

ARTICLE III  
**Required Improvements and Design Standards**

**§ 545-20. Statement of intent.**

- A. It is the intent of the City to ensure the quality in land development and to ensure that each development pays its share of the cost of public facilities and services. The City will encourage the use of planned developments employing innovative techniques for the design of functional and aesthetic neighborhoods that maximize open space and preserve the natural environment. Subdivisions shall be served by public water and sanitary sewers and by public streets.
- B. Prior to final approval and acceptance of improvements and prior to the issuance of any building permits in a subdivision located within the corporate limits and extraterritorial plat approval jurisdiction of the City of Watertown, the subdivider shall install public improvements as hereinafter provided. These improvements may be installed in plat phases approved by the Plan Commission and public improvement phases approved by the Public Works Commission. No building permit may be issued for construction outside of phases of the plat that have not had plans fully approved by the City. Building permits may be issued upon substantial completion of public improvements as defined in § 236.13(2)(am)(2) Wis. Stats. Occupancy permits shall not be issued prior to the completion, inspection, and acceptance of all requirement improvements.

**§ 545-21. Early start permits.**

- A. Pursuant to § 236.13(2)(am)3.c, Wis. Stats. upon application signed by the subdivider and subject to the requirements below, the Zoning Administrator may authorize the issuance of early start permits if all public improvements related to public safety are complete and the subdivider has posted the necessary security required.
  - (1) The early start permit may authorize only site grading, utilities, footings, and foundation installation. Other noncombustible construction such as steel may be authorized only if no heat source is required for construction. Combustible materials shall not be stored on site.
  - (2) The public improvements related to public safety may be deemed to be complete only if all of the following conditions have been met:
    - (a) The subdivider shall provide and at all times maintain adequate road access for public safety, including a minimum of road base course, that meets the requirements of the Fire Department and accommodates the weight, width, and turning radius of the fire apparatus and sufficiently permits access by emergency vehicles.
    - (b) The subdivider's engineer has assigned the top of foundation wall elevation. After completing foundation and prior to issuing additional building permits for vertical construction, the subdivider's or builder's engineer shall certify with their professional license stamp that the top of foundation wall elevation has been constructed according to the approved subdivision drainage plan.
    - (c) Erosion control for each applicable building site has been designed and installed.
    - (d) Lot corner monuments have been installed for each applicable site.

- (e) Street name signs have been installed, and reflective address plates are present at the building site.
- (3) All fees and charges due to the City, including but not limited to park fees and impact fees, shall be paid, proper security posted, and barricades provided prior to issuing any permit including early start permit for constructing foundations and other noncombustible structure.

#### **§ 545-22. Monuments.**

- A. The subdivision shall be monumented according to the requirements of § 236.15, Wis. Stats. If the topography is such that extensive grading is required, the subdivider may place the monuments after the grading is completed with the permission of the Director of Public Works/City Engineer, and provided the subdivider executes a surety bond in an amount required by the Director of Public Works/City Engineer to insure that the monuments will be placed within the required time.
- B. Where the plat is located within a United States Public Land Survey quarter section, the corners of which have been relocated, monumented, and placed on the Wisconsin State Plane Coordinate System by Dodge or Jefferson County or the City, the plat shall be tied directly to two or more of the sections or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the type of monument and Wisconsin State Plane Coordinates of the monument marking the relocated section or quarter corners to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision and as adjusted to the City's control survey.

#### **§ 545-23. Conformity with adopted plans.**

All proposed development shall conform to the Comprehensive Plan, Plan for Parks and Open Space, Transportation Plan, Utility Plans, and the Official Map of the City as they relate to utilities and transportation facilities. The classification and location of all streets shall conform to the Official Map and shall be considered in their relationship to existing and planned streets, to topographic conditions, to natural features, to public convenience and safety, and in their appropriate location to the proposed uses of the land to be served.

#### **§ 545-24. Relationship to existing and future development.**

- A. The arrangement of streets in new subdivisions shall make provision for continuing existing streets in adjoining areas.
- B. Where adjoining areas are not subdivided or developed and the Comprehensive Plan indicates development is desired, the arrangement of streets in the proposed development shall provide for proper projection of streets to the boundary of the proposed development.

#### **§ 545-25. Blocks.**

- A. The lengths, widths, and shapes of blocks shall be compatible with the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography.
- B. Block lengths in residential areas shall not be less than 600 feet nor more than 1,000 feet between street lines unless dictated by exceptional topography or other limiting factors of good design.
- C. Blocks shall be sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic and railroad rights-of-way or to protect natural resources.
- D. Pedestrian ways or crosswalks not less than 10 feet in width shall be provided near the center and entirely across any block 900 feet or more in length or elsewhere where deemed essential to provide convenient pedestrian circulation or access to parks, schools, shopping centers, churches, or transportation facilities.

**§ 545-26. Lots.**

- A. 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.
- B. Lot dimensions and setback lines shall conform to the requirements of Chapter 550, Zoning.
- C. Excessive depth in relation to width shall be avoided, and a proportion of two to one shall be considered normally as a desirable maximum for lots.
- D. Whenever possible, side lot lines shall be right angles to straight lines or radial to curved street lines on which the lots face.
- E. Corner lots shall have sufficient width to permit adequate building setbacks from side streets to conform with Chapter 550, Zoning.
- F. Every lot shall front or abut a public street for a minimum distance of 50 feet. The minimum lot width may be reduced if authorized by specific zoning districts under Chapter 550, Zoning.
- G. Lot lines shall follow municipal boundary lines.
- H. 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.
- I. Residential lots fronting or backing on arterial streets shall be platted with extra depth as required in § 545-29.
- J. Substandard lots. According to Section 66.10015(2)(e) of the Wisconsin Statutes, a property owner of a legal nonconforming (substandard) lot that existed at the time of the effective date of this chapter may:
  - (1) Convey an ownership interest in a substandard lot.

- (2) Use the substandard lot as a building site if all of the following apply:
  - (a) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
  - (b) The substandard lot or parcel is developed to comply with all other requirements of this chapter except the minimum lot dimensional requirement unless otherwise specified.
- (3) The City may not require one or more lots to be merged with another lot for any purpose without the consent of the owners of the lots to be merged.

#### **§ 545-27. Building setback lines.**

- A. Where they are not controlled by the Zoning Code, building setback lines appropriate to the location and type of development shall be established by the Plan Commission but shall in no instance be less than typically required by Chapter 550, Zoning. Examples of the application of this provision would include requiring greater setbacks for lots on cul-de-sacs or curved streets to achieve the necessary lot width at the setback line, conform to setbacks of existing adjacent development, accommodate a coving or other unique design, avoid placing buildings within buffers, easements, or vision clearance triangles, protect natural resources, or conform to greater setbacks along arterial streets and highways to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code.
- B. Where lots abut floodplains, wetlands, navigable waters, or other waters of the state, all improvements shall meet requirements of Chapter 550 and Chapter 532 of the City of Watertown Municipal Code of Ordinances.

#### **§ 545-28. Railroads and limited access highways.**

Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or limited access highway, the subdivider shall proceed as follows:

- A. In residential districts a buffer strip at least 30 feet in depth in addition to the normal lot depth required shall be provided adjacent to the right-of-way of a railroad or limited access highway. This strip shall be part of the platted lots, but the following restriction shall be written on the plat: "This strip reserved for the planting of trees or shrubs by the owner. The building of structures hereon is prohibited, and this strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner."
- B. The Plan Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land.
- C. Location of local streets immediately adjacent and parallel to railroad rights-of-way shall be avoided.

#### **§ 545-29. Streets.**

All streets must meet the design standards in Table 1 and the following requirements:

- A. Additional right-of-way on existing streets. Developments that adjoin existing streets which have rights-of-way less than the minimum standard than the roadway as classified in the Comprehensive Plan and/or Official Map shall dedicate additional right-of-way to meet those minimum standards.
- B. Temporary roadway termination. Where a street is terminated temporarily at the edge of a development and the street is longer than 240 feet or two lot widths, a temporary turnaround shall be provided by one of the following methods:
  - (1) If the adjacent land is owned by the subdivider, a temporary turnaround can be provided through a restriction (temporary easement) on said land. Such a turnaround shall be constructed to City standards.
  - (2) The subdivider may provide the required turnaround on one of the last lots fronting on the temporary dead-end street through the use of a temporary easement running to the City. Such a turnaround shall be constructed to City standards.
- C. Reserve strips. There shall be no reserve strips controlling access to streets except where control of such strips is placed in the City under conditions recommended by the Plan Commission and approved by the Common Council.
- D. Half streets. Where an existing dedicated or platted half street is adjacent to a tract being subdivided, the other half of the street shall be dedicated by the subdivider. In new plats, the creation of half streets is prohibited.
- E. Street jogs. Street jogs with center-line offsets of less than 150 feet shall not be allowed. On collectors and arterials, offsets of less than 600 feet shall not be allowed.
- F. Intersections.
  - (1) No more than two streets shall intersect at one point.
  - (2) Such intersection shall be laid out so that the angle of intersection is as nearly as possible a right angle.
  - (3) No street shall intersect another street at less than a 75° angle.
  - (4) Intersections along arterial streets and highways shall be held to a minimum, and, whenever feasible, the minimum distance between intersections shall be 1,200 feet.
- G. Restriction of access (protection of arterial streets and highways). Whenever a proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential property, limitation of access, and the separation of through and local traffic shall be provided by:
  - (1) Reversed frontage with screen planting contained in a nonaccess reservation along the rear property line; or
  - (2) Marginal access street (frontage road).
- H. Street names. A proposed street that aligns with or joins an existing and named street shall bear the name of the existing street. In no other case shall the proposed name of the street

duplicate the name of an existing street within the Watertown Fire Department Service District. The use of the suffix "street," "avenue," "boulevard," "drive," "place," or "court" or similar description shall not be sufficient distinction to constitute compliance with this subsection.

- I. Alleys. Alleys shall not be allowed in residential districts except as approved as part of a planned unit development. In commercial, office, and industrial districts, alleys or other definite and assured provisions shall be made for off-street parking, loading, and service access consistent with and adequate for the uses proposed but not inconsistent with the operation and use of the abutting street. No dead-end alleys shall be allowed, nor shall any alley have its point of connection on an arterial street.
- J. Cul-de-sac streets. No more than 20% of the lots within a final plat may abut a cul-de-sac except where necessary to provide a development solution (as determined by the City Engineer) to a portion of the subject property otherwise undevelopable because of surrounding existing development or natural feature such as floodplain, wetland, or steep slope. All cul-de-sac streets shall terminate in a circular turnaround meeting the dimension standards in Table 1.
- K. Parkways, greenways, and environmental corridors. When parkways, greenways, and environmental corridors are to be provided within the proposed plat or certified survey and are not officially mapped in enough detail to determine exact dimensions, their width shall be determined by the City Engineer.
- L. Grades. The maximum street grades shall be those in Table 1. Pedestrian ways shall have a maximum grade of 8%. Changes in street grades shall provide such sight distances as the City Engineer determines are required. Wherever possible, street grades shall be established to avoid excessive grading, removal of ground cover and trees, and leveling of the topography.
- M. Pedestrian ways and bikeways. In the design of the plat, the developer shall make provisions for pedestrian ways and bikeways for transport and recreation as required by the Plan Commission on recommendation of the Park, Recreation and Forestry Commission and the Public Works Commission, based upon recommendations contained with the Comprehensive Plan and formally adopted subplans and policies. Required pedestrian ways and bikeways shall adhere to city specifications as required in Chapter 545.
- N. Street grading.
  - (1) With the submittal of the preliminary plat, the subdivider shall furnish standard drawings that indicate the existing and proposed grades of streets shown on the plat. After completing design engineering work on the streets and approving street grades by the Director of Public Works/City Engineer and approving erosion control measures by the City Engineer, the subdivider shall grade as required within the right-of-way of the streets proposed to be dedicated, including the vision clearance triangle on corner lots as required in Chapter 550, Zoning. In cases where an existing street right-of-way is made part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line.

- (2) The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation. The City Engineer shall approve all grading within rights-of-way, and said grading shall extend for a sufficient distance beyond the right-of-way to ensure that the established grade will be preserved. The grading of rights-of-way for principal and primary arterials shall be required only where necessary to provide access to the streets or lots in the plat. Where lots abut principal and primary arterials, they shall be graded to proposed street grade or to a grade approved by the Director of Public Works/City Engineer prior to sale.

O. Street construction.

- (1) After sanitary sewer and water utilities, storm sewer trunk lines, manholes, and catch basins have been installed, the subdivider shall construct and dedicate as part of the subdivision streets and sidewalks, including those adjacent to platted lots in existing street rights-of-way abutting the plat, curbs and gutters, local storm sewer inlets, leads, manholes, catch basins, and lines as deemed necessary by the Public Works Commission and required by the Common Council. The subdivider shall surface roadways to the widths prescribed by the Public Works Commission and the Director of Public Works/City Engineer. Construction shall be to City standard specifications for street improvements. Sidewalks shall be installed as per the requirements in § 545-37.
- (2) All required installations of sanitary sewer, water main, stormwater facilities, bikeways, gravel, binder course of asphalt pavement, curb and gutter, and related improvements shall be made by the subdivider prior to issuing building permits. The final lift of asphalt shall be installed in the construction season following these improvements to permit settling associated with the winter freeze-thaw cycle. Any required installation of curbs and gutters shall be completed by October 15 of any given year, and any required placement of asphalt pavement shall be completed by November 1 of any given year, unless inclement, unseasonable, or marginal weather conditions exist prior to these respective dates. In that case, the Director of Public Works/City Engineer shall determine under what circumstances either installation may be allowed. If not completed by these dates, no building permits shall be issued until the required work is completed during the next construction season. Sidewalks shall be installed for each lot prior to occupancy, except that the entire required sidewalk network shall be installed within two years of final plat recordation.
- (3) Street and sidewalk construction must comply with City standard specifications and be inspected by the Director of Public Works/City Engineer. The maintenance responsibility for pedestrian ways and bikeways that are not located in the public street right-of-way shall go to abutting property owners in the same manner as those in the public right-of-way.

**§ 545-30. Water.**

The subdivider shall install water facilities necessary to serve the subdivision as designated and approved by the Public Works Commission. These improvements are subject to City of Watertown Standard Specifications and inspection and may be required offsite to ensure appropriate service as determined by the Water Division. The developer shall guarantee the



functional operation of all system parts for one year from date of acceptance. Acceptance by the City shall be contingent upon the developer meeting all conditions, including approved design, installation, regulatory approvals, payment of all costs for the total project, and any special provisions indicated for a particular project. Upon inspection and acceptance, all water system improvements become the property of the City of Watertown.

#### **§ 545-31. Sanitary sewer.**

The subdivider shall install sanitary sewer facilities necessary to serve the subdivision as designated and approved by the Public Works Commission. These improvements are subject to the City of Watertown Standard Specifications and inspection. The developer shall guarantee the functional operation of all system parts for one year from date of acceptance. Acceptance by the City shall be contingent upon the developer meeting all conditions, including approved design, installation, regulatory approvals, payment of all costs for the total project, and any special provisions indicated for a particular project. Upon inspection and acceptance, all sewer system improvements become the property of the City of Watertown.

#### **§ 545-32. Utility easements.**

##### **A. Underground requirements.**

- (1) All new electric distribution lines, all new telephone lines from which individual lots are served, community antenna television cables and services, and gas utility services shall be underground unless the Plan Commission shall find upon study that:
  - (a) The placing of such facilities underground would not be compatible with the development; or
  - (b) 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.
- (2) Associated equipment and facilities, such as but not limited to substations, pad-mounted transformers, pad-mounted sectionalizing switches, and pedestal-mounted terminal boxes may be located above ground, provided that they are located in an inconspicuous manner, screened from public view, and fit into the development plans for the subdivision.
- (3) The subdivider or his agent shall furnish proof to the Plan Commission that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of the State of Wisconsin have been made with the owners of such lines or services for placing their respective facilities underground as required by this section as a condition preceding approval of the final plat, development plan, or certified survey map.
- (4) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by

underground facilities and the temporary facilities removed.

B. Easement conditions.

- (1) 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, and communication lines. Such easements shall be noted as "utility easements" on the final plat or certified survey map. Prior to approval of the final plat, the specific implementation plan for a planned unit development (PUD), the comprehensive development plan, or the certified survey map, concurrence of the appropriate electric and gas communications companies as to the location and width of the utility easements shall be noted on the final plat, specific implementation plan for the PUD, comprehensive development plan, or certified survey map. All easements for storm and sanitary sewers, water mains, pedestrian walks, and other public purposes shall be noted thereon as "public easements for" followed by reference to the use for which they are intended.
- (2) Where the electric and gas communications facilities are to be installed underground, the utility easements shall be graded to within six inches of final grade by the subdivider prior to the installation of such facilities, and earth fill and piles or mounds of dirt shall not be stored on such easement areas. When installed on utility easements, whether overhead or underground, utility facilities shall not disturb any monumentation in the plat. In cases where monumentation is disturbed, the utility shall bear the cost of replacement. Failure to comply will be subject to penalty as provided in § 236.32, Wis. Stats.
- (3) Where the electric and gas 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 inches by the subdivider, his agent, or subsequent owners of the lots except with written consent of the utility or utilities involved. The purpose of this restriction shall be to:
  - (a) Notify initial and future lot owners of the underground facilities at the time of purchase;
  - (b) Establish responsibility in the event of damage to such facilities; and
  - (c) Establish the need to alter such facilities. When the utility company uses a service application, said application also should notify the initial and subsequent lot owners of their responsibility regarding such underground facilities.

**§ 545-33. Drainage and environmental corridor easements.**

- A. Greenways and environmental corridors included within land to be divided shall receive the following prescribed treatment by the owner of the subdivision. Where a subdivision is traversed by a waterway, drainageway, channel or stream, or mapped greenway/ environmental corridor, an adequate drainageway or easement granted to the City of Watertown shall be provided as required by the Plan Commission conforming substantially

with the line of such watercourse. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission. Parallel streets or parkways may be required. Stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to accommodate the flow resulting from the 100-year rainfall event of any duration with such sizes and design details subject to review and approval by the Director of Public Works/City Engineer.

- B. The subdivider shall be responsible for an acceptable continuous drainageway through the proposed plat as determined by the Director of Public Works/City Engineer. The subdivider shall furnish the Director of Public Works/City Engineer with a plan outlining the greenway/environmental corridor boundaries and the location of existing drainageways. Such areas shall be dedicated or reserved as required by § 545-4E. In addition, the subdivider shall furnish to the Director of Public Works/City Engineer a set of cross sections (on fifty-foot stations) of the greenway based on City datum oriented upon a base line as prescribed by the Director of Public Works/City Engineer. Where a natural drainageway exists with acceptable hydraulic capacities, including alignment and grade as determined by the Director of Public Works/City Engineer, construction will not be required, and the existing natural growth shall be preserved. Where such natural growth is not preserved by action of the subdivider or his agents, the subdivider shall be responsible for repairing the disturbed areas by returning them to the original condition by methods approved by the Director of Public Works/City Engineer. When it is determined by the Director of Public Works/City Engineer that the hydraulic capacities including alignment and grade are not acceptable, then such alignment, grade, and slopes shall be improved by the subdivider to the cross section specified by the Director of Public Works/City Engineer.
- C. The subdivider shall install permanent pipes or culverts at a grade approved by the Director of Public Works/City Engineer under all streets crossing a greenway or drainageway. Said installation shall be according to the State of Wisconsin Specifications for Road and Bridge Construction. Culverts required across intersections for temporary street drainage shall be furnished and installed by the developer. All temporary culverts installed by the developer shall be completely removed when the streets are constructed to City standards and the area restored to as nearly original condition as possible as determined by the Director of Public Works/City Engineer.
- D. In order to assure proper drainage, the ground elevation along any lot line common with the boundary of a greenway/environmental corridor shall be to an elevation approved by the Director of Public Works/City Engineer. All lot grading and building elevations shall provide for positive drainage. Grading or filling within the greenway/environmental corridor limits is prohibited.
- E. Greenways/environmental corridors shall be limited to public uses.

#### **§ 545-34. Intrablock drainage and foundation design.**

- A. Two weeks prior to submitting the preliminary plat for review and approval, the subdivider shall submit to the City Engineer a surface water drainage plan for the plat. This plan may be a part of the erosion control plan. The plan shall indicate but not be limited to the following: elevation of streets, existing topography of the block, proposed drainage swales, proposed

yard swale, proposed lowest finished floor elevation range, and indication of the direction of drainage.

- B. Upon approval of the plan, the developer shall place on the preliminary plat arrows to indicate the direction of drainage swales required for intra-block drainage and the following note: "Arrows indicate direction of drainage swale construction during grading and said swales shall be maintained by the lot owner unless modified with approval of the Director of Public Works/City Engineer."
- C. A minimum ten-foot-wide drainage easement (five feet on each side of the property line) shall be retained along all joint property lines on the plat. Such easement shall be designated as a stormwater drainage easement and shall conform to the drainage plan.
- D. Where a subdivider's subsoil investigation indicates potential for groundwater less than 10 feet from the proposed street center-line elevation, the subdivider shall note that on the face of the plat and indicate the lots affected.
- E. Basement floor surfaces shall be built a minimum of one foot above the highest groundwater table elevation as documented in the submitted soil evaluations according to City standards. On sloped sites, basements may be allowed partially below the highest groundwater table only on the upslope side if they meet City drainage system standards for design, discharge, engineering oversight, and long-term maintenance. For these sites, the one-foot groundwater separation will be enforced at the farthest downslope point of the basement.

#### **§ 545-35. Erosion control.**

- A. The subdivider shall install all temporary and permanent erosion control and sediment control structural aid works as outlined in approved plans required by Chapter 288, Erosion and Sediment Control, of this code.
- B. The subdivider shall employ erosion control measures to prevent erosion, siltation, sedimentation, and washing and blowing of dirt and debris from excavation, grading, open cuts, side slopes, and related activities of the subdivider or the contractors. Such measures shall include but not be limited to seeding, sodding, mulching, watering, ponding, and constructing berms. Erosion control plans shall meet the requirements of the Municipal Code relating to land grading and Chapter 288, Erosion and Sediment Control Guidelines, standards, and specifications contained in the Wisconsin Department of Natural Resources Conservation Standards, current edition, shall provide a framework for developing, reviewing, and implementing the erosion control plan.

#### **§ 545-36. Stormwater management.**

All proposed development shall comply with Chapter 288, Erosion and Sediment Control, and Chapter 453, Stormwater Management, of this code. Specifically, the subdivider shall install storm sewers and all other facilities necessary for the management of all stormwater deriving from the lands being developed according to the requirements of said policy and related provisions of this chapter.

#### **§ 545-37. Sidewalks and bikeways.**

A. As used in this chapter, the following definitions shall apply:

**ARTERIAL STREETS** — Arterial streets serve trips of moderate length and provide intracommunity continuity and access to major streets. They provide more emphasis on land access than major streets.

**BIKEWAYS** — Bikeways shall serve both pedestrian and bicycle traffic in areas where the majority of the adjoining lots do not have frontage or access to a street. In general, those lots which do not front or have access on the street in question are not the generating or terminating point for the pedestrian or bicycle traffic. Bikeways shall be designed to transport the majority of pedestrian or bike traffic through the area as opposed to serving the adjoining lots as a sidewalk does. Bikeways shall be constructed of bituminous pavement at least eight feet in width according to City specifications.

**LOCAL STREETS** — Local streets provide both land access service and traffic circulation within residential neighborhoods and commercial and industrial areas.

**LOW USE STREETS** — Low use streets comprise all facilities not classified to a higher use. These streets serve small traffic volume and a limited number of properties and provide access to the higher ordered streets. Cul-de-sacs and short streets are included in this classification.

**MAJOR STREETS** — Major streets serve the major centers of community activity, contain the highest traffic volume corridors, and are through streets for long distances within the City. They shall include all state trunk highways and county trunk highways and their in-town extensions.

**SIDEWALKS** — Sidewalks shall be constructed of concrete, usually five feet in width, with the thickness to be determined by City specifications. Sidewalks shall be located as far from the traffic lane as is possible but not closer than six inches within the right-of-way line.

B. Required sidewalk location. The subdivider shall be required to install sidewalks on both sides of all major streets and arterial streets and those local streets where access needs to be obtained to and from uses such as but not limited to business establishments, schools, churches, neighborhood parks, shopping districts, restaurants, and high-density multifamily residential developments. Cul-de-sac streets need not have sidewalks except where access is necessary to and from uses such as but not limited to business establishments, schools, churches, neighborhood parks, shopping districts, restaurants, and high-density multifamily residential developments.

C. Construction standards.

- (1) Sidewalks shall be constructed of concrete, usually five feet in width, according to City specifications. Sidewalks shall be four inches thick except at driveway locations, where they shall be six inches thick. If at the time of installation the driveway location is not known, the four-inch slabs shall be replaced with six-inch slabs by the developer or owner once the driveway is located.
- (2) Bikeways shall be constructed of bituminous pavement or concrete at least eight feet in width according to City specifications.
- (3) Sidewalks and bikeways constructed at street intersections or within five feet of a legal

crosswalk shall include provisions for curb ramping as required by § 66.0909, Wis. Stats., and according to City specifications. Sidewalks and bikeways are to be laid to the established grade of the street. The street edge of the sidewalk or bikeway pavement shall be at an elevation above the top of the curb as determined by the Director of Public Works/City Engineer.

- (4) Bikeways shall be reviewed by the Public Works Commission on a case-by-case basis. Maintenance of these bikeways shall be incorporated into the developer's agreement.
- (5) Sidewalks shall be installed for each lot prior to occupancy, except that the entire required sidewalk network shall be installed within two years of final plat recordation.

#### **§ 545-38. Streetlighting.**

The developer shall pay to the City of Watertown the costs for installing streetlights along all streets proposed to be dedicated. The Plan Commission shall approve the design and location of all streetlamps, which shall meet the City's standard specifications and shall be compatible with the neighborhood and type of development proposed. Payment for streetlights shall be made prior to issuing building permits. In areas where underground electric facilities are installed, poles for lighting may be ornamental. The subdivider shall provide street, pedestrian way and bikeway lighting systems within the area being developed upon consultation with the appropriate electric utility and as approved by the Public Works Commission. All streetlighting will be installed by the electric utility serving the City of Watertown. Shielded luminaries with downward reflection, luminaries with cutoff optics, LED or similar energy-saving luminaries, and careful fixture placement may be required by the Plan Commission.

#### **§ 545-39. Street signs.**

The developer shall pay to the City of Watertown the costs for installing all street name signs, temporary street dead-end barricades and signs, all no-parking signs, all traffic control signs, and pavement markings as required by City standards prior to accepting the subdivision or submitting a fee deposit in lieu thereof, per City direction.

#### **§ 545-40. Street trees.**

The subdivider shall plant street trees of a species approved by the City Forester of at least two inches in diameter and abide by the American Standard for Nursery Stock, ANSI Z60.1. The total number of trees to be planted shall be based on one tree for every 50 feet of frontage on all streets proposed to be dedicated and be spaced on average about 50 feet apart. The required trees shall be planted in the area between the sidewalk and curb according to plans and specifications approved by the Director of Public Works/City Engineer. Contractors shall submit a tree planting permit and follow proper planting procedures along with the approval of tree species from the Boulevard Tree List on file with the City Engineering Department.

#### **§ 545-41. Buffer strips.**

Where a plat, certified survey, or planned development project contains a buffer strip required by this chapter, prior to recording of a final plat or certified survey or prior to the issuance of a certificate of occupancy for a development project, the developer shall install plantings

conforming to this code or shall file with the City Clerk a contract guaranteed by bond in an amount determined by the Director of Public Works/City Engineer, in which the developer agrees to provide such plantings. The plantings are to be trees and shrubs of the required varieties and shall be of sufficient density to accomplish visual screening.

**§ 545-42. Dedication and improvement of public parks and other public sites.**

The requirements of this section are established to ensure that adequate parks, open spaces, and sites for other public uses are properly developed, located, and preserved as the City grows and that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land development may be apportioned equitably on the basis of the additional needs created by the development. The requirements shall apply to all lands proposed for all residential development, including those which do not involve an additional land division.

**A. Parkland dedication and fees in lieu of land dedication.**

- (1) Any development approval which enables the creation of additional dwelling units shall require compliance with this parkland dedication fee and land dedication requirement. This would include any land division that creates new lots. It also would include any building permit for any dwelling unit per existing lot (single-family, duplex, or other multifamily building). Except for developments submitted to the City for approval after June 14, 2006, and before September 7, 2016, each new development within the corporate limits of the City shall be required to comply with the parkland dedication requirements here stated, including the parkland dedication fee imposed in lieu of the mechanism authorized under this chapter (as applicable) and the subsections following hereto.
- (2) In the design of a subdivision, including minor subdivisions or planned developments, provision shall be made for suitable sites of adequate area for parks, playgrounds, open spaces, schools, drainageways, stormwater management or treatment facilities, and other public purposes. Such sites as are shown on the Official Map, Comprehensive Plan, or Parks and Open Space Plan shall be made a part of the design. Where such are not shown on said plans or map, consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, ponds, streams, and woodland, prairie, and wetland plant and animal communities.
- (3) The subdivider shall dedicate suitable land for the park, recreation, and open space needs of the development according to standards and recommendations contained in the Plan for Parks and Open Space. This shall include the provision of pedestrian and bikeway linkages necessary to provide access to park, recreation, and open space areas as determined by the Plan Commission and the Park, Recreation and Forestry Commission. All required land dedications under this subsection are in addition to the dedications or reservations required in § 545-32.
- (4) The subdivider shall dedicate sufficient land area to provide adequate park, playground, recreation, and open space to meet the needs to be created by and provided for the subdivision, minor subdivision, or planned development project. At least 1,005 square feet of land shall be dedicated for each proposed residential dwelling unit within the

approved final subdivision, minor subdivision, or planned development project and 402 square feet of land for each institutional residential unit.

- (5) Where a definite commitment is made by the subdivider with respect to the number of dwelling units to be constructed on any parcel of land, the land dedication shall be based on that number. Where no such commitment exists, the land dedication shall be based on the maximum number of dwelling units permitted in the zoning district, and the Plan Commission shall require additional land dedications for the allowed increase in dwelling units based on the following criteria:
  - (a) If the number of lots in the plat or survey is increased;
  - (b) If zoning classification is changed to increase the number of dwelling units allowed; or
  - (c) If the committed number of dwelling units is increased by the subdivider, developer, or landowner.
- (6) All subdivisions, minor subdivisions, and planned development projects are required to provide convenient pedestrian and bicycle linkages to park and recreation sites. Where such linkages are required outside the public street right-of-way in the opinion of the Plan Commission, they shall be reserved by easement and developed as an obligation of the subdivider or developer. The development of linkages shall be counted toward the parkland dedication requirements in Subsection A(4) above.
- (7) Whenever a park site, recreation site, or other public site that is designated in the Park and Open Space Plan, Comprehensive Plan, or Official Map is of a larger area than the required dedication established herein, the required dedication shall occur at the same time as final plat approval. The remaining lands may be reserved by the Common Council for a period not to exceed three years unless extended by mutual agreement. During such time period, the City at its discretion may agree to purchase the reserved lands at the fair market value established at the time of the final plat approval plus any real estate taxes accrued from the date of reservation.
- (8) Any land to be dedicated as a requirement of this section shall be reasonably adaptable for the intended park and recreation uses and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of a proposed park and recreation area shall include but not be limited to size, shape, topography, geography, tree cover, access, and location. The determination of land suitability will be at the sole discretion of the Plan Commission acting on the recommendation of the Park, Recreation and Forestry Commission. All lands dedicated under this section shall have at least 100 feet of frontage on a public street. The Plan Commission and Park, Recreation and Forestry Commission may adjust this frontage requirement if better alternatives for access are provided.
- (9) At the discretion of the Plan Commission acting on the recommendation of the Park, Recreation and Forestry Commission, the Plan Commission may require the developer to pay a parkland dedication fee in lieu of making the required land dedication as the parties may agree to by mutual consent, which has been reduced to writing in a



developer's agreement, when the following findings have been made:

- (a) There is no land suitable for parks within the proposed subdivision or planned development project;
  - (b) The dedication of land is not feasible;
  - (c) The dedication of land would not be compatible with the City's Comprehensive Plan and Park and Open Space Plan; or
  - (d) The Commission determines that a cash contribution or combination of land and fees will better serve the public interest.
- (10) The Plan Commission and the Park, Recreation and Forestry Commission may permit the subdivider to satisfy the dedication requirements of this section by combining land dedication with a parkland dedication fee payment as the parties may agree to by mutual consent, which has been reduced to writing in a developer's agreement.
- (11) Needs assessment. For the purposes of the fee in lieu of land dedication imposed under this section, a parks needs assessment has been prepared on a city-wide basis and is available for inspection at the Clerk's Office. The needs assessment provides the rationale and basis for the impact fees and land dedication created under this section.
- (12) The amount of any parkland dedication fee imposed in lieu of land dedication shall be made in accordance with this section and the needs assessment in the amount as specified in the City's Fee Schedule.
- (13) All dedicated parklands shall be graded, topsoiled, seeded, and prepared by the subdivider per the direction and satisfaction of the Park, Recreation and Forestry Commission or its designee. The costs for this work shall be reimbursed to the subdivider at the time of inspection and acceptance by the City. The reimbursement shall be at a rate of \$2,000 per acre.
- (14) All dedicated parklands shall front a public street and be sited per the direction and satisfaction of the Park, Recreation and Forestry Commission or its designee.

**B. Recreation facilities improvement impact fees.**

- (1) The subdivider, developer or landowner shall pay a recreation facilities improvement fee as set forth herein. "Recreation facilities" means improvement of land for public parks, including grading, seeding and landscaping, installing utilities, constructing sidewalks, purchasing and installing playground and other recreational equipment, and constructing or installing restroom facilities on land intended for public park purposes.
- (2) Needs assessment. For the purposes of the recreation facilities improvement impact fees imposed under this section, a parks needs assessment has been prepared on a city-wide basis and is available for inspection at the Clerk's Office. The needs assessment provides the rationale and basis for the impact fees and land dedication created under this section.
- (3) The recreation facilities improvement fee shall be made in accordance with this section and the needs assessment in the amount as specified in the City's Fee Schedule. This fee

shall be additional to the requirement for parkland dedication or a fee payment in lieu of dedication.

C. Fee revenue administration.

- (1) All monies collected from fee revenues and interest earned thereon imposed under Subsections A or B above shall be used solely for the purpose of paying the proportionate costs of providing public parks, playgrounds, open spaces, and athletic fields together with the supporting recreation facilities to expand or improve them that may become necessary because of increased land development within the City. These capital costs may include the cost of land acquisition, debt service on bonds, or similar debt instruments when the debt has been incurred for proceeding with designated public projects before the collection of all anticipated fees for that project, legal, engineering, and design costs to reimburse the City for advances of other funds or reserves as from time to time approved by the Common Council.
- (2) The Common Council shall place any fee collected pursuant to the provisions of Subsection A in a separate interest-bearing, segregated fund to be used for land acquisition of adequate park, playground, recreation, athletic fields, and open space. The Common Council shall place any fee collected pursuant to the provisions of Subsection B in a separate, interest-bearing, segregated fund to be used for recreation facilities improvements. The collected fees shall be utilized to construct park facilities for the plat, survey, or development.
- (3) Revenues derived from funds collected from impact fees imposed and collected but not used as statutorily required within the applicable statutory period from the date of payment of the impact fee as prescribed in § 66.0617(9), Wis. Stats., shall be refunded on a prorated, proportional basis, as determined by the Common Council, to the payer of the fees for the property with respect to which the impact fee was imposed.
- (4) The payment of an impact fee imposed under this section as a condition of a permit for new construction or issuing a zoning permit, conditional use permit, or land division may be contested as to the amount, collection, refund, or use of the impact fee to the Watertown Public Works Commission, provided that the applicant files a written notice of appeal in the office of the City Clerk-Treasurer within 15 days of the approval of the full building permit by the office of the Building Inspector for new construction or issuing any other permit or land division permit upon which the impact fee is imposed. Such notice of appeal shall be titled "Notice of Appeal of Impact Fee" and shall state the applicant's name, address, telephone number, address if available, legal description of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal. Said notice of appeal of impact fee shall be forwarded immediately by the Clerk/Treasurer of the City to the Watertown Public Works Commission Chairperson. The Chairperson shall schedule the appeal for consideration by the Watertown Public Works Commission at a regular meeting as soon as reasonably practicable under the circumstances and shall notify the applicant of the time, date, and place of such meeting in writing by regular mail, deposited in the mail no later than at least three days before the date of such meeting. Upon review of such appeal, the Watertown Public Works Commission may adjust the amount, collection,

refund, or use of the impact fee upon just and reasonable cause shown. On and after June 14, 2006, and before September 7, 2016, all impact fees imposed under this chapter not otherwise required to be paid by the developer or land owner as provided above in this subsection shall be imposed upon each buildable lot in a development and shall be payable in full, at the annually adjusted rate then in effect, within 14 days of issuing any zoning, conditional use, or building permit. After September 7, 2016, all impact fees imposed under this chapter not otherwise required to be paid by the developer or land owner as provided above in this subsection shall be imposed upon each buildable lot in a development and shall be payable in full at the annually adjusted rate then in effect at the time of issuing any zoning, conditional use, or building permit under this chapter or any other controlling authority.

- (5) The fees imposed under Subsections A and B above shall be paid in full by the subdivider, developer, or owner of record of the land development unless expressly excepted under this section at the time of issuing a full building permit by the office of the Building Inspector for any new construction. If the total amount of impact fees due for a development shall be more than \$75,000, a developer may defer payment of the impact fees for a period of four years from the date of issuing the building permit or until six months before the municipality incurs the costs to construct, expand, or improve the public facilities related to the development for which the fee was imposed, whichever is earlier. If the developer elects to defer payment under this paragraph, the developer shall maintain in force a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality. At the time the municipality collects an impact fee, it shall provide the developer from which it received the fee an accounting of how the fee will be spent.
- (6) If the subdivider, developer, or owner of record fails to make the entire payment when due, the Building Inspector of the City shall issue a stop order, pursuant to the City of Watertown Building Code, as from time to time amended, and shall refuse to approve any plans or to perform any further inspections until the fees are paid in full. The Building Inspector also may revoke the entire building permit, pursuant to the City of Watertown Building Code, if such fees remain unpaid for longer than three months after the due date. The unpaid balance of fees shall bear interest at the rate of 1% per month from the date of the full building permit issuance by the office of the Building Inspector through the date of payment. No certificate of occupancy may be issued for buildings on any parcel for which there are unpaid fees. Unpaid fees shall be billed as special charges to the property owner at the time of permit issuance and, if not so paid, shall become a lien as provided in § 66.0627(4), Wis. Stats., and Chapter 76, Article III, of the Code as of the date of such delinquency and automatically shall be extended upon the current or next tax roll as a delinquent tax against that real property parcel. Alternately, developers or landowners at their own option may elect to pay either any or all of the imposed fees at the time of recording or any or all of the imposed fees or special charges at any other time before the issuance of the zoning, conditional use, or building permit.
- (7) For all unplatted lands requiring a plat and for all land divisions, rezonings, or conditional use permits requiring a certified survey map, no final plat or certified survey map shall be certified approved for recording unless the parkland dedication fee is

calculated and noticed on the face of the instrument to be recorded for collection under this section. A notation shall be placed upon the face of the plat, map, survey, or other document to be recorded, advising of the fees to be imposed on all buildable lots or developments containing institutional residential housing units. For all land divisions not requiring a plat or certified survey map, no rezoning permit, conditional use permit, or building permit shall be issued for land development unless the fees imposed under this section are calculated and invoiced for collection.

- (8) No subdivider, developer, or owner of record of a vacant parcel, single-family residence, condominium, duplex, or multifamily housing development may transfer, sell, or convey such property interest to any person or entity without first providing such person or entity actual written notice of the amount of the unpaid fees imposed under this section and time schedule for payment of such fees pursuant to this Subsection C, unless the subdivider, developer, or owner of record previously has paid the parkland dedication fees and recreation facilities improvement fees. Inclusion of the notice under this subsection in the real estate condition report furnished to a prospective purchaser of a vacant parcel, single-family residence, condominium, duplex, or multifamily housing development shall be sufficient compliance with this requirement.
- (9) The timing of parkland acquisition and recreation facilities development shall be at the discretion of the City as recommended by the Park, Recreation and Forestry Commission. Where parkland improvement fees and recreation facility improvement fees, however, have been acquired to enable the substantial development of planned park and recreation facilities, the City shall make said improvements within eight years of the date of fee collection.
- (10) Credit for private park and recreation areas.
  - (a) Where private park and recreation areas are provided in a proposed planned development district and such space is to be privately owned and maintained by the future residents of the development, such areas may be credited toward but not to exceed 25% of the requirement of land dedication for park and recreation purposes as set forth in Subsections A and B above provided the City Plan Commission, acting upon the recommendation of the Park, Recreation and Forestry Commission, finds that it is in the public interest to do so and that the following standards are met:
    - [1] That yards, court areas, setbacks, and other open areas required to be dedicated or maintained by this section and Chapter 550, Zoning, shall not be included in computing such private open spaces;
    - [2] That the private ownership and maintenance of the open space is provided for adequately by written agreement;
    - [3] That the use of the private open space is restricted for park and recreational purposes by recorded covenants that run with the land in favor of the future owners of property within the tract and that cannot be defeated or eliminated without the consent of the Common Council;

- [4] 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
  - [5] That facilities proposed for the open space are in substantial accordance with the recommendations of the adopted Park and Open Space Plan. If the proposed private park is in the service area of a park site designated in the park plan or a site dedicated and/or developed as a public park, then no credits will be given for private facilities.
- (b) In making the evaluation of the credit for private recreation facilities, the Plan Commission may retain independent professional services agreed upon by both parties to determine the amount of credit, if any, that should be allowed. The fees for such independent evaluations shall be paid by the developer.
- (11) The current owner of a property on which an impact fee has been paid may apply for a refund of such fee if the City has not used such impact fee within the applicable statutory period from the date of payment of the impact fee as prescribed in § 66.0617(9), Wis. Stats, or the building permit for which the impact fee has been paid has lapsed for non-commencement of construction, or the project for which a building permit has been issued has been altered in a manner resulting in a decrease in the amount of the impact fee due, or as otherwise authorized in this chapter.

**§ 545-43. Contract requirements for installation of improvements.**

- A. Before final approval of any plat located within the corporate limits of the City of Watertown, the subdivider shall be required to enter into a contract with the City agreeing to install all required improvements. The subdivider shall file with said contract subject to the approval of the City Attorney a bond, certificate of deposit, irrevocable letter of credit, certified check, or other security in an amount equal to the estimate of the cost approved or prepared by the Director of Public Works/City Engineer as a guarantee that such improvements will be completed by the subdivider or his contractors not later than 18 months from the date of recording of the plat. As a further guarantee that all obligations for work on the improvements are satisfied, the contractor and subcontractors who are to be engaged in the construction of utilities or street improvements on dedicated street rights-of-way shall be listed as qualified for such work by the Public Works Commission. In lieu of said contract or instrument of guarantee, governmental units to which these bond and guarantee provisions apply may file a letter from officers authorized to act on its behalf agreeing to comply with the provisions of this section. The contract also shall require the subdivider to pay all outstanding assessments for public improvements previously installed and all area charges for stormwater drainage facilities, sanitary sewer and water mains, force mains, and pumping stations previously installed by the City. The subdivider shall provide for connecting with water and sanitary sewer mains, stormwater drainage facilities, curb and gutter, sidewalk and street improvements, and walkways and bikeways on all abutting streets and on any streets in the plat not included in the contract that are located in previously approved and developed phases of the plat.

- B. In those cases where the Common Council determines it is in the interest of the City to install improvements by City contract and at such time as the City may designate, the subdivider shall petition the City for water, sanitary sewer main, sanitary sewer laterals, stormwater drainage facilities, curb and gutter, and sidewalk and street improvements. The cost of such improvements shall be paid by assessments to the benefitted properties. When improvements are installed partially by City contract in lieu of the preceding contract, the subdivider shall provide a contract and bond for all other required improvements.

**§ 545-44. Documentation.**

The subdivider shall furnish the City with a reproducible "as built" file in digital AutoCad format (.dwg or .dxf file format) and geographic information system (GIS) format (.shp or geodatabase format) showing all improvements for the plat prior to issuing any building permits. This file shall be tied to the Wisconsin State Plane Coordinate System, NAD83 South Zone, U.S. Foot. The subdivider also shall furnish an itemized cost for the infrastructure improvements in the plat before issuing any building permits.

**§ 545-45. Compliance with City of Watertown specifications.**

All improvements shall comply with the requirements of City of Watertown specifications, on file at the office of the Director of Public Works/City Engineer, and all other requirements of the City of Watertown.

**§ 545-46. Restoration of disturbed areas; vegetation.**

- A. The subdivider shall stabilize all areas disturbed by mass site grading and utility and infrastructure installation within two weeks of completion of same or as soon as conditions allow.
- B. The subdivider shall cut all vegetation within all platted subdivisions once by each and every June 10 and August 25 or any other time when vegetation exceeds eight inches in height according to Chapter 446, Article III, of the City's Code. This requirement shall apply to all lands still owned by the subdivider.
- C. After review by the Weed Commissioner, if vegetation is not cut by those dates stated above or as required by Chapter 446, Article III, the Weed Commissioner shall notify the Building, Safety and Zoning Department, and the subdivider, contractor, or subcontractors shall not be issued any new permits until vegetation is cut.