

# Chapter 18

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## SUBDIVISIONS

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### 18.01 Purpose

The purpose of this chapter is to promote the public health, safety and general welfare of the City. These regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of populations, to facilitate adequate provisions for transportation, water, sewage, schools, parks, playgrounds and other public requirements; to facilitate the further resubdivision of larger tracts into smaller parcels of land. These regulations are made with reasonable consideration among other things, of the character of the City with a view of conserving the value of the buildings placed upon land, providing the best possible environment for human habitation and for encouraging the most appropriate use of land throughout the City.

### 18.02 General Requirements

- (1) Any division of land within the City or its extraterritorial plat approval jurisdiction which results in a subdivision as defined in this chapter shall be surveyed and a plat thereof approved and recorded as required by this chapter and Ch. 236 of the Wisconsin Statutes.
- (2) Any division of land other than a subdivision within the City or its extraterritorial plat approval jurisdiction of which a plat has not been approved and recorded, shall be surveyed and a certified survey map of such division approved and recorded as required by Section 18.09 and Ch. 236 of the Wisconsin Statutes.
- (3) The provisions of this chapter shall not apply to:
  - (a) Transfers of interests in lands by will or pursuant to court order.
  - (b) Leases for a term not to exceed ten (10) years, mortgages or easements.
  - (c) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.
  - (d) Pursuant to Wisconsin Statute § 703.27(1), the provisions of this chapter are applicable to condominiums so far as applicable.

### 18.03 Definitions

Terms as used in this chapter shall have the following meanings:

- (1) Subdivision -

A division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building development, where:

- (a) The act of division creates five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area, or
- (b) Five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area are created by successive division within a period of five (5) years.

- (c)<sup>1</sup> Any conveyance of land to a governmental agency, public entity, or public utility, and any land conveyance within a pre-planned business park, shall not be considered a division of land for purposes of computing the number of parcels but shall be accomplished by a certified survey map or subdivision plat as hereinafter described.
- (2) Extraterritorial Plat Approval Jurisdiction -
- The unincorporated area with one and one-half (1-1/2) miles of the corporate limits of the City.
- (3) Street -
- A way for vehicular traffic other than an alley.
- (a) Major streets are those which are used primarily for fast or heavy traffic.
- (b) Collector streets are those which carry traffic from minor streets to the system of major streets and highways, including the principal entrance streets of a residential development and streets for circulation within such development.
- (c) Minor streets are those which are used primarily for access to the abutting properties.
- (d) Marginal access streets are minor streets which are parallel to and adjacent to major streets and highways; and which provide access to abutting properties and protection from through traffic.

#### 18.04 Procedures

- (1) Preliminary Consultation -
- Prior to filing a preliminary plat the subdivider may consult the Plan Commission and its staff for advice and assistance.
- (2) Preliminary Plat -
- (a) Before submitting a final plat for approval, the subdivider shall submit a preliminary plat and such copies thereof as shall be required to the Clerk who shall forthwith forward the plat to the Plan Commission and such copies thereof to the Sheboygan County Planning and Resources Department and the State Department of Local Affairs and Development as required by Wisconsin Statute § 236.12.
- The Sheboygan County Planning and Resources Department, the State Department of Local Affairs and Development, State Department of Transportation and Department of Health and Social Services shall be hereinafter referred to as objecting agencies.
- (b) The Plan Commission, hereby designated as approving authority for all preliminary plats, shall transmit a copy of the preliminary plat to all affected City Boards, Commissions or Departments and all affected local utility companies for their review and recommendation concerning matters within their jurisdiction. Their recommendation shall be transmitted to the Plan Commission within fifteen (15) days

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<sup>1</sup> Created by Ordinance No. 5-2007/08, enacted November 6, 2007.

from the date the plat is filed. The preliminary plat shall be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it.

- (c)<sup>2</sup> After review of the preliminary plat and negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which shall be required, the Plan Commission shall, within ninety (90) days of its submission, approve conditionally or reject the plat. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection.
  - (d)<sup>3</sup> If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval.
- (3) Final Plat -
- (a) The final plat and such copies thereof as shall be required shall be submitted to the Clerk within six (6) months of approval of the preliminary plat. If approval of the preliminary plat shall be obtained from another approving authority subsequent to approval by the Plan Commission, the final plat shall be submitted within six (6) months of such approval. The Plan Commission may waive failure to comply with this requirement.
  - (b) The Clerk shall forward the plat to the Plan Commission and shall forward copies of the plat to the Director of Local and Regional Planning as required by Wisconsin Statute § 236.12. The Plan Commission shall refer the final plat with its recommendation to the Council within thirty (30) days of its submission unless the time is extended by the Council. The Council shall approve or reject the final plat within sixty (60) days by agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the Council meeting and a copy thereof or a written statement of such reasons shall be supplied to the subdivider.
  - (c) If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Council shall be inscribed on the original of the final plat, the surveyor or the subdivider shall certify the respects in which the original of the final plat differs from the true copy and all modifications shall first be approved.

### 18.05 Design Standards

- (1) General -

A proposed subdivision shall conform to:

- (a) The provisions of Ch. 236 of the Wisconsin Statutes.
- (b) All applicable ordinances of the City and this code.
- (c) The master plan of the City.

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<sup>2</sup> Amended by Ordinance No. 1-1981/82, Adopted June 1, 1981.

<sup>3</sup> Amended by Ordinance No. 1-1981/82, Adopted June 1, 1981.

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- (d) The official map of the city.
  - (e) The rules of the State Department of Health and Social Services relating to lot size and lot elevation if the subdivision is not served by a public sewer and provision for such service has not been made.
  - (f) The rules of the State Department of Transportation relating to safety of access and the preservation of the public interest and investment in the streets, if the subdivision of any lot contained therein abuts on a state trunk highway or connecting street.
  - (g) The Utilities Commission electrical, sewer and water rules on file with the Wisconsin Public Service Commission concerning sewer, water and electrical installations and services. These rules are incorporated herein by reference and made a part hereof as though fully set forth herein.
- (2) Streets -
- (a) General Considerations -

Streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety and in their appropriate relation to the proposed uses of land to be served by such streets.
  - (b) Conform to Official Map -

The arrangement, width, grade and location of all streets shall conform to the official map and master plan of the City.
  - (c) Arrangement -

Major streets shall be properly integrated with the existing and proposed system of major streets and highways. Collector streets shall be properly related to the mass transit system, to special traffic generating from facilities such as schools, churches and shopping centers, to population densities and to the major streets into which they feed. Minor streets shall be laid out to conform as much as possible to topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, to require the minimum amount of street necessary to provide convenient safe access to property.
  - (d) Railroad Right-of-Way or Limited Access Highway -

Where a subdivision borders on a or contains a railroad right-of-way or limited access highway right-of-way, 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 for park purposes in residential districts or for commercial or industrial purposes in other districts.
  - (e) Major Streets -

Where a subdivision borders on or contains an existing or proposed major street, the Plan Commission may require that marginal access streets be provided, that the backs of lots abut the major streets and be provided with screen planting contained in

a nonaccess reservation along the rear property line, that deep lots with rear service alleys be provided or that other provisions be made for the adequate protection of residential properties and the separation of through and local traffic.

(f) Width -

The right-of-way and roadway of all streets shall be the width specified on the official map and master plan.

(g) Grades -

The grade of major and collector streets shall be set and determined by the Council. The grade of all other streets shall also be set by the Council. The minimum grade of all streets shall be 0.40%.

(h) Horizontal Curves -

A minimum sight distance with clear visibility, measured along the center line, shall be provided of at least three hundred (300') feet on major streets, two hundred (200') feet for collector streets, and one hundred (100') feet on minor streets.

(i)<sup>4</sup> Vertical Curves -

All changes in street grades shall be connected by vertical curves of a minimum length to provide for adequate stopping sight distance at a design speed of 30 mph, in accordance with the latest standards of the American Association of State Highway and Transportation Officials.

(j) Tangents -

A tangent at least one hundred (100') feet long shall be introduced between reverse curves on major and collector streets.

(k) Street Names -

New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the name of the existing streets.

(l) Cul-de-Sac or Dead End Streets -

Streets designed to have one end permanently closed shall not exceed five hundred (500') feet in length and shall terminate with a turn-around of not less than one hundred twenty (120') feet in diameter of a right-of-way and a roadway turnaround of ninety-six (96') feet in diameter.

(m) Reserve Strips -

Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions approved by the Plan Commission.

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<sup>4</sup> Amended by Ordinance No. 10-1982/83, enacted \_\_\_\_\_, 19\_\_.

- (n) Half Streets -  
Where a half street is adjacent to the subdivision, the other half of the street shall be dedicated by the subdivider.
- (3) Intersections -
  - (a) Streets shall intersect as nearly as possible at right angles and not more than two (2) streets shall intersect at one point unless approved by the Plan Commission.
  - (b) Property lines at street intersections shall be rounded with a radius of fifteen (15') feet or more where the Plan Commission considers it necessary.
  - (c) Street jogs with center line offsets of less than one hundred twenty-five (125') feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.
- (4) Alleys -
  - (a) Alleys shall be provided in all commercial and industrial districts, except that the Plan Commission may waive this requirement where other definite and assured provision is made for service access such as off-street loading and parking consistent with and adequate for the uses proposed.
  - (b) Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.
  - (c) The width of alleys shall not be less than twenty (20') feet.
  - (d) Dead end alleys are prohibited except under very unusual circumstances and crooked and "T" alleys shall be discouraged. Where dead end alleys are unavoidable, they shall be provided with adequate turn around facilities at the dead end.
- (5) Easements -
  - (a) The Plan Commission shall require easements of widths deemed adequate by the Commission for the intended purpose along near lot lines and along such side lot lines or in such locations across lots as are found necessary or advisable for poles, wires, cables, conduits, storm and sanitary sewers, water and force mains or other utility lines. The minimum width of easements shall be twelve (12') feet.
  - (b) All easements dedicated on final plats or certified survey maps for poles, wires, cables or conduits for electricity, telephone or other private utility lines shall be noted thereon as "Utility Easement." All easements for storm and sanitary sewers, water and force mains, pedestrian walks and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.
  - (c) All preliminary plats, final plats and certified survey maps shall be presented by the Plan Commission to the utility companies and public agencies which would serve the area concerned, for the purpose of ascertaining the location and width of the easements to be established thereon. Such companies and agencies shall be given fifteen (15) days in which to designate their respective easements on preliminary plats and fifteen (15) days in the case of final plats or certified survey maps. Prior to approval of the final plat or certified survey map such utility companies or public

agencies shall concur in the location and width of the easements which concern them as shown thereon, which concurrence shall appear on the final plat or certified survey map.

- (d) Upon approval of the final plat or certified survey map and before the electric or telephone companies may be called upon to construct their respective lines within the limits of the utility easements dedicated thereon, the subdivider shall establish the proposed final grades of the ground surface throughout the length of such easements and shall grade such easements to an elevation approximating such final grade.
  - (e) Deed restrictions shall accompany each final plat or certified survey map and shall be filed in the Register of Deeds office. In addition to whatever else may be contained therein, such restrictions shall describe the location and width of all utility and public easements which are being established; a description by reference to the final plat or certified survey map shall suffice. Such restrictions shall further recite that the utility companies and the public agencies using such easements are granted the right to place, maintain and operate their respective facilities thereon and shall state that the elevation of such easements as graded by the subdivider pursuant to subparagraph (d) may not be altered thereafter by him or any subsequent land owner by more than six (6") inches.
  - (f) For the comfort and convenience of the general public as well as the utilities, the developer shall include on the plat the following definitions:
    - 1. Public utilities -

All persons, firms, corporations, co-partnerships or governmental authorities providing gas, electricity, water, sewer, telephone or other service of a similar nature.
    - 2. Utility easement -

Private easements for public utilities only. Private easements for public utilities shall not be deemed to be dedicated to the public but shall be private easements for public utilities on a basis of equality as between such utilities. No permanent structure may be erected or trees and vegetation planted in this area along with the right of the utility to trim or remove such trees and vegetation that may interfere with their proper utilization of the easement.
  - (g) Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way confirming substantially with the lines of such water course and such further width or construction, or both, as shall be adequate for the purpose. Where possible it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
- (6) Blocks -
- (a) The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated but block lengths in residential areas shall not exceed 1,500' nor be less than three hundred (300') feet between street lines.

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- (b) Pedestrian crosswalks, not less than ten (10') feet wide, may be required by the Plan Commission through the center of blocks more than nine hundred (900') feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- (7) Lots -
- (a) The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (b) Lot dimensions shall conform to the requirements of the zoning regulations of Chapter 17.
- (c) Residential lots to be served by private sewerage disposal facilities shall comply with the rules of the State Department of Health and Social Services.
- (d) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (e) Residential lots fronting on major streets and highways shall be plated with extra depth to permit generous distances between the buildings and such traffic ways.
- (f) Excessive depth in relation to width shall be avoided. A proportion of approximately two and one-half (2-1/2) to one (1) shall be considered as a desirable maximum for lot widths of eighty (80') feet or more.
- (g) Corner lots for residential use shall have extra width to permit full building set back of at least thirty (30') feet from both streets or as required by applicable zoning regulations.
- (h) Every lot shall front or abut on a public street. Lots with an access only to private drives or streets shall be permitted only with Plan Commission approval.
- (i) Lots at right angles to each other shall be avoided whenever possible, especially in residential areas.
- (j) Side lot lines shall be substantially at right angles or radial to street lines.
- (k) If a tract is subdivided into parcels containing one or more acres, such parcels shall be arranged to allow the resubdivision of such parcels into normal lots in accordance with the provisions of this chapter.
- (l) Lots shall follow municipal boundary lines whenever practicable rather than cross them.
- (m) Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation.

## (8) Underground Utilities -

All electrical and communications transmission lines and all other utilities shall be underground unless clearly impractical. All matters relating to utilities construction and placement shall be approved by the Utilities Manager prior to submission of the plat to the City Council.

## (9) Site Grading Plan -

- (a) A master site grading plan shall be prepared for all new subdivisions to provide for proper drainage. This plan shall be prepared in accordance with the requirements and standards of the City.
- (b) The master site grading plan shall show existing and proposed elevations of all lot corners, control points and building locations. The plan shall also indicate all overland storm drainage in and adjacent to the subdivision. The cost of the preparation of such a plan shall be paid for by the subdivider.
- (c) After approval of these plans by the City, the full width of the right-of-way of the proposed streets within the subdivision and the entire subdivision lot area shall be graded in accordance with the master site grading plan. The owners of the subdivision lots shall adhere to these plans.
- (d) Upon completion of all street and subdivision grading, the grades shall be checked and certified by the City's engineer to determine that the completed grading work is in compliance with the master site grading plan. The cost of all required grading work, supervision, certification, inspection and engineering fees shall be paid for by the subdivider.

## 18.06 Dedication and Reservation of Land<sup>5</sup>

## (1) Purpose –

The purpose of this section is to preserve adequate land for development of public parks, recreation and open space; to provide for proper location of such sites as the City develops; and to equitably apportion the cost of providing public park, recreation, and open space sites necessary to serve additional persons brought into the City by land divisions on the basis of additional need created by the individual development.

## (2) Reservation of Sites –

- (a) Where the area proposed to be divided contains a park, playground or other public area as shown upon the comprehensive plan or official map for the City, such area shall either be dedicated to the proper public agency or it shall be reserved for acquisition thereby, within a three (3) year period by purchase or other means. If the land is not acquired during this period, it shall be released to the subdivider, but until that time no improvements shall be made to the land.
- (b) Whenever any river, stream or important surface drainage course is located in the area being divided, the subdivider shall provide an easement along

<sup>5</sup> Amended by Ordinance No. 2009-13, Adopted May 5, 2009.

each side of the river, stream or drainage course for the purpose of widening, deepening, relocating, improving or protecting the same for drainage or recreational use.

- (c) Whenever land to be subdivided embraces all or any part of an arterial street or other public way, which has been designated in the comprehensive plan or on the official map of the City, such public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on such plan.

(3) Dedication of Land –

- (a) Where feasible and compatible with the comprehensive plan of the City, the subdivider shall dedicate to the public adequate land within the City to provide for park, recreation and open space needs of the division of land. Land dedicated for parks shall not differ greatly from the surrounding territory and the rest of the subdivision of land, and its location shall be determined by the Plan Commission. Where dedicated park land borders a street, the subdivider shall cause improvements to be installed as required by this Code.
- (b) The land to be provided shall bear a rational relationship to the need for such land, and be proportional to the need. The City Council determines that a dedication of between 5 to 10 percent of the land being divided would generally satisfy this requirement, depending on the type of land, the type and density of development, and the nature of improvements.

(4) Payment In Lieu of Dedication –

- (a) When the dedication in para. (3), above, is not compatible with the comprehensive plan or for other reasons is not feasible as determined by the Plan Commission and approved by the Common Council, the subdivider shall in lieu thereof pay to the City a fee pursuant to subpara. (f), below.
- (b) Such fees shall only be used to fund the acquisition or initial improvement of land for public parks, pursuant to § 236.45(6), Wis. Stats.
- (c) Payment shall be made in a lump sum prior to final land division approval, or fifty percent (50%) paid at the time of final land division approval and the balance within one (1) year thereafter, on condition that a payment bond in the amount of the unpaid balance executed by a surety company authorized to do business in Wisconsin and approved by the City Attorney is simultaneously filed with the City Clerk.
- (d) Where the lot or parcel for which payment has been once made is further divided, payment shall be required only for the additional residential lots or dwelling units.
- (e) No payment shall be required for a parcel on which a permanent residential structure has existed for at least one (1) year prior to the date of the division.
- (f) The fees required by this subsection shall bear a rational relationship to, and shall be proportional to, the need for such fees. The Common Council determines that the following fee amounts meet this standard:

1. Single-Family: \$500.00 per residential lot.
  2. Two-Family, Multi-family, Combination Commercial-Residential Districts, and Planned Unit Developments: \$500.00 for each residential dwelling unit, whether created at the time of final plat approval or by rezoning any lot within an established subdivision or development. The Council may allow such fees to be paid by deferred special assessments on terms it deems appropriate, provided they are paid prior to issuance of a building permit for each unit. If fewer dwelling units than originally calculated are constructed, the City shall release or reduce the special assessment so as to conform to the number of dwelling units actually constructed.
- (f) Park Fee Funds -
1. General [Old] Park Fee Fund. Fees received by the City pursuant to this section prior to May 1, 2009, shall remain in a nonlapsing special fund, separate from the General Fund of the City, and shall be used only for park and recreation area development, including site acquisition and related improvements.
  2. Special [New] Park Fee Fund. All Fees received by the City pursuant to this section after April 30, 2009, shall remain in a nonlapsing special fund, separate from the General Fund of the City, and shall be used only for the acquisition or initial improvement of land for public parks, pursuant to § 236.45(6), Wis. Stats.
  3. Disbursements from any park fee fund must be specifically approved by the City Council.

### 18.07 Required Improvements

(1) Monuments -

The subdivision and all other divisions of land shall be monumented as required by Wisconsin Statute § 236.15, which is hereby adopted by reference.

(2) Streets and Utilities -

No final plat for the subdivision of land shall be approved until the subdivider enters into a contract with the City agreeing that either the City or the subdivider shall provide within the subdivision utilities and street improvements as follows, within the time required by the City Council:

(a) Street Grading -

The subdivider shall furnish drawings which indicate the proposed grades of streets shown on the plat and after approval of those grades by the Director of Public Works or City Engineer and adoption by the City Council, the streets be graded the full width of the right-of-way of the proposed street to the sub-grade elevations shown on the typical cross-sections. The grading is to be completed prior to installation of utilities.

(b) Drainage and Culverts -

Proper drainage shall be provided for all surface water from the area shown on the plat. This includes necessary open ditches, culverts, bridges, etc. The size of culverts to be provided shall be determined by the Director of Public Works or City Engineer, but no culvert shall be less than twelve (12") inches in diameter. All culverts shall be of corrugated pipe..

(c) Sanitary Sewers -

Adequate sanitary sewer facilities, including sewer lines, manholes, wyes, tees and stubs for future extensions meeting the specifications and requirements of the Utility Commission shall be installed. Where sewers larger than eight (8") inches in diameter are required, the subdivider shall be responsible for the cost of an eight (8") inch sewer. The difference in cost between the eight (8") inch sewer and that installed shall be borne by the Utility Commission.

(d) Water Mains -

Water mains, including all related items (fittings, valves, hydrants, etc.) of the size and quantity determined by the Utility Commission shall be installed in all streets in the subdivision where water service is or shall in the future be required.

1. Where water mains larger than an eight (8") inch diameter are required, the subdivider shall be responsible for the cost of an eight (8") inch main. The difference in cost between the eight (8") inch main and that installed shall be borne by the Utility Commission.
2. The rules of the Utility Commission on file with the Wisconsin Public Service Commission are hereby adopted by reference and made a part hereof as though fully set forth herein.

(e) Storm Sewers --<sup>6</sup>

Storm sewers, including manholes, catch basins and catch basin leads, and storm sewer laterals from the main to the lot line of every lot in the subdivision, shall be installed by the developer at this cost unless exemption is made therefrom by the Common Council. The size, design, type of construction, and type of materials required shall be as approved by the Superintendent of Public Works.

1. The total cost of the storm sewer, including all related items shall be borne by the developer to the extent and in such proportion that such storm sewers serve the proposed subdivision.
2. The City may elect to bear the difference in cost between eighteen (18") inch diameter storm sewer and larger sizes required and shall bear that portion of the cost of storm sewers properly attributable to service provided to any other areas other than to the proposed subdivision.
3. Storm sewer laterals of the sizes and materials required by the Supervisor of Public Works shall be installed from the mains to the lot line of every lot in the subdivision when storm sewer mains shall be required by this subsection.

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<sup>6</sup> Amended by Ordinance No. 10-1980/81, Adopted August 18, 1980.

## (f) Sewer and Water Laterals -

Sanitary sewer and water service laterals of the sizes and materials required by the Utility Commission shall be installed from the mains to the lot line of every lot in the subdivision.

## (g) Street Surfacing -

After all underground utilities have been installed, the developer or subdivider shall construct a roadway in accordance with the specifications of the City. Such roadway shall consist of crushed gravel base course compacted in place. All materials shall meet the standards currently use by the City.

1. The developer shall bear the total cost for base course and surfacing on all streets where the width between faces of curbs is to be forty-two (42') feet or less. On all streets having a greater width, the City shall absorb the cost of the additional width.
2. Installation costs. All of the work set forth in (2)(a) through (g) above, together with all cost of material, engineering, inspection, legal, clerical and all other costs shall be paid in full by the subdivider with the specific exceptions previously noted. If the City is to do the work, the costs thereof shall be advanced to the City by the subdivider. If the subdivider is to do the work, he shall deposit a certified check with the Clerk equal to the estimated cost of all the improvements or shall consent to the levy of a special assessment against all lots within the subdivision in such amount, to be in such form as approved by the City Attorney. (All estimates shall be prepared or reviewed by the Supervisor of Public Works or City Engineer.) All work to be done by the subdivider shall be fully completed two (2) years after the date of final plat approval by the City.
3. Plans and Inspection. All such work shall be according to plans approved by the Supervisor of Public Works or City Engineer and such work shall be subject to City inspection and approval with the Costs of such service to be borne by the subdivider.

**18.08 Plats and Data**

## (1) Preliminary Consultation Data -

The following information shall be provided at the time of the preliminary consultation or upon filing the preliminary plat if the preliminary consultation is not held:

- (a) Information including data on existing covenants, land characteristics and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park and other public areas, tree planting, proposed protective covenants and proposed utilities and street improvements.
- (b) A location map showing the relationship of the proposed subdivision to existing community facilities which serve or influence it. Include development name and location; main arteries of traffic; public transportation lines' shopping centers; elementary and high schools, parks and playgrounds; principal places of employment;

other community features such as railroad stations, airports, hospitals and churches; title; scale; north arrow and date.

- (c) A sketch plan showing in simple sketch from the proposed layouts of streets, lots and other features in relation to existing conditions. The sketch plan may be a free hand pencil sketch made directly on a print of the topographic survey.

(2) Preliminary Plat -

The preliminary plat shall be drawn with waterproof, nonfading black ink or legibly drawn with pencil on tracing cloth or tracing paper of good quality on a scale of not more than one hundred (100') feet on an inch and shall show correctly on its face:

- (a) Date, scale and north point.
- (b) The proposed subdivision name, which shall not duplicate the name of any plat previously recorded in Sheboygan County.
- (c) The name and address of the owner, the subdivider and the engineer or surveyor preparing the plat.
- (d) Location of the subdivision by government lot, quarter section, section, township, range and county.
- (e) A small scale drawing of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon.
- (f) The exact length and bearing of the exterior boundaries of the subdivision.
- (g) Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.
- (h) Zoning on and adjacent to the subdivision.
- (i) Location, widths and names of all existing and platted streets, alleys or other public ways and easements, railroad and utility right-of-way, parks, cemeteries, water courses, drainage ditches, permanent buildings, bridges and other pertinent data as determined by the Plan Commission.
- (j) The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to U.S.C. and G.S. datum.
- (k) If the subdivision borders a lake or stream, the distances and bearings of a meander line established not less than twenty (20') feet back from the ordinary high water mark of the lake or stream.
- (l) Layout, width and approximate grades of all new streets and right-of-ways such as alleys, highways, easements for sewers, water mains and other public utilities.
- (m) The location of existing sanitary sewer, storm sewer and water main facilities and the proposed connection thereto as well as proposed sizes and grades of the facilities to be installed within the subdivision.

- (n) Approximate dimensions of and areas of lots.
  - (o) Proposed building lines.
  - (p) Approximate radii of all curves and length of tangents.
  - (q) Approximate location and area of property proposed to be dedicated for public use or to be reserved by deed or covenant for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.
  - (r) Contours at vertical intervals of not more than two (2') feet or at more frequent intervals if required by the Plan Commission for land of unusual topography.
- (3) Final Plat -
- (a) A final plat of subdivided land shall comply with the requirements of Wisconsin Statute § 236.20, which is hereby adopted by reference as though fully set forth herein.
  - (b) The affidavits and certificates required by Ch. 236 of the Wisconsin Statutes shall be lettered or printed legibly with black, durable ink or typed legibly with black ribbon on the final plat. Also required are the definitions as state under Section 18.05(5)(f). The subdivider shall provide the Clerk, at his own expense, a linen tracing at the same scale of the recorded plat.
  - (c) At the time the final plat is submitted to the City Clerk, for final Council action and signatures of the City officials, the plat shall be accompanied by established grade plans and profiles including typical cross-sections and pavement design and construction plans for sanitary sewer, storm sewer, water and mains and sewer and water laterals.

All such plans shall be drawn to a horizontal scale of not more than fifty (50') feet to one inch and a vertical scale of not more than five (5') feet to one (1") inch. All plans shall be reviewed and approved in writing by the Utility Commission, Department of Natural Resources, and the Supervisor of Public Works or City Engineer before submission to the City Council. The above requirements shall include all streets in the subdivision.

### **18.09 Land Divisions Other Than Subdivisions<sup>7</sup>**

- (1) Procedure -

The divider shall file a certified survey map with the Plan Commission, which shall, within ninety (90) days, approve, approve conditionally or reject the map. The divider shall be notified in writing of any conditions of approval or the reasons for rejection.

- (2) Requirements -

- (a) To the extent reasonably practicable, the division shall comply with the provisions of this chapter relating to general requirements and design standards and required improvements.

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<sup>7</sup> Amended by Ordinance Number 2010-\_\_\_\_\_, adopted on June 1, 2010.

- (b) The survey shall be performed and the map prepared by a qualified surveyor.
  - (c) All corners shall be monumented in accordance with Wisconsin Statute §§ 236.15(1)(c), (d), and (g).
  - (d) The map shall be prepared in accordance with Wisconsin Statute §§ 236.20(2)(a), (b), (c), (e), (f), (g), (h), (i), (j), (k) and (l), on durable white paper 8-1/2" wide by 14" long. All lines shall be made with nonfading black ink on a scale of not more than five hundred (500') feet to an inch.
- (3) Certificates -
- (a) The map shall include a certificate of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with nonfading black ink, stating by whose direction the surveyor made the certified survey map, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. Public Land Survey or some corner providing reference to a corner marked and established in the U.S. Public Land Survey. The certificate shall include a statement that the map is a correct representation of all of the exterior boundaries of the land surveyed and the divisions of the land, and a statement of the surveyor to the effect that he has fully complied with the requirements of this section.
  - (b) The certificate of approval of the Plan Commission shall be typed, lettered or reproduced legibly with nonfading black ink on the face of the map.
- (4) Map -
- The map shall be filed by the divider for record with the Register of Deeds of Sheboygan County.

### **18.10 Subdivisions Created By Successive Divisions**

Where it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this chapter, the Council may in lieu thereof order an assessor's plat to be made under Wisconsin Statute § 70.27, and may assess the cost thereof as provided in such section, to the current owners or to the subdivider. Any such subdivision shall comply with all provisions of this chapter to the extent that they may reasonably be applied.

### **18.11 City Variances**

When, in the judgment of the City Council, it would be inappropriate to apply literally a provision of this chapter because the subdivision is located outside the corporate limits or because extraordinary hardship would result, the City Council upon recommendation of the Plan Commission may waive or vary such provisions so that substantial justice may be done and the public interest secured, provided that in no event shall the requirement of filing and recording the plat or survey be waived.

### **18.15 Penalty**

Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder, shall be subject to a penalty as provided by Section 25.04 of this Municipal Code.