two hundred fifty (250) feet from said right-of-way, arterial street or highway. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

d. Location of local streets immediately adjacent and parallel to railroad rights-of-way shall be avoided.

4. Protection Of Arterial Streets And Highways. Whenever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and the separation of through and local traffic shall be provided by:

a. Reversed frontage with screen planing contained in a nonaccess reservation along the rear property line.

b. Marginal access street.

5. Alleys. Alleys shall be required in mixed-use and commercial and employment districts for off-street loading and service access unless otherwise required by the Plan Commission, but shall not be approved in residential districts. Dead end alleys shall not be approved; and alleys shall not have their points of connection on a major thoroughfare.

6. Reserve Strips. There shall be no reserve strips controlling access to streets except where control of such strips is definitely placed in the City under conditions approved by the Plan Commission.

7. Intersections.

a. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. The point of curve of the center line of a curved street intersecting another street shall be not less than fifteen (15) feet, on the property side, of the property line of the street being intersected.

b. The number of streets converging at one intersection shall be not more than two.

c. The number of intersections along arterial streets shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than twelve hundred (1,200) feet.

d. Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet except that at all intersections along collector and arterial streets the radius shall be increased to twenty-five (25) feet. The Plan Commission may require a larger radius where desirable.

e. Local streets shall not necessarily continue across arterial or collector streets, but if the center lines of such minor streets approach the major streets from opposite sides thereof within three hundred (300) feet of each other, measured along the center line of the arterial or collector street, their location shall be

adjusted so that the alignment across the arterial or collector street is continuous and a jog is avoided.

f. Local street intersections, wherever practicable, shall be spaced no closer than two hundred fifty (250) feet between center lines.

g. Cul-de-sac streets designed to have one end permanently closed shall not exceed six hundred (600) feet in length.

8. Widths Of Streets And Pavements, Parkways And Drainageways.

a. The minimum right-of-way of all proposed streets and alleys shall be of the width specified by the Comprehensive Plan, master plan, functional classification map, official map or neighborhood development study; or if no width is specified therein the minimum widths shall be as follows:

i. Principal and primary arterial streets shall have a minimum ROW width of one hundred twenty (120) feet.

ii. Standard arterial and connector collector streets shall have a minimum ROW width of eighty (80) feet.

iii. Distributor collector streets shall have a minimum ROW width of sixty (60) feet and a minimum pavement width (from curb face to curb face) of thirty-two (32) feet, subject to approval by the Common Council.

iv. Local streets shall have a minimum ROW width of sixty (60) feet and a minimum pavement width of thirty-two (32) feet except in the following situations:

A. A minimum ROW width of fifty-four (54) feet and a minimum pavement width (from curb face to curb face) of twenty-six (26) feet shall be permitted when the net density of abutting property is less than three (3) dwelling units per acre.

B. A minimum ROW width of fifty-six (56) feet and a minimum pavement width of twenty-eight (28) feet shall be permitted when the net density of the abutting property is less than 5.44 dwelling units per acre.

C. A minimum ROW width of fifty-six (56) feet and a minimum pavement width of twenty-eight (28) feet shall be permitted if:

1) The net density of abutting property is between 5.44 and 8.71 dwelling units per acre;

2) Front loaded garages have driveways at least twenty (20) feet in length;

3) At least seventy-five percent (75%) of dwelling units in the subdivision have two (2) car garages; and

4) A minimum of two (2) parking spaces are provided in front of the two (2) car garages that have access to a street.

5) Where alleys exist, at least seventy-five percent (75%) of the houses must have garages accommodating at least two (2) cars, as well as at least three (3) off-street parking spaces, and a minimum garage setback of ten (10) feet or a parking space adjacent to the garage.

D. A minimum ROW width of fifty-six (56) feet and a minimum pavement width of twenty-eight (28) feet may be permitted if:

1) The net density of abutting property is between 8.72 and 12.44 dwelling units per acre.

2) The requirements of Subsubsubparagraph C. are met; and

3) The Common Council approves such minimum widths after consideration of factors, including but not limited to:

a) Area street connectivity among relevant local, collector, and arterial streets.

b) The number of off-street parking spaces provided per dwelling unit.

c) Parking regulations applicable to the street.

d) The proximity and number or percentage of streets in a subdivision proposed to have a minimum ROW width of fifty-six (56) feet and a minimum pavement width of twenty-eight (28) feet shall be sufficient to support potential overflow on-street parking in the areas of higher density development.

e) The recommendations of the Traffic Engineer, City Engineer, and the Director of the Department of Planning and Community and Economic Development.

v. For all of the above, when there exist special on-street parking generators, such as parks, schools, churches, commercial businesses, sports and entertainment venues, or large multi-family dwellings, the minimum ROW width shall be sixty-six (66) feet and the minimum pavement width shall be thirty-six (36) feet.

vi. For all the above, when the street is designated as or anticipated to be a bicycle route that may have marked bicycle lanes, the minimum widths shall be as follows:

A. If no parking is on either side of the street, the minimum ROW width shall be sixty-two (62) feet and the minimum pavement width shall be thirty-four (34) feet.

B. If parking is permitted on only one side of the street, the minimum ROW width shall be sixty-eight (68) feet and the minimum pavement width shall be forty-two (42) feet.

C. If parking is permitted on both sides of the street, the minimum ROW width shall be seventy-four (74) feet and the minimum pavement width shall be forty-eight (48) feet.

vii. Alleys:

A. Alleys shall have a minimum ROW width of twenty-six (26) feet, with a minimum pavement width of twelve (12) feet and one point five (1.5) foot curbs.

B. Alleys shall be extended through the full block. No intra-block alley intersections shall be allowed.

C. No parking shall be allowed in an alley or in any driveways located adjacent to the alley.

D. No utility pedestals, trees or landscaping, and fences shall be allowed in the alley ROW.

E. Alley ends shall be constructed with aprons providing eight (8) foot flares to accommodate maintenance vehicles.

viii. At the time of application, the applicant shall provide a plan that overlays the plat or certified survey map and that demonstrates that the requirements for building streets of a particular width are met.

b. All cul-de-sac streets shall terminate in a circular turnaround having a minimum right-of-way diameter of one hundred twenty (120) feet and a minimum outside curb diameter of ninety-two (92) feet in commercial and industrial areas and a minimum right-of-way diameter of one hundred (100) feet and minimum outside curb diameter of seventy-two (72) feet in residential areas. The reverse curve on a cul-de-sac shall have a fifty (50) foot minimum radius when the bulb is centered on the street and a one hundred (100) foot minimum radius when the bulb is offset.

c. If parkways or drainageways influenced by topographical features such as streams or ponds, ravines, wooded areas or other natural features are to be provided within the proposed plat, their width and location shall be determined as may be deemed necessary to preserve such features. Generally parkways and drainageways shall have a minimum width of two hundred (200) feet, but they shall not in any case be less than one hundred (100) feet in width.

d. Cul-de-sac streets may be approved with a fifty (50) foot street right-of-way where the land division or subdivision is part of an approved cluster development incorporating an interior pedestrian walkway system on private common open space areas to the rear or side of the lots and where controls similar to those for a planned development district are approved by the City.

9. Grades. Unless necessitated by exceptional topography, and subject to the approval of the Plan Commission, the maximum street grades shall not exceed the following:

    a. Arterial streets and highways: six percent (6%).

    b. Collector streets: eight percent (8%).

    c. Local streets and alleys: ten percent (10%).

    d. Pedestrian ways: ten percent (10%) unless steps of acceptable design are provided.

    The grade of any street or sidewalk shall in no case exceed twelve percent (12%) or be less than one-half of one percent (0.5%). Streets which are designed to exceed the proposed maximum grade due to topography shall limit this grade to 600 feet or less of street centerline and shall not occur at or near intersections.

    All changes in street grades shall provide sight distances as conditions require as determined by the City Engineer and Traffic Engineer.

    Street grades shall be established wherever practicable in such a manner to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.

10. Radii of Curvature. When a continuous street center line deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced. Local streets shall have a minimum centerline radius of 150 feet.

    Collector and Arterial streets shall have a minimum centerline radius dependent on the anticipated speed limit for the street both of which as determined by the City Traffic Engineer. The minimum centerline radius for low speed urban streets without a median shall be as follows:

Speed Limit	**Centerline Radius Two-Lane Roadway***	**Centerline Radius Four-Lane Roadway***
25 mph	300 feet	450 feet
30 mph	475 feet	625 feet
35 mph	700 feet	850 feet

*A larger centerline radius curve than listed in the above table for a given speed may be required by the City Traffic Engineer if special traffic conditions are likely to occur on a collector or arterial street.

Collector and Arterial streets with an anticipated speed limit over 35 miles per hour or which are designed with a median or which have more than four (4) traffic lanes shall have a centerline radius as established by the design criteria for high speed urban streets as provided in the latest addition of "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials (AASHTO). The design speed shall generally be five (5) miles per hour over the anticipated speed limit to provide a reasonable margin of safety.

Where the above centerline radius is not considered feasible because of existing features or other factors, the Plan Commission may, after

considering the recommendations of the City Engineer and the City Traffic Engineer, permit the use of a shorter centerline radius.

A tangent at least one hundred fifty (150) feet in length shall be provided between reverse curves on arterial and collector streets, and one hundred (100) feet in length between reverse curves on local streets. However, on those local streets where there is a cul-de-sac or loop street pattern and low density development assuring a low volume of traffic and adequate vision clearance, an objective of retaining existing desirable trees that would otherwise be damaged and the resultant pattern of development would be consistent with that of adjoining lands, the Plan Commission may alter the requirements listed above for local streets.

11. Half Streets. Where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. Streets less than full width on the boundary of the tract being subdivided shall not be less than a width sufficient to produce a full pavement, a full terrace on the plat side and a reserve strip as determined by the Plan Commission.

12. Street Names. New street names shall conform to the approved street name policy.

13. Cluster Development. The standards applicable to street right-of-way, roadway width and provision for sidewalks may be waived by consent of the Plan Commission and Board of Public Works for special situations, such as cluster developments, where other well planned interior street and pedestrian systems are provided. Where the land division or subdivision is part of an approved planned development district for which an approved specific implementation plan containing the revised standards has been recorded with the Dane County Register of Deeds, the waiver shall be deemed to have already been granted.

(b) Easements.

1. Lines To Be Underground In Newly Platted Areas.

a. All new electric distribution lines (excluding lines of twelve thousand (12,000) volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, community antenna television cables and services, installed within a newly platted area, mobile home park, cluster development or planned development district, shall be underground unless the Plan Commission shall specifically find after study that:

i. The placing of such facilities underground would not be compatible with the planned development; or

ii. Location, topography, soil, swamp, solid rock, boulders, stands of trees, rows of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable; or

iii. The lots to be served by said facilities can be served directly from existing overhead facilities.

b. Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but

not limited to, substations, pad-mounted transformers, padmounted sectionalizing switches and above-grade pedestal-mounted terminal boxes, may be located aboveground.

c. The subdivider or her/his agent shall furnish proof to the Plan Commission that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owner or owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to approval of the final plat, site plan, certified survey map or planned commercial site plan.

d. Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed, subject to any exception permitted by the Plan Commission under subparagraphs (a)1, 2 and 3 above.

e. Easement Conditions.

i. Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines, across lots or along front lot lines where necessary, for the installation of storm and sanitary sewers, gas, water, electric lines, communication lines and heat mains. Such easements as required by the utility company or other private utility lines shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map. All easements for storm and sanitary sewers, water and heat mains, pedestrian walks, and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.

ii. Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt shall not be stored on such easement areas. Utility facilities when installed on utility easements whether overhead or underground shall not disturb any monumentation in the plat.

iii. Where the electric and/or communications facilities are to be installed underground, a plat restriction shall be recorded with the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements

shall not be altered by more than six (6) inches by the subdivider, his/her agent, or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved. The purpose of this restriction shall be to notify initial and future lot owners of the underground facilities at the time of purchase and to establish responsibility in the event of damage to such facilities or to the need to alter such facilities. When the utility company uses a service application said application should also notify the initial and subsequent lot owners of their responsibility regarding such underground facilities.

2. Drainage Easements. Where a subdivision is traversed by a water course, drainageway, channel or stream, an adequate drainageway or easement shall be provided as required by the Plan Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission and parallel streets or parkways may be required in connection therewith. Wherever possible the storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, these sizes and design details to be subject to review and approval by the City Engineering Department and City Parks Department.

3. Street Lighting. In areas where underground electric facilities are installed, poles for street lights shall be ornamental in nature. In a newly platted area the subdivider shall provide for the location of all street lights and street light systems within the area being developed, upon consultation with the electric utility serving the subdivision and as approved by the Traffic Engineer in accordance with the provisions of Section 12.03(4)(c) of the Madison General Ordinances and consistent with the standards of the utility serving the area. Ornamental street lighting will be installed by the serving electric utility or the City of Madison and the City of Madison will assess the benefiting property owners for ornamental and street lights in areas served by underground distribution systems where the underground service cable has been requested and paid for by the developer or property owners.

(c) Blocks.

1. The lengths, widths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, pedestrian safety, control and safety of street traffic, and the limitations and opportunities of topography. While there is not a minimum block length requirement included in the subdivision ordinance, in the TR-C3 Zoning District, block lengths shall not, as a general rule, exceed 500 feet in length between street lines unless required by exceptional topography or other limiting factors when approved by the Plan Commission.

2. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.

3. Pedestrian ways or crosswalks, not less than ten (10) feet in width, shall be provided near the center and entirely across any block nine hundred (900) feet or more in length where deemed essential, in the opinion of the Plan

Commission, to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.

(d) Lots.

1. The size, shape and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. The lots shall be oriented to maximize solar access to buildings. Solar access is generally the greatest when the buildings' longest axis is east to west and southerly building exposures are maximized. Lots shall be oriented to maximize opportunities for pedestrian travel and neighborly interaction.

2. Every lot shall front or abut on a public street, subject to the following exceptions:

    a. A lot, not fronting or abutting on a public street, may be included in a subdivision or land division provided said lot is in an approved Planned Multi-Use Site or a Planned Development District for which an approved specific implementation plan has been recorded and which is limited by a reciprocal land use agreement or plan of plan of building placement, a reciprocal use off-street parking system, a cross access easement or a reciprocal ingress and egress system for buildings, loading and parking sites.

    b. A lot, not fronting or abutting on a public street, may be included in a subdivision or land division if it meets the requirements in Sec. 28.135(2)(b), MGO.

3. Lot dimensions shall conform to the requirements of the Zoning Code and except for lots in an approved Planned Multi-Use Site or Planned Development District shall have a minimum average depth of one hundred (100) feet and lots in the TR-C3 and TRP Districts shall have a minimum average depth of eighty (80) feet. Where not served by a public sewer, lot dimensions and areas shall in addition conform to the requirements of the State Board of Health. The lot width shall normally be measured at the rear line of the required front yard except that for deep residential lots and for triangular or gore shaped lots where the setback line is noted on the plat and is greater than the required yard, the lot width shall be measured at the indicated setback line.

4. Side lot lines shall be as nearly as possible at right angles to straight street lines or radial to curved street lines on which the lots face, except where more flexible lot line orientation is necessary to secure solar access to the lot, such as in the case of intercardinal streets where the side lot lines are located as close as possible to the north-south axis.

5. Corner lots shall have sufficient width to permit adequate building setbacks from side streets.

6. In case a parcel is subdivided into large parcels, such parcels shall be arranged so as to allow the resubdivision of any such parcels into normal lots in accordance with the provisions of this Ordinance.

7. Excessive depth in relation to width shall be avoided and a proportion of two to one (2 to 1) shall be normally considered as a desirable ratio.

8. Lot lines shall follow municipal boundary lines rather than cross them.

9. Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

10. Residential lots fronting or backing on arterial streets shall be platted with extra depth to permit generous distances between the buildings and such trafficways.

11. Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(e) Building Setback Lines. Where not adequately controlled by zoning regulations, building setback lines appropriate to the location and type of development contemplated shall be established, as may be requested by the Plan Commission.

(f) Public Sites and Open Spaces. The following provisions are established to preserve and provide properly located public sites and open spaces as the community develops, and to insure that such public sites and open spaces are provided and developed to serve the need for parks generated by the additional persons brought into the areas by such development, in accordance with standards adopted in Madison's Park and Open Space Plan. These provisions are intended to apply to all lands proposed to be developed for residential purposes, including single-family, two-family, and multi-family sites, land divisions, planned developments, and residential building complexes, either through subdivisions, certified survey maps, rezonings, conditional use approvals or other zoning or land use approvals.

1. In the design of the plat due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways, storm water management or treatment facilities, and other public purposes. In the location of such sites consideration shall be given to the preservation of scenic and historical landmarks and sites; watercourses, streams, lakes, ponds, marshes and their accompanying watersheds; and significant woodland, prairie and wetland plant and animal communities. Consideration shall also be given to solar access where the location of open space lands provide greater achievement of solar access objectives and requirements of the entire subdivision.

2. Outside the corporate limits but within the extraterritorial plat limits, where it is recommended by the Park Superintendent or Board of Park Commissioners and the Plan Commission and determined by the Common Council that a portion of the plat or planned development is required for such public sites or open spaces, the developer may be required to dedicate such area to the municipality having jurisdiction, or otherwise provide for said public land as agreed to by the City, the affected township and the Dane County Agriculture, Zoning, Planning and Water Resources Committee. Where such dedication or other provision is not required, the developer may be required to reserve such area for a period not to exceed five (5) years after which the City, County or to.

3. Within the corporate limits of the City, where feasible and compatible with the comprehensive plan for development of the community, the developer shall provide and dedicate to the public adequate land to provide for the park and recreation needs of the plat and land division.

4. Using the definitions set forth in Sec. 20.08(2)(c)2., MGO, the required land dedication to meet the community's park and open space needs shall be as follows:

Type of Development	**Square Feet/Unit or Bedroom**
Single-Family/Duplex	1,081
Multi-Family	734
Large Multi-Family	1,424
Age Restricted Multi-Family	573
Group Living Quarters	410

Where a definite commitment has been made by the developer and City on the number of dwelling units to be provided on a multi-family lot or bedrooms to be provided in group living quarters, the dedication shall be based on that number. Where no such commitment exists, the dedication shall be based on the maximum number of dwelling units the lot will support, exclusive of open space and other public lands.

5. The Plan Commission, after recommendation of the Park Superintendent or Board of Park Commissioners shall determine that any land to be dedicated as a requirement of this section shall be reasonably adaptable to meet desirable on-site facilities as outlined in Madison's Park and Open Space Plan, and shall so recommend to the Common Council. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size and shape, topography, geology, tree and other plant cover, access, and location.

6. In the event that dedication would result in sites too small to be usable, or if the Comprehensive Plan calls for such public sites or open spaces to be located elsewhere, or if such sites would not otherwise be suitable as determined by the Plan Commission, after recommendation of the Park Superintendent or Board of Park Commissioners, a payment of a fee in lieu of land dedication shall be required. This fee in lieu of land dedication is the Park-Land Impact Fee as set forth in Sec. 20.08(2)(c)4., and shall be determined under that Section.

7. Payment of Park-Land Impact Fee. Payment of the Park-Land Impact Fee shall be made in one of the following ways:

    a. In a lump sum prior to the recording of a final plat or certified survey map.

    b. When the developer proposes to add sixty (60) or more multi-family dwelling units, the developer may pay fifty percent (50%) of the total amount of Park-Land Impact Fees prior to said recording and either file with the City Clerk an agreement and performance bond or a letter of credit in a form approved by the City Attorney to

guarantee payment of the unpaid balance of the Park-Land Impact Fee, with interest, to the City within two (2) years of the date of said recording. The interest rate shall be determined by the Finance Director at the beginning of each year using the cost of the prior year general obligation borrowing plus one percent (1%) for administration rounded up to the next highest one-half percent (0.5%). Interest shall be computed from the date of recording and each yearly anniversary thereafter, and shall be prorated based upon when payment is received.

c. When the Park-Land Impact Fee exceeds fifty thousand dollars ($50,000), the developer may pay such fees in installments prior to the execution of the subdivision improvement contract for each phase, with each such installment payment for the full amount of the respective phase at the adjusted Park-Land Impact Fee rate then in effect for the year each such phase installment payment is paid. If the development proposal for later phases changes, the Park-Land Impact Fee due for a phase will be adjusted up or down to account for the actual development that is approved.

d. The developer may pay such fees at the time of the issuance of individual building permits at the Park-Land Impact Fee rate then in effect for the year when the building permit is issued.

8. Where privately-owned open space for park and recreational purposes which will not be closed to the public is provided in a proposed plat or land division and such space is to be privately owned and maintained by the future residents of the subdivision, such areas shall be credited against the requirement of dedication for park and recreation purposes, or the payment of fees in lieu thereof, provided the Common Council finds that the following standards are met:

a. That yards, court areas, setbacks, land required for storm water management and other open areas required to be maintained by the Zoning and Building Regulations shall not be included in the computation of such private open space; and

b. That the private ownership and maintenance of the open space is adequately provided for by recorded, written agreement and open space easement; and

c. That the use of the private open space is restricted for park and recreational purposes not closed to the public by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be defeated or eliminated without the consent of the Common Council; and

d. That the Common Council after recommendation from the Park and Plan Commissions determines that the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land; and

e. That facilities proposed for the open space are in substantial accordance with the provisions of the Comprehensive Plan, and are approved by the Common Council.

(g) The installation of street trees shall take into account solar access objectives in the selection of tree species and planting location so as to minimize future shading of the most southerly side of contemplated building locations.

(h) Cluster Box Units. Adequate private easements or, alternatively, privately owned outlots shall be provided to accommodate the Cluster Mail Boxes (CBUs) required by the United States Postal Service (USPS) for the delivery of mail. Cluster Box Unit easements or outlots shall meet the following requirements:

1. The locations of the CBUs shall be coordinated with the USPS Growth Coordinator (or other designee) and both City Engineering and Traffic Engineering.

2. The CBUs shall generally be located within one block, or within a reasonable distance as determined by the Plan Commission, under advisement of the City Engineer, of each residence served by a particular CBU. Additional criteria, pursuant to policies adopted from time to time by the Board of Public Works or under the direction of the USPS, shall be used to determine the final locations of the CBUs.

3. If the locations of the CBUs cannot be finalized prior to the recording of the final plat, as determined by the City Engineer, the final placement of the CBUs in the development shall be determined with each phase of the development.

4. CBUs serving new lots or outlots or serving any existing parcels, lots or outlots shall not be permitted on or within any publicly owned or dedicated lands within the City, or lands to be dedicated to the City.

(9) Required Improvements for Subdivisions.

(a) Statement of Intent. It is the intent of the City of Madison to encourage high quality development at a minimum cost to the public. The City will encourage the use of innovative techniques in development such as clustering and planned development, which at the same time provide economic benefits to the general public through the use of private streets and common spaces. These required improvements represent the minimum standards. The subdivider and the City may negotiate to provide and maintain improvements above and beyond the minimum standards.

(b) Bond For Monuments. Before final approval of any subdivision within the corporate limits of the City of Madison, the subdivider shall install monuments placed in accordance with the requirements of Wis. Stat. ch. 236. The City Engineer may waive the placement of monuments for a reasonable time on the condition that the subdivider executes a surety bond to insure the placing of such monuments within the time required. On behalf of the City of Madison, the City Clerk is authorized to accept such surety bonds and contracts in the amount approved by the City Engineer.

(c) Contract for Public Improvements for Subdivisions.

1. Form of Contract. As a condition of approval of the subdivision, the subdivider shall be required to enter into a contract to provide certain public and private improvements.

2. Security. The subdivider shall file with said contract, subject to the approval of the City Attorney, security in the form of a bond, an irrevocable letter of credit or a certified check, in an amount that is not more than one hundred twenty percent (120%) of the estimated total cost to complete the required public improvements as security to guarantee that the improvements will be completed by the subdivider or her/his contractors as provided by the contract for subdivision improvements. If the improvements will be installed in phases, the amount of the security shall be limited to the phase being constructed. The subdivider shall provide the security for not more than fourteen (14) months after the date the public improvements for which the security is provided are substantially completed and upon substantial completion of the public improvements, the amount of the security the subdivider is required to provide may be no more than an amount equal to the total cost to complete any uncompleted public improvements plus ten percent (10%) of the total cost of the completed public improvements. Public improvements reasonably necessary for a project or a phase of a project are considered to be substantially completed upon the installation of the asphalt or concrete binder course on roads to be dedicated, or, if the required public improvements do not include a road to be dedicated, at the time that ninety percent (90%) of the public improvements by cost are completed. Interpretation of these requirements shall be consistent with Wis. Stat. § 236.13(2).

3. Construction Phases and Time of Completion. All subdivision improvements shall be completed within eighteen (18) months from the date of recording of the subdivision, unless otherwise approved by the City Engineer or the Board of Public Works and the Common Council after submission by the subdivider of the necessary written amendment to extend the security. However, the subdivider and the City may agree that the subdivider may install the improvements in construction phases, provided that: the phases are specified in the contract for subdivision improvement; the developer records deed restrictions approved by the City Attorney which specify that the lots which are included in future construction phases of the subdivision will not be transferred or sold unless the City's approval is obtained; the subdivider minimizes grading and other disturbance of land included in future construction phases in order to prevent erosion, the erosion control plan submitted and approved addresses the individual phases of construction; and, the construction phases proposed by the subdivider reflect the needs of the City and adjacent property owners for street and other improvements to serve lands adjacent to and within the subdivision.

4. Guarantee of Work. Upon completion of the construction of major components of the work, i.e., public water distribution system, public sewerage system, public drainage system, public streets and walkways, street lighting, intersection area improvements, traffic signals, park improvements or buffer and planting strips, the subdivider shall request an inspection by the City Engineer. Upon acceptance by the City Engineer, submittal of the lien waivers, affidavits regarding payment and compliance with the prevailing wage rate from all contractors, and detailed and itemized breakdown of the work to be accepted, each major component of the work shall be submitted to the Board of Public Works and Common Council for acceptance. Upon substantial completion, as defined below, the City Engineer is authorized to accept a reduction in the security to an amount

equal to the estimate of the City Engineer of the cost of work remaining to be completed, plus ten percent (10%) of the total cost of the public improvements to insure performance of any one-year guarantee against defects in workmanship and materials of the work component accepted. When work on major components of construction has been substantially completed except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the City Engineer are valid for noncompletion, the City Engineer is authorized to accept the reduction in the amount of security sufficient to cover the work remaining to be completed plus ten percent (10%) of the total cost of the public improvements to insure performance of a one-year guarantee period against defects in workmanship and materials. Prior to authorizing said reduction, the City Engineer may require the subdivider to submit a lien waiver from her or his contractors. The City Engineer may require additional deposits or subsequent contracts and security for components of the work that are not constructed at the time of substantial completion.

5. Contractor Qualifications. The contractor(s) employed by the subdivider to construct the public improvements shall be prequalified by the Board of Public Works for the appropriate category of work. The contractor(s) shall maintain insurance as required by the City of Madison Standard Specifications for Public Works Construction.

   The contractor(s) shall comply with Wis. Stat. § 66.0903 which provides for the payment of the prevailing wage rates to the contractor's employees.

6. Construction by the City. In those cases where the Common Council determines that it is in the interest of the City to install all or part of the improvements and special assess the cost of the work, the subdivider, and her/his heirs and assigns, waive notice and hearing to the assessment for public improvements in accordance with Wis. Stat. § 66.0703(7)(b), in a recordable document.

7. Exceptions for Governmental Units. Governmental units sponsoring a subdivision shall enter into a Contract for Public Improvements for Subdivisions but may file, in lieu of the required surety, a letter from the officers authorized to act in its behalf, agreeing to comply with the provisions of the contract, and a copy of the contractor's performance bond.

8. Cluster Box Units. The subdivider shall be required to install cluster box units to serve the subdivision. Installation shall be in accordance with the current specifications as adopted by the City of Madison Board of Public Works and in compliance with United States Postal Service requirements. This requirement shall be included in the contracts entered into under this subdivision when a contract with the subdivider is required.

(d) Public Improvements and Procedures. The subdivider shall comply with the following procedures, standards, and specifications unless amended by the Plan Commission, Board of Public Works, or Common Council.

1. Erosion Control. Prior to recording the final plat or undertaking any land disturbances, the subdivider shall obtain a Land Disturbing Activity and Runoff Control Permit specified in Chapter 37, Madison General Ordinances. Prior to the acceptance of the public improvements required of the subdivider, s/he shall submit a post construction erosion control plan to the City Engineer for approval.

2. Inter-/Intra-Block Surface, Drainage and Foundation Design. Prior to the issuance of building permits, the Developer shall submit for review and approval, a Master Storm Water Drainage Plan to the City Engineering Division as part of the Post Erosion Control Plan. The plan shall indicate, but not be limited to, elevations of all lot corners to the nearest 0.25 foot, elevation of streets, existing topography of the block, proposed intra-block drainage, and an indication of the direction of drainage through the use of arrows on all lot lines which are not common with public street right-of-way.

   Proposed slopes along lot lines, and thus between known points of elevation, shall always be greater than or equal to .0075 ft/ft. No building permits shall be issued prior to City Engineering's approval of this plan.

   The following notes shall be included on the final plat/certified survey map:

   a. All lots within said plat/certified survey shall be subject to public easements for drainage purposes which shall be a minimum of six feet in width measured from the property line to the interior of each lot except that the easements shall be 12 feet in width on the perimeter of the plat/certified survey. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat/certified survey. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water. In the event of a City of Madison Plan Commission and/or Common Council approved redivision of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.

   b. The intra-block drainage easement shall be graded with the construction of each principal structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

   The following note shall accompany the Master Storm Water Drainage Plan:

   a. For purposes of said plan, it is assumed that grading shall be a straight line grade between points unless otherwise indicated. All slopes shall be .0075ft/ft or steeper. Grade breaks between lot corners requiring drainage arrows shall be shown by spot elevations or through the use of drainage arrows.

   Two (2) weeks prior to the recording of the final plat the subdivider shall submit to the City Engineer a Surface Water Drainage Plan for all blocks

within the plat. The water drainage plan may be submitted as part of the Erosion Control Plan. The Surface Water Drainage Plan shall indicate, but not be limited to, the following: elevation of streets, existing topography of the block, proposed inter-block drainage, and indication of the direction of drainage.

Upon approval of the Surface Water Drainage Plan the subdivider shall cause to be set upon the final plat arrows indicating the direction of drainage for each property line not fronting on a street, and the following note:

> "Arrows indicate the direction of surface drainage swale at individual property lines and said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer."

Two (2) weeks prior to the recording of the final plat the subdivider shall submit a report by a professional engineer regarding the location of the ground water table and subsurface soil and rock conditions as determined pursuant to Section 16.23(7)(a)13. of these ordinances. Where the ground water table is equal to or less than nine (9) feet from the proposed street centerline elevation the subdivider shall place the following note on the plat:

> "Subsoil information indicates that the basement of structures on Lot(s) are to be at elevation or higher or that a structural plan of the structure's foundation shall be submitted to the Director of the Building Inspection Division for approval with the application for a building permit as required information."

The elevation of the basement as described in the paragraph to be placed on the plat shall be a minimum of two (2) feet higher than the elevation of the ground water table as determined in the Engineer's report.

3. Public Water Distribution System. The subdivider shall provide the public water distribution system and services necessary to serve her/his subdivision, all in accordance with the plans prepared by the Water Utility Manager (lots created to accommodate two-family detached dwelling units, "two-family twin lots" shall be served with two water services). The subdivider shall dedicate any lands required for the installation of wells or reservoirs by the City's Water Utility and easements required for the installation of the public water distribution system. All costs associated with the installation of the public water distribution system, including those of the Water Utility, shall be borne by the subdivider except that the Water Utility shall provide pipe and appurtenances whose diameter is greater than ten (10) inches provided that the subdivider reimburse the Water Utility for an equal quantity of ten-inch pipe and appurtenances. Water mains outside of, or on the perimeter of the subdivision may be installed in accordance with an assessment reimbursement contract as provided in the Water Utility Service Rules as filed with the Wisconsin Public Service Commission. The public water distribution system shall be installed in accordance with the Standard Specifications for Public Works Construction, the rules and regulations of the Water Utility and the requirements of the Wisconsin Department of Natural Resources and the Madison Fire Department.

4. Public Sewerage System. The subdivider shall install public sanitary sewers, interceptors, pumping stations and force mains, and building sewers within

the public right of way (laterals) to serve all lots in the subdivision, extending the sanitary sewer mains to the perimeter of the subdivision at her/his sole expense, all in accordance with the plans prepared by the City Engineer (lots created to accommodate two-family detached dwelling units, "two-family twin lots" shall be served with two water services). The subdivider shall dedicate any easements required for the installation of public sanitary sewers, force mains or interceptors and shall dedicate any lands required for the pumping stations. The subdivider shall pay all sanitary interceptor area or connection charges levied by the Madison Metropolitan Sewerage District, the City, or other municipality whose charges are approved or certified by the City prior to the commencement of the installation. The installation will comply with the Standard Specifications for Public Works Construction and the requirements of the Wisconsin Department of Natural Resources.

5. Public Drainage System. The subdivider shall construct a public drainage system consisting of storm sewer mains and manholes, storm inlets and leads, greenways, storm water detention/retention basins, culverts and appurtenances in accordance with the plans prepared by or approved by the City Engineer to serve the subdivision. In those cases where the City Engineer determines that a significant portion of the area generating storm water drainage is beyond the perimeter of the subdivision, or in those cases where the cost of storm sewer mains is significant, the subdivider may request that the City install the storm sewer mains and manholes and special assess the cost of the improvements. The schedule installation shall be contingent on available funding. The subdivider, and her/his heirs and assigns, waive notice and hearing to the assessment for public drainage improvements in accordance with Wis. Stat. § 66.0703(7)(b), in a recordable document. The subdivider shall pay outstanding special assessments or connection charges for downstream drainage improvements attributed to her/his subdivision.

   Greenways included in the subdivision shall be improved by the subdivider as follows:

   a. The preliminary plat shall indicate the greenway boundaries, natural drainageways, intermittent streams, springs, ponds, creeks, streams and lakes. The City Engineer may require additional surveys including topographical maps or cross-sections to locate the drainageway.

   b. Where the City Engineer determines that an existing drainageway has acceptable hydraulic capacities, the existing natural growth shall be preserved and any damaged areas shall be restored.

   c. Where the City Engineer determines that the alignment of the drainageway does not have acceptable hydraulic capacities, the subdivider shall grade the greenway or drainageway with a ten (10) foot wide ditch bottom and four to one (4 to 1) side slopes, and revegetate all disturbed areas.

   d. The subdivider shall provide and install culverts and endwalls in accordance with plans prepared by the City Engineer under all streets crossing the greenway or drainageways.

e. In order to assure proper drainage, the ground elevation of any property line abutting a greenway shall be not lower than four (4) feet above the elevation of the greenway flowline as established by the City Engineer. The City Engineer may establish a higher elevation for the property line based on the elevation of the regional flood or the design storm, as applicable. All door and window elevations shall be higher than the above described property line. The lot shall be graded or filled to drain to the property line abutting the greenway or to the street abutting the plat. The developer shall record a deed restriction with these requirements, satisfactory to the City Attorney and the City Engineer, for all lots abutting greenways or public drainageways.

6. Public Streets and Walkways.

a. The subdivider shall submit profile plans of all streets and easements to the City Engineer prior to the recording of the final plat. The plans shall accurately fix the proposed lots, the existing grades and topographical features.

b. In accordance with the plans prepared by the City Engineer, the subdivider shall grade the full width of all street right of ways within the subdivision and all easements, including vision triangles required in Section 27.05(2)(bb) of the Madison General Ordinances (Minimum Housing and Property Maintenance Code). The grading shall be to subgrade elevation. Unless specified, grading shall be done in accordance with the Standard Specifications for Public Works Construction. Special provisions may be required by the City or mutually agreed upon with the developer to preserve existing trees or other natural features.

c. After the installation of water distribution, sanitary sewerage and public drainage facilities, the subdivider at her/his sole expense, shall install public streets and walkways within the subdivision in accordance with the plans prepared by the City Engineer. No building permit shall be issued until the streets have been installed unless the subdivider shall provide and maintain temporary streets twenty-eight (28) feet in width paved with six (6) inches of compacted crushed stone and obtain the approval of the City Engineer and the Fire Marshal.

d. The City may install or reimburse the subdivider an amount not to exceed the statutory prescribed limit, the cost of the pavement, curb and gutter, and public walkway improvements that benefit and abut lands owned by the City. However, this shall not apply to inter-block walkways.

e. Public walkways or sidewalks shall be installed within all public right of ways and public walkway easements unless the Plan Commission, after considering the recommendations of the Planning Division Director, the City Engineer and the Traffic Engineer, determine that the public walkways are not required. In making this determination, consideration shall be given to anticipated pedestrian volumes, pedestrian access to schools or bus routes, continuity of the sidewalk or bicycle route systems,

land use density, cul-de-sac or loop street patterns, and the pattern of development of adjacent lands. The installation and location of public walkways may be modified to protect and preserve significant trees.

f. The subdivider shall install and maintain barricades conforming to the Standard Specifications for Public Works Construction at all street ends which are not constructed as a cul-de-sac prior to acceptance of the work and through the guarantee period specified in the contract for Public Improvements for Subdivisions.

g. The subdivider shall install public walkway or sidewalk within the right of way of existing streets on the perimeter of the subdivision. The subdivider, and her/his heirs and assigns, shall also waive notice and hearing for the special assessment of the cost of the improvement of existing streets on the perimeter of the subdivision in accordance with Section 66.0703(7)(b), Wis. Stats., and Section 4.09, Madison General Ordinances. The Developer may be required to install interim improvements on existing roads on the perimeter of the plat required by poor sight distance, or to widen or strengthen the existing pavement for the needs of the development.

h. The following note shall be included on the final plat/certified survey map: Streets in this plat with a minimum ROW width of less than sixty (60) feet and a minimum pavement width of thirty-two (32) feet are subject to inspection by the Madison Fire Department and Traffic Engineering three (3) years and five (5) years after their completion and may be subject to parking restrictions as a result of said inspections.

7. Street Trees. In order to provide trees within the public right of way, the subdivider, and her/his heirs and assigns, waive notice and hearing to the assessment for public improvements in accordance with Section 66.0703(7)(b), Wis. Stats., and Section 10.10(11), Madison General Ordinances, in a recordable document. The trees shall then be installed by the City and special assessed to the benefited properties at a time determined by the City. In the alternative, the subdivider may elect to install the trees and other landscaping at her/his sole expense in accordance with plans prepared or approved by the Parks Superintendent as a component of the public improvements of the subdivision.

8. Street Lighting. In order to provide street lighting and underground distribution cable within the public right of way, the subdivider, and her/his heirs and assigns, waive notice and hearing to the assessment for public improvements in accordance with Section 66.0703(7)(b), Wis. Stats., and Sec. 10.39, Madison General Ordinances, in a recordable document. The street lights shall then be installed by the City and special assessed to the benefited properties at a time determined by the City. In the alternative, the City may require the developer to install the street lights and underground distribution cable at her/his expense cost in accordance with plans prepared or approved by the Traffic Engineer as a component of the public improvements of the subdivision.

9. Intersection Area Improvements. The subdivider shall pay the cost of intersection area improvements such as additional or modified traffic lanes, turn lanes or bays, traffic signals, street lighting, conduit, flashers, signs, markings, loop detectors, bike lanes, bus lanes, pullouts and shelters or other improvements within existing streets beyond the perimeter of the development necessitated by or for the benefit of the development in accordance with the plans prepared or approved by the City Engineer and City Traffic Engineer. In addition, the City may require the subdivider to construct some or all of the aforementioned improvements at the subdivider's sole expense in accordance with the plans prepared or approved by the City Engineer or City Traffic Engineer.

10. Traffic Signals. In order to provide traffic signals and underground distribution cable within the public right of way, the subdivider shall pay to the City that portion of the cost of traffic signals determined by the City Traffic Engineer to be necessitated by the subdivision prior to the recording of the final plat. The subdivider, or her/his heirs and assigns, shall waive notice and hearing to the assessment for traffic signals in accordance with Section 66.0703(7)(b), Wis. Stats., and Section 4.09, Madison General Ordinances, in a recordable document. The subdivider shall install the conduit, handholes and other appurtenances for the traffic signals, underground cable, and traffic monitoring equipment at her/his sole expense in accordance with plans prepared or approved by the Traffic Engineer as a component of the public improvements of the subdivision. The City shall install all traffic signals. The need for and schedule for installation of said signals shall be determined by the City.

11. Buffer or Planting Strips. The subdivider shall landscape all buffer or planting strips in accordance with the plans and specifications prepared or approved by the Planning Division.

(e) Reimbursement to the City for Costs Sustained. The subdivider of subdivisions within the City of Madison shall reimburse the City for its actual cost of design, inspection, testing, construction, traffic signing and marking, and associated legal and real estate expenses for the required public improvements for the subdivision. The City's expenses shall be determined as follows:

1. The cost of City employees' time engaged in the required public improvements based on the hourly rate paid to the employee multiplied by a factor determined by the respective Division/Department to represent the City's cost for statutory expense benefits, insurance, sick leave, holidays, vacation and similar benefits, overhead and supervision, said factor not to exceed 2.25.

2. The cost of City equipment employed.

3. The cost of mileage reimbursed to City employees which is attributed to the subdivision.

4. The actual costs of City materials incorporated into the work including transportation costs plus a restocking and/or handling fee not to exceed 20% of the cost of the materials.

5. All consultant fees associated with the subdivision at the invoiced amount, in compliance with Section 66.0628(3), Wisconsin Statutes.

6. All plan review charges or other service expenses attributed to the subdivision that are imposed upon the City by other regulatory entities or service providers at the invoiced amount.

   The subdivider shall advance to the City Treasurer an amount equal to an estimate of the City's expenses, as prepared by the participating City Divisions/Departments at the time the subdivider files a contract for subdivision improvements. At the conclusion of the project, the respective agencies shall bill the actual cost to the subdivider. In the event that the actual cost is calculated to be less than the advanced amount, the difference shall be refunded to the developer. In the event the advance is less than the actual amount, the subdivider shall be billed the difference and payment shall be a condition precedent to acceptance of any major components of construction.

7. The costs of City employees' time engaged in inspecting streets for a determination of the impact of streets with a minimum ROW width less than sixty (60) feet and a minimum pavement width less than thirty-two (32) feet.

(f) Cluster Box Units. For cluster box units (CBUs) required under Subsection (8)(h) above, the subdivider shall provide the City Engineering proof of the following:

1. The CBU easement or outlot shall be subject to express terms providing for the private maintenance and installation of the CBU, or be subject to a separately recorded CBU Owners Agreement. The easement, outlot, or Owners Agreement shall set forth the terms and conditions for the private installation, maintenance, repair and ownership of the CBUs. This documentation shall be reviewed by the City Engineer for conformance with the adopted Board of Public Works polices as adopted from time to time.

2. The CBU documents required under Paragraph 1 shall be recorded prior to the construction of the public improvements serving any lot or outlot in the subdivision or phase thereof. This requirement shall be included in the contracts entered into under Subdivision (c). In the instance of land divisions that do not require a contract with the subdivider, the required approved CBU documents shall be recorded simultaneously with the final approved land division.

3. Proof of a signed mode of delivery agreement, or other similar USPS document from the USPS, shall be provided to City Engineering prior to recording any CBU easement or Owner's Agreement.

(10) Variances. When in the judgment of the Plan Commission it would be inappropriate to apply literally provisions of Subsection (8) of this Ordinance because the subdivision is located outside the corporate limits or because extraordinary hardship would result, it may waive or vary such provisions so that substantial justice may be done and the public interest secured.

(11) Severability Provision. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of a decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase thereof.

(12) (a) Any person, partnership, corporation or legal entity of any sort who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than two hundred dollars ($200) nor more than one thousand dollars ($1,000) for each violation plus the costs of prosecution. Each day of violation shall constitute a

separate offense. In addition to said forfeiture, the fees for any certified survey map or land division or any preliminary or final plat shall be doubled. Where preliminary and final plat approvals have not been obtained for any land subdivision by the City, no offer or contract to convey may be made unless the offer or contract states on its face that said offer or contract is contingent upon approval of the final plat and shall be void if such plat is not approved.

(b) In addition to any other remedy contained within this chapter, the Common Council may authorize, by resolution, institution of injunctive or other appropriate action or proceedings to enjoin a violation of any provisions of these Land Subdivision Regulations.