

O R D I N A N C E

An Ordinance to amend various sections of Chapters 3, 14, 15 and 21 of the Municipal Code.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 3.050(2) defining the membership of the City Plan Commission is amended to read as follows:

“ (2) Membership. The City Plan Commission shall consist of eight members. The members shall be the Mayor, who shall be the presiding officer; the Director of Public Works and City Engineer; one member of the Streets and Sanitation Committee of the Common Council appointed by the Chairperson of the Streets and Sanitation Committee and approved by the Common Council; one appointed City official (or in their absence, their official designees); and four citizen members who are not elected or appointed City officials. The citizen members shall be persons of recognized experience and qualification. Unless otherwise noted, all members shall be appointed by the Mayor and approved by the Common Council. Members of the Commission shall be appointed to hold office for a period of three years. Appointments shall be made by the Mayor during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term. The City Planner or, in the absence of the City Planner, the Deputy City Planner, shall serve as staff to the Commission and act as its secretary. The Mayor shall act as chair and be a voting member of the Commission. The Commission may elect a vice-chair annually at its first regularly scheduled meeting in January.”

Section 2. Section 3.540 defining the role of the City’s “Director of Building Inspection” is amended to read as follows:

“ There is hereby created the office of Director of Building Inspection, who shall perform such duties as may be prescribed by the Wisconsin Statutes and the Common Council. The Director of Building Inspection shall oversee building, plumbing and electrical inspection in the City of Manitowoc. The Director of Building Inspection shall also act as administrator of housing and zoning ordinances. The Director of Building Inspection shall supervise the Deputy Director of Building Inspection, Electrical Inspector and Plumbing Inspector.

If the “Director of Building Inspection” position is not active or identified in the City’s official organizational chart, all references to that position throughout the Municipal Code shall hereinafter vest in either the person designated by the Common Council as the “Building Inspector” or the person responsible for managing of the building inspection function of the City.

If the “Deputy Director of Building Inspection”, “Plumbing Inspector”, “Electrical Inspector” or “Housing Inspector” are not active positions or identified in the City’s official organizational chart, all references to these positions shall vest in the person designated by the Common Council to perform such duties. ”

Section 3. The “Declaration of Policy” under Section 14.850(1) regarding fair housing in the City is amended to read as follows:

“ (1) Declaration of Policy. Pursuant to Wis. Stat. §106.50, Wisconsin’s Open Housing Act, it is hereby declared to be the policy of the City of Manitowoc to assure equal opportunity to all persons to live in decent housing facilities regardless of sex, race, color, disability as defined in Wis. Stat. § 106.50(1m)(g), sexual orientation as defined in Wis. Stat. §

106.50(1m)(t), religion, national origin, family status as defined in 106.50(1m)(k), status as a victim of domestic abuse, sexual assault, stalking, lawful source of income, age or ancestry. It is intended that the factors set forth herein shall be the sole bases for prohibiting discrimination.”

Section 4. Sections 14.850(3)(f), (g) and (h) regarding unlawful practices under the City’s fair housing ordinance are amended to read as follows:

“ (f) To retaliate or discriminate in any manner against a person because a person has opposed a practice declared unlawful by this section, or because a person has filed a complaint, testified, assisted in or participated in any manner in any investigation, proceeding, hearing or conference under this section;

(g) For any bank, savings and loan association, credit union, or other corporation, association, firm or enterprises whose business consists in whole or in part in the making of real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against a person in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of sex, race, color, disability as defined in Wis. Stat. § 106.50(1m)(g), sexual orientation as defined in Wis. Stat. § 106.50(1m)(t), religion, national origin, family status as defined in Wis. Stat. § 106.50(1m)(k), status as a victim of domestic abuse, sexual assault, stalking, marital status of the person maintaining a household, lawful source of income, age or ancestry of such person or any person associated with a person in connection of such loan or other financial assistance for the purpose of such loan or other financial assistance; or

(h) To deny any qualified person access or membership or participation in any multiple-listing service, real estate broker organization, or other service organization, or facility relating to the business of selling or renting dwellings, or to discriminate against a person in the terms or conditions of such access, membership, or participation, on any of the criteria listed in the definition of “discrimination” or “discriminatory housing practice” in subsection (2) of this section.”

Section 5. Sections 15.010(2)(a), (e), (n) and (o) regarding the purpose of the City’s zoning ordinance are amended, and Section (p) regarding the purposes of the City’s zoning ordinance is created to read as follows:

“ (a) To implement the City’s comprehensive plan to the extent possible under zoning, as authorized by Wisconsin Statutes, and to promote the public health, safety, morals, comfort, convenience, prosperity and general welfare of the community;”

“ (e) To separate incompatible land uses, and to isolate or control the location of unavoidable nuisance producing uses;”

“ (n) To define the powers and duties of the administrative officers and bodies, as provided in this chapter; ”

“ (o) To preserve the historic character of Manitowoc’s Downtown Area including coordination of the type, placement and physical dimensions of signs, and to preserve and stabilize property values in the Downtown Area and the City of Manitowoc as a whole; and”

“ (p) To protect existing and establish new urban gardens and farmers’ market opportunities as important community resources that build social connections; offer recreation, education and economic development

opportunities; provide both open space and a local and regional food source; and enhance access to healthy foods.”

Section 6. The following definitions are created in Section 15.030(1) to read as follows, and shall be placed in alphabetical order:

“ **Farmers’ Market** means an occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public, without any intervening distributor or wholesaler, such items as fresh produce, seasonal fruits, fresh flowers, ornamental plants and trees, arts and craft items, and food and beverages dispensed from booths located on-site.”

“ **Greenhouse** means a structure or portion of a structure made primarily of glass or other translucent material, for which the primary purpose is the cultivation or protection of plant, and for extending of the growing season.”

“**Hoophouse** means a structure used as a greenhouse or a season extender, which is characterized by a half-round “hoop” shape, a series of large hoops or bows made of metal, plastic pipe or wood, and with a plastic roof wrapped over flexible piping.”

“**Hydroponic System** means the propagation of plants using a mechanical system designed to circulate a solution of minerals in water with limited use of growing media.”

“**Vacant Lot Residential Garden** means a vacant lot adjacent to, or combined with a residential lot of record used by individual residents for cultivating flowers, vegetables, fruits, herbs, ornamental shrubs or trees, where authorized by the property owner, where any food produced on-site is consumed by the growers, and where on-site commercial and retail sales are prohibited.”

“**Transitional Housing** means housing intended to provide the support needed for temporary occupants who lack a fixed, regular and adequate nighttime residence to move into long-term housing, and which is usually offered as part of a transitional program that helps homeless individuals and families become independent through counseling, job training, child care, skills training, and health care assistance.”

Section 7. Section 15.030 defining “Home Occupation” is amended to read as follows:

“**Home occupation** means any occupation or profession conducted entirely within the residence (excepting a vacant lot residential garden) in any Residential Zoning District and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof or, except as provided in MMC 15.450, does not have any exterior evidence of such use and does not infringe upon the right of neighboring residents to enjoy peaceful occupancy of their homes for which purpose the Residential Zone was created and primarily intended, and excepting a vacant lot residential garden. A home occupation may not occupy more than 25 percent of the floor area of the residence nor shall the home occupation occupy any portion of any garage or other accessory building. Any home occupation shall operate only between the hours of 8:00 a.m. and 8:00 p.m.”

Section 8. Sections 15.070(2)(i) and (j) are amended, and Section (k) regarding permitted uses in the “P-1” Conservancy District is created to read as follows:

- “ (i) Public utilities;
- (j) Golf courses and driving ranges; and
- (k) Farmers’ markets.”

Section 9. Section 15.090(2)(g) regarding greenhouses and hoopouses as permitted uses in the “R-1” Residential-Agricultural District is amended to read as follows:

- “ (g) Greenhouses and hoopouses;”

Section 10. Sections 15.090(2)(m) and (n) are amended, and Section (o) regarding permitted uses in the “R-1” Residential- Agricultural District is created to read as follows:

- “ (m) Adult day care facilities, and child day care centers for not more than eight individuals;
- (n) Community living arrangements for not more than eight individuals; and
- (o) Farmers’ markets.”

Section 11. Sections 15.090(3)(l), (o) and (p) are amended, and Sections (q) and (r) regarding transitional and co-housing options as conditional uses in the “R-1” zoning district is created to read as follows:

- “ (l) Adult day care facilities, and child day care centers for nine or more individuals;
- (o) Accessory buildings and uses;
- (p) Any adaptive reuse authorized pursuant to MMC 15.370(29);
- (q) Transitional housing; and
- (r) Continuing care communities, retirement housing, intergenerational housing, and other collaborative housing options developed pursuant to Section 15.750.”

Section 12. Sections 15.110(2)(c) and (d) regarding day care centers as a permitted use in the “R-2” Single-Family District are amended, and Section (2)(e) is created to read as follows:

- “ (c) Community living arrangements for not more than eight individuals;
- (d) Adult day care facilities, and child day care centers for not more than eight individuals; and
- (e) Vacant lot residential garden.”

Section 13. Sections 15.110(3) (e), (j) and (k) are amended, and Sections (l) and (m) regarding transitional housing and co-housing options as conditional uses in the “R-2” Single-Family District are created to read as follows:

- “ (e) Homes for the elderly, nursing homes, and adult day care facilities, and child day care centers for nine or more individuals;
- (j) Accessory buildings and uses;
- (k) Any adaptive reuse authorized pursuant to MMC 15.370(29);
- (l) Transitional housing; and
- (m) Continuing care communities, retirement housing, intergenerational housing, and other collaborative housing options developed pursuant to Section 15.750; and ”

Section 14. Sections 15.110(3)(n) regarding conditional uses in the “R-2” Single-Family District is created to read as follows:

- “ (n) Farmers’ markets.”

Section 15. Section 15.130(2)(e) regarding day care centers is amended, and Section (2)(f) regarding vacant lot residential gardens as permitted uses in the “R-3” Single-Family District is created to read as follows:

- “ (e) Adult day care facilities, and child day care centers for not more than eight individuals; and
(f) Vacant lot residential garden.”

Section 16. Sections 15.130(3)(e), (j) and (k) are amended, and Sections (l) and (m) regarding transitional housing and co-housing as conditional uses in the “R-3” Single-Family District is created to read as follows:

- “ (e) Homes for the elderly, nursing homes, and adult day care facilities, and child day care centers for nine or more individuals;
(j) Accessory buildings and uses;
(k) Any adaptive reuse authorized pursuant to MMC 15.370(29);
(l) Transitional housing;
(m) Continuing care communities, retirement housing, intergenerational housing, and other collaborative housing options developed pursuant to Section 15.750; and”

Section 17. Section 15.130(3)(n) regarding conditional uses in the “R-3” Single-Family District is created to read as follows:

- “ (n) Farmers’ markets.”

Section 18. Section 15.150(2)(e) regarding day care centers is amended, and Section (2)(f) regarding vacant lot residential gardens as permitted uses in the “R-4” Single-and Two-Family District is created to read as follows:

- “ (e) Adult day care facilities, and child day care centers for not more than eight individuals; and
(f) Vacant lot residential garden.”

Section 19. Sections 15.150(3)(e), (j) and (k) are amended, and Sections (l) and (m) regarding transitional housing and co-housing as conditional uses in the “R-4” Single-and Two-Family District are created to read as follows:

- “ (e) Homes for the elderly, nursing homes, and adult day care facilities, and child day care centers for nine or more individuals;
(j) Accessory buildings and uses;
(k) Any adaptive reuse authorized pursuant to MMC 15.370(29);
(l) Transitional housing;
(m) Continuing care communities, retirement housing, intergenerational housing, and other collaborative housing options developed pursuant to Section 15.750; and”

Section 20. Section 15.150(3)(n) regarding conditional uses in the “R-4” Single-and Two-Family District is created to read as follows:

- “ (n) Farmers’ markets.”

Section 21. Sections 15.170(2)(e) and (f) regarding day care centers are amended, and Section (2)(g) regarding vacant lot residential gardens as a permitted use in the “R-5” Low Density Multiple-Family District is created to read as follows:

- “ (e) Adult day care facilities, and child day care centers for not more than eight individuals;
(f) Public parks, parkways, and other public recreational areas; and
(g) Vacant lot residential garden.”

Section 22. Sections 15.170(3)(d), (j) and (k) are amended, and Sections (l) and (m) regarding transitional housing and co-housing as conditional uses in the “R-5” Low Density Multiple-Family District are created to read as follows:

- “ (d) Homes for the elderly, nursing homes, and adult day care facilities, and child day care centers for 16 or more individuals;
(j) Accessory buildings and uses;
(k) Any adaptive reuse authorized pursuant to MMC 15.370(29);
(l) Transitional housing;
(m) Continuing care communities, retirement housing, intergenerational housing, and other collaborative housing options developed pursuant to Section 15.750; and”

Section 23. Section 15.170(3)(n) regarding conditional uses in the “R-5” Low Density Multiple-Family District is created to read as follows:

- “ (n) Farmers’ markets.”

Section 24. Sections 15.190(2)(d), (e) and (f) regarding day care centers are amended, and Section (2)(g) regarding vacant lot residential gardens as a permitted use in the “R-6” Multiple-Family District is created to read as follows:

- “ (d) Adult day care facilities, and child day care centers for not more than 15 individuals;
(e) Public parks, parkways, and other public recreational areas;
(f) Community living arrangements for not more than 15 individuals; and
(g) Vacant lot residential garden.”

Section 25. Sections 15.190(3)(f), (n) and (o) are amended, and Sections (p) and (q) regarding transitional housing and co-housing as conditional uses in the “R-6” Multiple-Family District are created to read as follows:

- “ (f) Homes for the elderly, nursing homes, and adult day care facilities, and child day care centers for 16 or more individuals;
(n) Accessory buildings and uses;
(o) Any adaptive reuse authorized pursuant to MMC 15.370(29);
(p) Transitional housing;
(q) Continuing care communities, retirement housing, intergenerational housing, and other collaborative housing options developed pursuant to Section 15.750; and”

Section 26. Section 15.190(3)(r) regarding conditional uses in the “R-6” Multiple-Family District is created to read as follows:

- “ (r) Farmers’ markets.”

Section 27. Sections 15.210(2)(e) and (f) regarding day care centers are amended, and Section (2)(g) regarding vacant lot residential gardens as a permitted use in the “R-7” Central Residence District is created to read as follows:

- “ (e) Community living arrangements for not more than 15 individuals;
(f) Adult day care facilities, and child day care centers for not more than 15 individuals; and
(g) Vacant lot residential garden.”

Section 28. Sections 15.210(3)(f), (m) and (n) are amended, and Sections (o) and (p) regarding transitional housing and co-housing as conditional uses in the “R-7” Central Residence District are created to read as follows:

- “ (f) Homes for the elderly, nursing homes, and adult day care facilities, and child day care centers for 16 or more individuals;
- (m) Accessory buildings and uses;
- (n) Any adaptive reuse authorized pursuant to MMC 15.370(29);
- (o) Transitional housing;
- (p) Continuing care communities, retirement housing, intergenerational housing, and other collaborative housing options developed pursuant to Section 15.750; and”

Section 29. Section 15.210(3)(q) regarding conditional uses in the “R-7” Central Residence District are created to read as follows:

- “ (q) Farmers’ markets.”

Section 30. Sections 15.230(2)(h), (m) and (n)4. regarding permitted uses in the “B-1” Office-Residential District are amended, and Section (2)(o) is created to read as follows:

- “ (h) Adult day care facilities, and child day care centers for not more than 15 individuals;
- (m) Churches;
- (n)4. Vehicular access, parking, and loading; and
- (o) Vacant lot residential garden.”

Section 31. Sections 15.230(3)(c), (g) and (h) are amended, and Sections (i), (j), (k) and (l) regarding conditional uses permitted in the “B-1” Office-Residential District are created to read as follows:

- “ (c) Adult day care facilities, and child day care centers for 16 or more individuals;
- (g) Body piercing establishments as defined in Wis. Stat. § 254.24;
- (h) Any adaptive reuse authorized pursuant to MMC 15.370(29);
- (i) Farmers’ markets;
- (j) Greenhouses and hoopouses;
- (k) Transitional housing; and
- (l) Continuing care communities, retirement housing, intergenerational housing, and other collaborative housing options developed pursuant to Section 15.750.”

Section 32. Section 15.250(2)(l) regarding day care centers as a permitted use in the “B-2” Neighborhood Business District is amended to read as follows:

- “ (l) Adult day care facilities, and child day care centers for not more than 15 individuals;”

Section 33. Sections 15.270(2)(v) and (ii) regarding permitted uses in the “B-3” General Business District are amended to read as follows:

- “ (v) (Blank);
- (ii) Vacant lot residential garden;”

Section 34. Section 15.270(2)(ppp) regarding uses permitted in the “B-3” General Business District is amended to read as follows:

- “ (ppp) Telephone, radio, or telecommunication offices;”

Section 35. Section 15.270(2)(qqq) regarding uses permitted in the “B-3” General Business District is created to read as follows, with existing Sections (qqq) through (yyy) re-numbered sequentially:

- “ (qqq) Tire sales and repairs.”

Section 36. Section 15.310(2)(a) regarding permitted uses in the “C-1” Commercial District is amended to read as follows:

“ (a) Any use permitted or conditionally permitted in the “B-4” Central Business District (except transitional housing; and continuing care communities, retirement housing, intergenerational housing, and other collaborative housing options developed pursuant to Section 15.750);”

Section 37. Sections 15.310(3)(d) and (e) are amended, and Sections (f) and (g) regarding conditional uses in the “C-1” Commercial District are created to read as follows:

“ (d) Recycling facilities in accordance with MMC 15.030;
(e) Any use authorized pursuant to MMC 15.370(29); and
(f) Transitional housing; and
(g) Continuing care communities, retirement housing, intergenerational housing, and other collaborative housing options developed pursuant to Section 15.750.”

Section 38. Section 15.330(4)(e) regarding conditional uses in the “I-1” Light Industrial District is created to read as follows:

“ (e) Transitional housing.”

Section 39. The third sentence in Section 15.370(3) regarding buildings to be moved across public rights-of-way is amended to read as follows:

“ In addition, the City Plan Commission shall review all applications for the moving of principal buildings into or within the City of Manitowoc to determine that all provisions of this chapter are complied with in the same manner as a new structure; and that conformity or compatibility, as it pertains to property values, design, density of population, and general health and welfare of the City, is attained.”

Section 40. Section 15.370(31) regarding vacant lot residential gardens is created to read as follows:

“ (31) **Vacant Lot Residential Garden Standards.**

(a) Purpose. The purpose of this section is to ensure that a vacant lot residential garden primarily for growing of flowers, vegetables, fruits, herbs, ornamental shrubs or trees is appropriately located and protected to utilize unused, vacant and underutilized land areas and turn them into a productive use; to encourage community health and education, garden-related job training, environmental enhancement and the preservation of green space on sites for which urban gardens represent an appropriate land use.

(b) Principal and Accessory Use. A vacant lot residential garden may be a principal use on a lot, or an accessory use to any primary use permitted on a parcel of land.

(c) On-Site Sales. When grown on-site, the sale of garden products shall be permitted. When permitted, on-site sales are limited to the sale of unprocessed, non value-added vegetables, flowers or other crops grown on the site. Processing (the process of transforming raw materials into food) and commercial sales of these products on-site are prohibited.

(d) Equipment. Power tools or portable mechanical equipment creating offensive noise, dust, odor, smell and the like shall be prohibited. Within an “R” district, the operation of equipment shall be limited to hours beginning at 8:00 A.M. and ending at 8:00 P.M.

(e) Waste. The site shall be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining on to an adjacent property. Organic gardening is strongly encouraged.

(f) On-Site Trash Storage. An on-site trash storage container, as well as compost bins or piles, shall be provided on site, and shall be screened, enclosed and located as close as practicable to the rear lot line. Trash shall be removed from the site at least once per week.

(g) Accessory Structures, Height and Number. The combined area of all accessory structures including, but not limited to sheds, greenhouses, hoopouses and other temporary structures, shall not exceed 25 percent of the lot area, or 250sf in area, whichever is the lesser. Accessory structures shall provide a floor to catch chemical runoff, and shall not exceed 15’ in height as measured from grade. Only one (1) accessory structure shall be permitted per lot of record.

(h) Location in Any Yard. A vacant lot residential garden may be located in any yard area.

(i) Owner Authorization. Only individuals, or organizations authorized by the property owner or an authorized lessor or licensor, shall participate in a vacant lot residential garden.

(j) Identification Sign. One (1) non-animated identification sign shall be allowed which shall not exceed two (2) square feet in area per side, and which shall not exceed six (6) feet in height above grade.

(k) Property Owner Notice to Adjacent Properties. The owner or an authorized lessor or licensor of any lot to be used for a vacant lot residential garden shall give each abutting property owner written notice of the owner’s, lessor or licensor’s name, address and telephone number, and a copy of the use conditions provided in this Code for a vacant lot residential garden, no less than 30 consecutive calendar days prior to the start of the vacant lot residential garden.

(l) Cultivated Areas. Cultivated areas shall be prevented from encroaching on to adjacent properties.

(m) Off-Street Parking. Off-street parking shall not be required for a vacant lot residential garden, unless required by the Common Council. If required, the parking area shall be limited in size so as to not exceed ten (10) per cent of the total lot area, shall be unpaved or surfaced with gravel, or paved with a pervious paving material.

(n) Weeds. It is the duty of the party responsible for a vacant lot residential garden to maintain the property in compliance with City ordinances. A vacant lot residential garden is exempt from the City’s noxious weed ordinance under Section 13.050 of the municipal code. However, noxious and invasive weeds are not

permitted in a vacant lot residential garden, and shall be regulated in accordance with the City's noxious weed control ordinance if they are deemed by the City Engineer to be pervasive at the site, defined herein as a vacant lot gardens in which weeds represent more than half of the lot area. In the event a vacant lot residential garden is found to be in violation of the weed ordinance, City crews will post a notice of violation at the property only once per growing season, and request that the weeds be taken care of within five consecutive calendar days of the notice being posted. If the lot remains in violation of the weed ordinance, City crews or their designated contractor are herein authorized to enter the property, mow it, with all costs incurred to be forwarded to the property owner. Following the initial notice of weed violation, if the lot again becomes non-compliant during the remainder of the current growing season, City crews or their designated contractor can enter the property without additional notice, mow it, with all costs incurred to be forwarded to the property owner or the person or party responsible for the vacant lot residential garden for payment; however, if the party fails to issue timely payment to the City under this section, the City may attach the charges against the property payable as a special assessment in accordance with its current special assessment policy."

Section 41. Section 15.390(11) regarding the calculation to modify front or street side yard setbacks in a particular block is amended to read as follows:

“(11) **Modification of Required Front or Street Side Yards.** Whenever 40 percent or more on a front foot basis of all the lots being on one side of a street in the same block and being improved with buildings having front or street side yards of more or less depth than required by this chapter, then the average depth of the front or street side yard of such buildings shall establish the required front or street side yard depth for all such block; provided, that no new building in the “R” Districts shall be required to set back more than 25 feet; and further provided, that this provision shall in no case reduce the required front or street side yard to less than 10 feet.”

Section 42. Section 15.430(11)(h) regarding off-street parking in a residential zoning district is amended to read as follows:

“(h) Each entrance and exit to and from such parking lot shall be at least 20 feet distant from any adjacent property line located in any “R” Zoning District.”

Section 43. Section 15.490(2) regarding the definition of “Public utilities” in the City’s floodplain ordinance is amended to read as follows:

“**Public utilities** means those utilities using underground or overhead transmission lines such as electric, telephone, and distribution and collection systems such as water, sanitary sewer and storm sewer.”

Section 44. Section 15.550(6)(f) regarding the ability of the Zoning Board of Appeals to prescribe appropriate conditions and safeguards, is amended to read as follows:

“(f) In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter, including, but not limited to specifying an expiration date for a variance granted if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. Violation of such conditions and safeguards, when made a part of the terms under which the

variance is granted, shall be deemed a violation of the chapter and punishable under MMC 15.630;”

Section 45. Section 21.040(1)(f) regarding procedures for plat approval is amended to read as follows by adding the following sentence at the end of this section:

“ Approval of a final plat shall require the review and conclusions pursuant to Wis. Stat. § 236.11(1)(c) regarding conformity of the final plat to the preliminary plat.”

Section 46. Section 21.040(1)(h) regarding the filing of mylar tracings of a final plat with the City is amended to read as follows by adding the following sentence at the end of this section:

“ The final plat must be recorded pursuant to Wis. Stat. § 236.25(2)(b).”

Section 47. The first paragraph in Section 21.060(2)(d) regarding development improvements prerequisite to approval of a final plat, is amended to read as follows:

“ (d) Development Improvements Prerequisite to Approval of the Final Plat. Subject to Wis. Stat. § 66.0903, the following minimum improvements shall be installed in accordance with plans and specifications approved by the City Engineer prior to approval and recording of the final plat of any subdivision 10 acres in area or less. Where a plat is in excess of 10 acres in area, the subdivider may, at the option of the subdivider, present a staged plan for development of the subdivision with each stage being no less than 10 acres in area, subject to Wis. Stat. § 236.13(2)(a). No building permits will be issued for construction on platted lots of future stages which do not have full improvements. The subdivider or the subdivider’s agent shall notify the City Engineer in writing before July 1st of the year prior to the year in which the subdivider plans to make necessary improvement to any 10-acre stage of the subdivision. In all cases, the subdivider shall be responsible to determine if prevailing wage rates under Wis. Stat. § 66.0903 are required for the installation of improvements, to secure wage rate determinations, and to assure compliance with the law.”

Section 48. This Ordinance shall take effect on the day after its publication.

Introduced August 20, 2012 (Signed) Jim Brey

Adopted September 17, 2012

Approved September 19, 2012

(Signed) Justin M. Nickels, Mayor

Attest:

(Signed) JENNIFER HUDON, City Clerk

I hereby certify that the above ordinance was duly adopted by the Common Council on Monday, September 17, 2012

Published September 24, 2012

(Signed) Jennifer Hudon, City Clerk