

## **SUBDIVISION ORDINANCE**

### **Town of Wilson, Sheboygan County, Wisconsin**

#### **Section 1.00 Introduction**

##### **1.01 Authority**

This Ordinance is adopted under the authority granted by Sections *60.61, 60.62, 61.35, 62.23 (7), 87.30, 144.26 and Chapter 236.45* of the Wisconsin Statutes and amendments thereto; and, pursuant to this authority, the Town Board of the Town of Wilson, County of Sheboygan, Wisconsin does ordain as follows:

##### **1.02 Title**

This Ordinance shall be entitled, SUBDIVISION ORDINANCE, TOWN OF WILSON, WISCONSIN (Chapter 71, Sheboygan County Code of Ordinances).

##### **1.03 Purpose**

It is the purpose of this Ordinance to promote the following objectives:

- To protect the public health, safety, convenience, and general welfare of the Town of Wilson, Wisconsin;
- To encourage planned and orderly land use and development; to protect property values and the property tax base;
- To permit the careful planning and efficient maintenance of highway systems;
- To promote the provision of adequate transportation, water, sewerage, health, education, recreation, and other public facilities;
- To recognize the needs of agriculture, forestry, industry, and commerce in future growth;
- To encourage uses of land and other natural resources which are in accordance with their character and adaptability;
- To preserve wetlands;
- To conserve soil, water, and forest resources;
- To reduce erosion damage and sedimentation of surface waters;
- To prevent downstream flood hazards and loss of life and property due to unmanaged peak flows, volumes, and runoff following the land development process;
- To protect the beauty and amenities of the landscape and manmade developments; to provide healthy surroundings for family life;
- To promote the efficient and economical use of public funds; and,
- To conserve the value of the buildings placed upon land, provide the best possible environment for human habitation, and encourage the most appropriate use of land throughout the Town of Wilson.

##### **1.04 Severability and Non-Liability**

If a court of competent jurisdiction adjudges any section, provision, or portion of this Ordinance unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

The Town does not guarantee, warrant, or represent that only those areas designated as floodplains will be subject to periodic inundation, that those areas identified as erosion

hazard areas will erode at a rate equal to or greater than present computations would predict, and that those soils determined to be unsuited for specific uses are the only unsuited soils within the County and thereby asserts that there is no liability on the part of the Board of Supervisors, its agencies or employees, for sanitation problems, structural damages, or other losses that may occur as a result of reliance upon, and conformance with, this Ordinance.

**1.05 Repeal**

All other ordinances or parts of ordinances of the County inconsistent or conflicting with this Ordinance, to the extent of inconsistency or conflict only, are hereby repealed.

**1.06 Abrogation and Greater Restrictions**

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

**1.07 Effective Date**

This Ordinance shall be effective after adoption by the Town of Wilson Board and publication and posting as required by law.

## **Section 2.00 General Provisions**

### **2.01 Jurisdiction**

The provisions of this Ordinance shall apply in all lands within the limits of the Town of Wilson.

### **2.02 Land Divisions not covered by this Ordinance**

The provisions of this Ordinance, as they apply to divisions of tracts of land into less than 5 parcels, shall not apply to:

1. Transfers of interest in land by will or pursuant to court order.
2. Leases for a term not to exceed 10 years, mortgages, or easements involving five (5) parcels or less.
3. 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 these regulations or other applicable laws and ordinances. NOTE: If, by specific deed language, titles to joined lands merge, certified survey map shall not be required since a freestanding "additional lot" is not created. See Section 9 for definition of LOT.
4. A division of land resulting in parcels more than 40 acres in area.
5. Cemetery Plats pursuant to sec. 157.07, WI Stats. and Assessor's Plat pursuant to sec. 70.27 WI Stats.
6. Conversion of the form of ownership of existing buildings into condominiums or cooperatives.

### **2.03 Re-subdivision of Recorded Land Divisions**

Any re-subdivision of a recorded "Land Division" that ultimately results in the creation of five (5) or more lots, parcels, or building sites from the same "Mother Tract" shall be considered to be a "Subdivision" and shall be accomplished by a subdivision plat and not additional certified survey maps. See Section 9.

### **2.04 Ownership**

For the purpose of this Ordinance, lots, tracts, or parcels shall be considered in the same ownership when owned by: the same individual corporations; an individual and another in joint tenancy, or as tenants in common, and either of said joint or common tenants owns other lots individually or as a joint tenant or tenant in common, together with another, an individual, and other lots are owned by his spouse, parent, grandparents, children, grandchildren, or the spouse of any child or grandchild, or a brother or sister or spouse of the brother or sister of such person; and, when any of said lots, tracts, or parcels are owned by an individual and other lots, tracts, or parcels are owned by the corporation in which said individual is an officer or director or controlling stockholder.

Lots, tracts, or parcels, which are bisected by an existing public road or by navigable waters, shall be considered to be effectively divided into separate lots, tracts, or parcels, as they apply to subsequent land divisions.

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.

#### **2.05 Compliance with Ordinances, Statutes, Regulations, and Plans**

Any person dividing land which results in a subdivision shall prepare a plat of the subdivision, or which results in a land division shall prepare a certified survey map, in accordance with the requirements of this Ordinance and:

1. The provisions of Chapter 236 and Section 80.08, WI Stats.
2. The rules of the Bureau of Plumbing, Department of Commerce contained in Comm 85, Wisconsin Administrative Code, for subdivisions not served by public sewer.
3. The rules of the Division of Highways, Department of Transportation, contained in HY 33, Wisconsin Administrative Code, for subdivisions, which abut a state trunk highway or connecting street.
4. The rules of the Department of Natural Resources contained in NR 115 and NR 116, Wisconsin Administrative Code, for Wisconsin's Shoreland-Wetland Management and Floodplain Management Programs.
5. All applicable County and local ordinances and regulations.
6. Local comprehensive plans or comprehensive plan components.
7. The official map of any municipality having jurisdiction.
8. The rules and by-laws of the Department of Regulation and Licensing.

#### **2.06 Violations**

It shall be unlawful to divide, convey, record, or monument any land in violation of this Ordinance or the Wisconsin Statutes. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance.

#### **2.07 Penalties**

Any person failing to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit to the Town of Wilson a penalty of not more than \$500, plus the costs of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. Compliance therewith may also be enforced by injunctive order at the suit of the Town.

#### **2.08 Variances and Appeals**

Where the Board of Appeals finds that it would be inappropriate to apply literally, or that exceptional and unnecessary hardships may result from strict, literal application of these regulations, it may waive or modify the regulations so that substantial justice may be done and the public interest served, provided that such variation will not have the effect of nullifying the intent and purpose of this Ordinance or be in conflict with state statutes and administrative codes. In so acting, the Commission may require such conditions as will, in its judgment, secure substantially the objectives and standards of this Ordinance. A simple majority vote of the Commission shall be required to grant any modification or variance and such actions shall be entered in the minutes of the Commission setting forth the

reasons for the request and the reasons, in the judgment of the Commission, which justify the variance.

Any person aggrieved by a modification, order, requirement, interpretation, or determination made by the Commission may appeal such decision to the Town Board of Appeals, as per Section 11.00 Of the Town of Wilson Zoning Ordinance, and Section 59.99, WI Stats.

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal, as provided in Section 236.13(5), WI Stats. within 30 days of notification of the rejection of the plat.

## **2.09 Review Fees**

### **1. Plats**

The sub divider shall submit to the Commission a fee that shall be set by the Town of Wilson for each acre of land shown on a final plat prior to receiving Commission approval. This is to assist in defraying the costs of necessary inspections and for the review of both the preliminary and final plats. (See Fee Ordinance Addendum)

### **2. Certified Survey Maps**

The sub divider shall submit to the Commission a fee prior to receiving Commission approval to assist in defraying the costs of necessary inspections and for review of the map. (See Fee Ordinance Addendum)

### **3. Planned Unit Developments**

The sub divider shall submit to the Commission a fee for each acre of land shown on a final development plan prior to receiving Commission approval. This is to assist in defraying the costs of necessary inspections and for the review of both the preliminary and/or final development plans. (See Fee Ordinance Addendum)

## Section 3.00 Dedications and Reservations

### 3.01 Dedication of Lands

#### 1. Streets and Public Ways

Whenever a parcel of land to be divided as a subdivision contains all, or in part, a street, highway, drainage way, other public way, or public access to navigable lakes or streams which has been designated in a comprehensive plan as defined in this Ordinance, or an official map adopted under Section 62.23, WI Stats. such public way or access shall be made a part of the plat and dedicated or reserved by the sub divider in the location and dimensions indicated, unless otherwise provided herein.

#### 2. Parks and Open Space

The sub divider shall designate on every final plat and certified survey map of a residential subdivision or land division an area of land suitable for park or open space purposes, and shall dedicate such land to the public. The amount of land to be provided shall be based upon an equivalent of 1 acre per 36 dwelling units for undeveloped lots. The minimum site size shall be 1/2 acre.

In lieu of public land dedication, the sub divider may provide the required amount of park or open space area through a homeowners association, condominium association, or similar donor. This can be done providing such measures assure the proper and continuing maintenance and use of the area, meet the purposes of this Section, and are approved by the Plan Commission

The Town may waive the requirement for dedication of land for parks or open space if it determines that the proposed or available park or open space would be; too small, unsuitable, or unnecessary for reasons particular to the division or the neighborhood in which it is located. In lieu of that public land dedication, the sub divider of a plat or certified survey map shall pay, at the time of approval, a fee, *that shall be set by the Town of Wilson*, per dwelling unit for undeveloped lots. (That fee shall be reviewed each January 1st and adjusted in accordance with the Consumer Price Index). (See Fee Ordinance Addendum)

The Town shall have the first option of accepting the land dedication, or shall turn *that option over to the County*. If both units waive the land dedication, the Town shall have the first option of accepting the monies in lieu thereof, or *shall turn that option over to the County*.

All monies collected under this Section shall be deposited into a special "*Park and Open Space Trust Fund*" and shall be used only for the acquisition or development of land for public recreation or open space purposes.

### 3.02 Reservation of Lands For Park, Open Space, School, or Public Sites

Whenever a parcel of land to be divided as a subdivision or a land division contains all, or in part, a site for a park or open space use, or a school or other public site, which has been designated in a comprehensive plan as defined in this Ordinance or an official map adopted under Section 62.23, WI Stats. and the area of which is in excess of the amount of land required to be dedicated in Section 3.01(2) above, such park, open space, school, or public site shall be made a part of the plat. The sub divider shall reserve such proposed public lands for a period not to exceed 3 years unless extended by mutual agreement for

acquisition by the public agency having jurisdiction. If the 3-year period expires with no action by the public agency, the open space provisions of this ordinance shall still be required.

### **3.03 Floodplains, Wetlands, and Lake Access**

Whenever a tract of land to be subdivided includes any part of identified floodplains or wetlands as defined in Chapter 72, Sheboygan County Code of Ordinances, such floodplains and wetlands shall be made a part of the plat. Floodplains and wetlands included within a subdivision plat shall be included within lots or out lots, or reserved for acquisition as provided in Sections 3.02 and 3.03 above, or shall be reserved in perpetuity for the recreational use of the future residents of the land to be divided, if approved by the Commission.

All subdivisions abutting a navigable lake or stream shall, pursuant to provisions of Section 236.16, WI Stats. and this Ordinance, provide public access at least 60 feet wide (if determined necessary by the County, State and DNR) to the low water mark such public access being connected to existing public roads at not more than 1/2 mile intervals as measured along the lake or stream shore, except when greater intervals and wider access is agreed to by the Department of Natural Resources, the Department of Development, and the Commission, and excluding shore areas where adequate accessible public parks or open space streets or roads on either side of a stream are provided. This requirement does not require any local unit of government to improve land provided for public access.

### **3.04 Lands Between Meander Line and Water's Edge**

The lands lying between the meander lines established in accordance with Section 236.20(2)(g), WI Stats. and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, out lots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the sub divider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

### **3.05 Restrictions For Public Benefit**

Any restrictions placed on platted land by covenant, grant of easement, or in any other manner, which were required by the Town, or public utility, or which name *Sheboygan County*, the Town, or public utility as grantee, promisee, or beneficiary, vest in *Sheboygan County*, the Town, or public utility the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in land subject to the restriction. Such restrictions shall include obligations to pay maintenance assessments for commonly held open space property, shore protection works, erosion control measures, and other improvements. The restriction may be released or waived in writing by Sheboygan County, the Town, or public utility having the right of enforcement.

## Section 4.00 Improvements

### 4.01 Improvements

Prior to the approval of final plats or certified survey maps, the sub divider or his or her agent shall furnish and install any of the following improvements. The required improvements are to be furnished and installed at the sole expense of the sub divider.

The required improvements are to be installed in accordance with plans, standards, specifications, and scheduling approved by the Town.

In lieu of causing the immediate construction of the required improvements, the sub divider shall enter into a contract (developers agreement). The contract which may require the filing of a performance bond, certified check, certified letter of credit, sufficient collateral, or other acceptable surety, with the Town, agreeing and ensuring that he or his agent will cause construction of the required improvements within a time period specified. The penal amount of the bond, or value of other acceptable surety, shall equal at least 110% of the estimated costs of the improvements. The performance instrument shall also secure all lot improvements on individual lots as required in this Ordinance.

1. Survey Monuments

The sub divider shall install survey monuments placed in accordance with the requirements of Section 236.15, WI Stats. (Pursuant to Section 236.15(1)(11), WI Stats. the Town, which is required to approve the subdivision under Section 236.10, WI. Stats. May waive the placing of monuments for a reasonable time on condition that the sub divider executes a surety bond to ensure that he or she will place the monuments within the time required.

a. Any land division resulting in a subdivision or certified survey map in the Town of Wilson shall utilize the Sheboygan County Coordinate Monument System.

2. Grading and Surfacing

The sub divider shall grade the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the County Highway Commission and Town. After the installation of all utility and storm water drainage improvements, the sub divider shall surface all roadways and streets proposed to be dedicated, with surfacing materials approved by the Town.

When permanent street sections have been approved, the sub divider shall finish grade all shoulders and ditches, and install all necessary culverts and other storm and surface water drainage structures or systems to effect positive drainage away from buildings and service facilities and to prevent erosion and sedimentation.

3. Curb and Gutter

The Town board may require the sub divider to construct concrete curbs and gutters within platted subdivisions in accordance with plans and standard specifications approved by the Town Board.

4. Sidewalks

The Town may require the sub divider to construct a:

- Concrete sidewalk on one side of all frontage streets and on one or both sides of all other streets within platted subdivisions.

- Bike lane/pedestrian walkway on both sides of all streets in the subdivision.

Wider than standard sidewalks may be required by the Town in the vicinity of schools, commercial areas, and other places of public assemblage, or where joint pedestrian/bicycle use thereon is deemed desirable; and it may require the construction of sidewalks in locations other than required above if such walks are necessary, in their opinion, for safe and adequate pedestrian or bicycle circulation.

5. Street Lamps

The Town may require the sub divider to install street lamps along streets proposed to be dedicated within platted subdivisions in accordance with design, quality, and/or energy efficiency standards approved by the Town Board and deemed to be compatible with the neighborhood. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Town.

6. Street Name Signs

The Town may require the sub divider to install at the intersection of all streets proposed to be dedicated within platted subdivisions, a street name sign of a design specified or approved by the Town.

7. Street Trees

The Town may require the sub divider to plant at least 1 tree of an approved species and of at least 6 feet in height for each 50 feet of frontage on all streets to be dedicated within platted subdivisions.

8. Public Sewage Disposal Facilities

When public sewer facilities, in the opinion of the Plan Commission, are available to the subdivision, the sub divider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. Such construction may include, where necessary, sanitary pumping stations, sanitary pressure mains, and sanitary interceptor mains, the cost of which shall be prorated on the basis of percent of service area within the subdivision.

The size, type, and installation of all sanitary sewerage facilities proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town, and/or minimum state standards. The local municipality may require the installation and capping of sewer laterals for future connection.

The Town Sanitary District has been created pursuant to Section 60.71, WI Stats. for the purpose of providing and constructing sanitary sewers, plans and standard specifications shall be subject to approval by the town sanitary district commission.

9. Private Sewage Disposal Facilities

When public sewer facilities, in the opinion of the Town, are neither presently available nor likely to become available within a reasonable time period, private on-site sewage disposal systems may be constructed to serve the individual lots in the subdivision. (*Such construction is typically the responsibility of the individual lot owners at the time that building is proposed.*) However, cluster or other common sewage collection and disposal systems may be designed by the sub divider and may be installed with the express consent of the Commission and the state agency having jurisdiction over private sewage disposal.

All private sewage disposal systems and site suitability shall conform to the requirements of Chapters Comm 83 and 85 of the Wisconsin Administrative Code, and to the requirements of the Sheboygan County Sanitary Ordinance; each document is hereby adopted by reference and incorporated herein as though fully set out.

10. Water Supply Facilities

When public water supply and distribution facilities, in the opinion of the Town, are available to the subdivision, the sub divider shall cause such facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. The Town shall in accordance with plans and standard specifications approve the size, type, and installation of all public water supply facilities proposed to be constructed.

When a Town Sanitary District has been created pursuant to Section 60.71, WI Stats. for the purpose of providing and constructing a system of water works, all plans and standard specifications shall be subject to approval by the town sanitary district commission.

In the absence of public water supply and distribution facilities, private wells and water supply systems may be constructed to serve the individual lots in the subdivision. (*Such construction is typically the responsibility of the individual lot owners at the time that building is proposed.*) All such private wells and water supply systems shall conform to the requirements of Chapters NR 112, Comm 83 and 85 of the Wisconsin Administrative Code, and to the requirements of the Sheboygan County Sanitary Ordinance, each document is hereby adopted by reference and incorporated herein as though fully set Out.

11. Storm Water Management and Erosion Control Facilities

The sub divider shall construct storm water management and erosion control facilities which are adequate to serve the subdivision and which do not adversely affect adjacent lands outside of the subdivision, as established in Section 6.01 of this Ordinance.

12. Other Utilities

All new electric distribution lines (excluding lines of 15,000 volts or more), telephone lines from which individual lots are served, telegraph lines, and cable or community antenna television cables within all newly platted subdivisions and land divisions shall be installed underground unless the Plan Commission determines that the location, topography, soil, stands of trees, or other physical barriers would make underground installation unreasonable or impractical or that the lots to be served by said facilities would be best served directly from existing overhead facilities. Associated equipment and facilities which are appurtenant to underground electric and communications systems, including but not limited to, substations, pad-mounted transformers, switches, and above-ground pedestal-mounted terminal boxes may be located above ground. Costs for all utilities shall be born by the developer.

Utility easements shall be established on subdivision plats and certified survey maps as set forth in Section 7.00 of this Ordinance.

## **Section 5.00 Land Suitability**

### **5.01 Land Suitability**

No land shall be divided or subdivided for use which is determined to be unsuitable by the Plan Commission because of flooding or potential flooding, wetlands, soil or rock limitations, inadequate drainage, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, incompatible surrounding land use, or any other condition likely to be harmful to the health, safety, or welfare of the future residents or users of the area, or likely to be harmful to the community or the Township.

Except as provided herein, the Plan Commission shall determine such unsuitability at the time the preliminary plat or certified survey map is considered for approval. The subdivider shall furnish such maps and data as may be necessary to make a determination of land suitability. In addition to the data required to be submitted with the preliminary plat or certified survey map, the subdivider may be required to submit some or all of the following additional information for development located in an area where flooding or potential flooding may be a hazard:

1. Maps and Aerial Photographs.

Two copies of an aerial photograph, or 2 maps prepared by a registered land surveyor or professional engineer, which accurately locate the proposed development with respect to floodplain zoning district limits if present, channel or stream fill limits and elevations, and flood proofing measures taken or proposed to be taken.

2. Cross-sections.

Two copies of a typical valley cross section showing the channel of the stream, the floodplain adjoining each side of the channel, cross sectional area to be occupied by the proposed development, and high water information.

3. Profiles.

Two copies of a profile showing the slope of the channel or flow line of the stream. Such other data may be required by the appropriate Town Board or Plan Commission to ensure compliance with this and other ordinances.

### **5.02 Lake Michigan Subdivisions**

In subdivisions along the Lake Michigan shoreline, erosion hazard setback lines shall be determined for all erodible bluffs, ravines, dunes, and beaches. In applying these provisions, the Commission may require sub dividers to submit a report, prepared by a registered professional engineer, stating that the site is or can be made suitable for the proposed development. Factors to be described and analyzed include:

1. Projected wave-induced erosion based upon recession rates and wave energy calculations;
2. Geologic conditions including the soils and topography of the site and an analysis of the stability of the materials present;
3. Ground and surface water conditions and variations including changes that will be caused by the proposed development;

4. Plans and specifications for bluff and shoreline stabilization measures and for measures to protect against wave erosion, the estimated life of such measures, their costs, the maintenance required, and the effect on nearby properties and the shoreland and lake environment;
5. Methods to be used to control surface erosion and stormwater runoff during and after construction;
6. The elevation of the 100 year flood and storm surge where the site is subject to flooding; and,
7. Other pertinent data to determine the site suitability of the proposed use and location.

**5.03 Soil Limitations**

Lands made, altered, or filled with non-earth materials or with soils differing in texture and structure from the existing soils, and lands drained by agricultural drainage systems, shall not be served by on-site soil absorption sewage disposal systems, unless specifically approved by the Commission and the state agency having jurisdiction over private sewage disposal.

Certain soil types in Sheboygan County have moderate to severe limitations for the operation of soil absorption sewage disposal systems because of slow permeability, near-surface soil saturation, shallow bedrock, or steep slopes. Because of these limitations, land comprised of such soil types shall be reviewed by the Commission to establish conformance with Chapters Comm 83 and 85, Wisconsin Administrative Code, and the Sheboygan County Sanitary Ordinance prior to approval of any subdivision or land division.

**5.04 Suitability Determination**

In applying the provisions of this Section, the Commission shall in writing, recite the particular facts upon which it bases its conclusion that the land is unsuitable for the intended use or development and afford the sub divider an opportunity to present evidence and the means of overcoming such unsuitability, if he so desires. Thereafter the Commission may affirm, modify, or withdraw its determination of unsuitability.

## Section 6.00 Design Standards

### 6.01 Design Standards

#### 1. Streets and Highways

- a. The sub divider shall dedicate land for and improve public streets in any new subdivision or land division. The arrangement, character, extent, width, grade, and location of all streets shall conform to all applicable plans, official maps, or highway width maps adopted by the applicable local unit(s) of government and the County. Streets and highway shall be related to and complimentary with existing and planned streets, topographic conditions, existing natural features, prospective utilities, public convenience and safety, and proposed land uses to be served by such streets.

Each lot within the subdivision or land division shall have access to a public street. Where the Town, pursuant to Section 2.07 "Variances and Appeals", approves access to any lot by a private road, lane, or drive, the way shall have a minimum right-of-way or access easement of 50 feet and shall be continuous to a public street or acceptable private street (see Section 80.13(5), Wis. Stats.). Further, upon approval thereof, the seller or land divider shall place an affidavit on the face of the certified survey map or plat stating:

"The land divider and future assignees who acquire the ownership of this (these) land parcel(s) hold the Town of Wilson and Sheboygan County harmless for problems of access to and from the public road and the building site(s)".

The right-of-way width and building setback requirements of all limited access expressways, highways, and county trunk routes shall be determined by the Commission upon the recommendation of the Department of Transportation or the County Highway Commission, whichever is appropriate. All Town roads shall comply with the minimum design standards of Section 86.26, Wis. Stats.

- b. Arrangement of streets
  1. Arterial streets shall be arranged so as to provide ready access to centers of employment, governmental activity, commerce and recreation, and shall be properly integrated with the existing and proposed system of major streets, highways, and thoroughfares.
  2. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system. The arterial street shall be properly related to mass transportation systems, to special traffic generators such as schools, churches, and shopping centers, to other concentrations of population, and to the arterial streets into which they feed.
  3. Local streets shall be arranged to conform as much as possible:
    - A. To topography,
    - B. To discourage use by through traffic,
    - C. To permit the design of efficient drainage and sewer systems,

- D. To require the minimum amount of street necessary to provide safe and convenient access to property.
4. Proposed streets shall be extended to the boundary lines of the tract being subdivided, unless prevented by topography or other physical conditions, or unless the Town finds that such extensions is not necessary or desirable for the coordination of the subdivision layout or forth advantages of the development of the adjacent tracts. Consistency with Master Street plans, area development plans, or official maps, if any, adopted by the Town, shall be the primary criterion in determining street layout.
  - c. Where a subdivision abuts or contains an existing or proposed arterial street, the Commission may require marginal access streets (frontage streets), reverse frontage lots with screen plantings contained in a non-access reservation along the rear of the property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
  - d. When a subdivision borders on or contains a railroad right- of-way or limited access highway right-of-way, the 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 intervening land. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation. (In (c) and (d) above, it is recommended that the Commission consider requiring a planting strip at least 30 feet in depth adjacent to the highway or railroad in addition to the normal lot depth. This planting strip shall then be a part of the platted lots but shall have the following type of restriction lettered on the face of the plat:  
“This planting strip reserved for the planting of trees and shrubs, and the building of all structures excepting public or private utilities structures thereon is prohibited.”)
  - e. The number of streets converging at 1 intersection shall be reduced to a minimum, preferably not more than 2.
  - f. The number of intersections along arterial streets shall be held to a minimum. Wherever practical, the distance between such intersections shall be not less than 1,200 feet.
  - g. Street jogs with centerline offsets of less than 150 feet shall be avoided.
  - h. Where possible, lot lines shall be perpendicular to the street line and to the tangent at the lot corner of curved streets.
  - i. A tangent of at least 100 feet shall be introduced between reverse curves on arterial and collector streets.
  - j. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 75 degrees.
  - k. Reserve strips controlling access to streets shall be prohibited except where their control is placed with the Town or County under conditions approved by the Commission.
  - l. All street rights-of-way shall be of the width specified by comprehensive plans, comprehensive plan components, or official maps, if any, of the County, Town, or

municipality having extraterritorial jurisdiction, or, if not specified therein, they shall not be less than the width specified in the chart below.

- m. The maximum street grade and the minimum radius of curvature on the centerline shall be as specified in the Table 1 below.

**STREETS**

**Table 1**

	Principal & Primary Arterials Local	Marginal Access (frontage)	Standard Arterials & Collector
Minimum Right-of-Way Width (feet)	120	80	60
Radius of Curvature of Centerline (feet)	500	300	100
Maximum Grade	6%	8%	8%

Exceptions:

**WIDTH**

The right-of-way widths of minor residential streets (local may be reduced pursuant to Section 236.16(2), Wis. Stats.

**GRADE**

Where necessitated by exceptional topography and justifiable environmental considerations, the Commission may approve a steeper grade, but in no case shall the grade of any street exceed 10%.

- n. The design of the vertical alignment of the centerline shall be based on the minimum safe stopping sight distance in accordance with the design standards of the American Association of State Highway Officials (AASHO).
- o. The use of cul-de-sacs shall be limited to portions of developments, which, due to unusual topographical, environmental, or other particular conditions, may better be served by cul-de-sacs than, by continuous streets. The unrestricted use of cul-de-sacs or courts will not be acceptable.
- p. Cul-de-sac streets designed as permanent installations shall not exceed 1,000 feet in length. All permanent cul-de-sac streets shall terminate in a circular turnaround having a minimum radius for the outside curve of 60 feet with a 45-foot minimum pavement radius. Where topographical, environmental, or other particular conditions warrant, the length may be extended and/or the radii reduced at the discretion of the Town. However, whenever such relaxation is authorized by the Town, the seller or land divider shall place an affidavit on the face of the certified survey map or plat stating:
  - “ The land divider and future assignees who acquire ownership of this (these) land parcel(s) hold the Town of Wilson and Sheboygan County harmless for problems of access to and from the public road and the building site(s).”
- q. Dead-end streets other than cul-de-sacs shall only be permitted if authorized by the Commission or if it appears on the official municipal street map. When so authorized, a suitable turnaround shall be provided, and appropriate arrangements shall be made for those parts of temporary turnarounds outside the right-of-way to revert to the abutting property owners when the street is extended.

- r. The platting of half-streets (e.g. streets with less than full right-of-way width) shall be prohibited except where necessary for continuity of the street plan in the area or where the remaining portion appears on the municipality's official map. 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 sub divider.
- s. In commercial and industrial districts, alleys or other definite and assured provisions shall be made for off-street loading and service access consistent with and adequate for the uses proposed. The width of alleys shall not be less than 24 feet. Alleys shall not be permitted in residential areas.
- t. Street names
  - 1. The Commission may disapprove the name of any new street, which has already been used elsewhere in the County or, because of similarity, may cause confusion.
  - 2. Any street, which is the reasonable continuation of an existing street, shall bear the same name. If the topography or other features of a reasonably permanent nature are such as to render the continuation of the actual roadway not reasonably possible, and where such nomenclature is apt to produce confusion, the street shall not carry the same name as the street to which it may be geometrically aligned.
  - 3. The following street designations shall be considered in nomenclature:
    - BOULEVARD** a street with a divided pavement either existing or planned. If the divided pavement ends but the street continues, the same street name and suffix shall continue.
    - LANE** a street 1 block long, not ending in a cul-de-sac.
    - CIRCLE** a cul-de-sac having 9 lots or more.
    - COURT** a cul-de-sac having 8 lots or less.
    - PARKWAY** a street abutting a park or greenway or creek
  - 4. The name of the projection of a street shall continue the same suffix as the street even if the projection terminates in a cul-de-sac.
- u. No person shall sell any parcel of land of 40 acres or less in size if it abuts on a road, which has not been accepted as a public road. Where the Town, pursuant to Section 2.07 "Variances and Appeals", approves access to any lot by a private road, lane, or drive, the way shall have:
  - 1. A minimum right-of-way or access easement of 50 feet, and
  - 2. Shall be continuous to a public street
  - 3. Acceptable private street (see Section 80.13(5), WI Stats.)

Further, upon approval thereof, the seller or land divider shall place an affidavit on the face of the certified survey map or plat stating:

“ The land divider and future assignees who acquire ownership of this (these) land parcel(s) hold the Town of Wilson and Sheboygan County harmless for problems of access to and from the public road and the building site(s).”
- 2. Utility Easements  
Perpetual, unobstructed easements centered on rear lot lines of subdivisions and land divisions shall be provided for utilities (private and municipal) where necessary; such

easements shall be at least 12 feet wide and shall be designated as "Utility Easements" on the plat or certified survey map. Proper coordination shall be established between the sub divider and the applicable utility companies for the establishment of utility easements along adjoining properties.

Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot line, perpetual, unobstructed easements at least 12 feet wide shall be provided along side lot lines and shall be designated as "Utility Easements" on the plat or certified survey map.

3. Drainage Easements

- a. Where a subdivision is traversed by a stream, channel, watercourse, or drainage way, there shall be provided a stormwater drainage easement or right-of-way conforming substantially to the lines of such watercourse, and of *such width* and/or construction as will be adequate for the purpose. The location, width, alignment, and improvement of such drainage way or easement shall be consistent with the stormwater management and erosion control plans required in Section 6.01(8) of this Ordinance. Wherever possible, it is desirable that:
- parallel streets or parkways be employed in connection
  - stormwater drainage is maintained by open (seeded or sodded) waterways of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, subject to review and approval by the Commission.
- b. Whenever topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, then perpetual, unobstructed easements at least 15 feet wide, or as expressly recommended by the *County Land Conservation Department* for such drainage facilities, shall be provided across property outside the road lines and with satisfactory access to the road. Such drainage easements shall be so designated on the final plat or certified survey map followed by reference to the permitted use or uses or any prohibitions expressly required by the Commission. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. When a proposed drainage system will carry water across private land outside the subdivision or land division, appropriate drainage rights must be secured and indicated on the final plat or certified survey map.

4. Blocks.

- a. The length, width, and shape of blocks shall be suited to the planned use of the land, zoning requirements, needs for convenient access, control and safety of street traffic, and the limitations and opportunities of topography.
- b. Blocks in residential areas shall not, as a general rule, be more than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design as expressly approved by the Commission.
- c. Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth, except where otherwise required to separate residential development from traffic, public parks, railroad right-of-way, bulkhead lines, shorelines of waterways, corporate boundaries, or except as may be necessary due to extreme topography.

- d. Pedestrian ways or crosswalks of not less than 5 feet in width may be required between rear lot lines where deemed necessary by the Commission to provide: safe and convenient pedestrian or joint pedestrian/bicycle circulation between the individual lots, streams, lakeshores, parklands, or other public areas, or may be required near the center and entirely across a block over 900 feet in length. The Commission may require adequate pedestrian or joint pedestrian/bicycle circulation or access to schools, shopping centers, churches, or other transportation facilities.
5. 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. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.
- b. Side lot lines shall generally be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundaries rather than cross them.
- c. Every lot shall front or abut a public street. Lots shall maintain a minimum average lot width of 100 feet for all residential lots. See Section 6.01(6). Cul-de-sac lots shall provide a minimum of 40 feet of frontage on a public street.
- d. Double frontage and reverse frontage lots are prohibited, except where necessary to provide separation of residential development from traffic or to overcome specific disadvantages of topography and orientation.
- e. Lots shall normally have a minimum average depth of one hundred fifty (150) feet. Excessive depth in relation to width shall be avoided if possible and a proportion of two to one (2:1) is considered to be a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial, condominium, and industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
- f. Corner lots shall be twenty percent (20%) wider than the minimum width as required for lots less than one hundred fifty (150) feet in width. Where the required minimum average width of lots is one hundred fifty (150) feet or greater, corner lots shall not be required to be increased in width.
- g. Lands lying between the meander line and the water's edge and any otherwise un-platable lands which lie between a proposed subdivision and the water's edge shall be included as parts of lots, out lots or public dedications in any plat abutting a lake or stream. All lands under option to the sub divider or to which he holds any interest that abut the proposed subdivision and a lake or stream shall also be included.
- h. Access to a flag lot must be a minimum of 60' wide. Other lot size requirements of this Ordinance for minimum size, width and depth of a flag lot begins at the point where the lot is a minimum of 100' wide.
6. Minimum Areas and Widths.  
Residential lots for single-family residences, where served by public sewer, shall conform to the most restrictive provisions of local zoning, building, or subdivision ordinances or the County Shoreland-Floodplain Ordinance.

Lands subdivided for multi-family residential, commercial, or industrial uses shall conform to the Town of Wilson Zoning Ordinances.

A minimum lot width of 100 feet and a minimum lot area of 20,000 square feet are required by this Ordinance for all residential lots and a lot area of 20,000 square feet exclusive of wetlands and waterways is required by this Ordinance for all residential lots.

7. Storm Water Management and Erosion Control Facilities.

The Commission shall require the sub divider to provide storm water management and erosion control plans whenever it determines from the initial review of the preliminary plat or certified survey map that the soil, slope, vegetation, and/or other drainage characteristics of the site are such as to require significant cutting, clearing, grading, shoreline stabilization, or other land disturbing activities in the development of the subdivision or land division.

On-site management practices shall be used to meet the minimum performance standards as described in this Section:

The proposed land development shall not increase peak flow rates of storm water runoff from that which would have resulted from the same storm occurring over the site with the land in its predevelopment conditions for storms of twenty-four (24) hour duration, and recurrence intervals of two (2), five (5), ten, (10), twenty-five (25) fifty (50, and one hundred (100) years;

“Pre-development land use condition” means land which has runoff characteristics equivalent to runoff Curve Numbers (CN’s) of: 30, 58, 71 and 78 of Hydrologic Soil Groups A, B, C and D, respectively. This term is used for the purpose of matching of pre- and post-development storm water peaks and volumes as required by this ordinance.

Determination of peak flow rates and volume of runoff for purposes of meeting the requirements above shall be computed by procedures based on the principals and procedures described in Urban Hydrology for Small Watershed, TR-55 (Technical Release 55) published by the Engineering Division, United States Natural Resource Conservation Service (formerly known as the Soil Conservation Service) United States Department of Agriculture, June 1992, or most recent version.

The rainfall distributions for the storm even shall be based on the SCS Type II storms as described in Urban Hydrology for Small Watershed, TR55 (Technical Release 55) published by the Engineering Division, United States Natural Resource Conservation Service (formally known as the Soil Conservation Service) United States Department of Agriculture, June 1992 or more recent version.

Runoff rates and volumes resulting from the project, in excess of amounts existing before the development, shall be managed on-site to the greatest extent practicable. However, the Commission may allow storm water runoff that would be discharged in volumes or at rates in excess of those otherwise allowed by this Ordinance to be

discharged into drainage facilities off the development site if all of the following conditions are met:

- a. It is not practicable to completely manage runoff on the site in a manner set forth in this Ordinance;
- b. The off-site drainage facilities and channels leading to them are designed, constructed, and maintained in accordance with the requirements of this Ordinance;
- c. Where oversized drainage facilities are deemed necessary by the Commission, or town sanitary district to serve tributary drainage areas lying outside of the subdivision, the costs of these facilities shall be prorated on the basis of percent of service area lying within the subdivision; and,
- d. Adverse environmental impacts on and off the site of development will be minimized.

Storm water management and erosion control plans may require road ditches, waterways, storm sewers, curbs and gutters, catch basins and inlets, and water retention/settling basins. Landscaping techniques utilizing vegetative covers, grading specifications, berms, etc., may also be employed.

In subdivisions or land divisions along the Lake Michigan shoreline, the Commission may require the sub divider to install shoreline protection measures such as seawalls, bulkheads, revetments, groins, breakwaters, subsurface dewatering, and other bluff stabilization measures.

Regardless of whether a storm water management and erosion control plan is required, all land disturbing activity shall be conducted so as to prevent erosion and sedimentation and to least disturb the natural flora, fauna, water regimen, and topography. All areas in which the surface of the land is disturbed by construction shall be promptly seeded and mulched, sodded, or otherwise suitably protected against erosion at a time and in a manner satisfactory to the Commission and sub divider.

Plans required under this Section shall be submitted to the Commission that shall transmit them, where appropriate, to the *County Land Conservation Department, Department of Natural Resources, and/or Corps of Engineers for review and comment.*

**Section 7.00 Survey and Data Submission Requirements**1. Preliminary Plat.

A preliminary plat shall be prepared for all subdivisions and shall be based upon a survey by a land surveyor registered in this State. The plat shall be submitted at a scale of not more than 100 feet to 1 inch shall conform to any standards and specifications set forth in Chapter 236, WI Stats. shall utilize the Sheboygan County Coordinate Monumentation System and shall show correctly on its face the following information:

- a. Title of the proposed subdivision.
- b. Location of the proposed subdivision by government lot, quarter section, section, township, range, and county.
- c. Date, scale, and north point.
- d. Name and address of the owner, sub divider, and land surveyor preparing the plat.
- e. Entire area contiguous to the proposed plat owned or controlled by the sub divider, even though only a portion of said area is proposed for immediate development.  
The Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.
- f. Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the Sheboygan County Coordinate Monumentation System, and the total acreage encompassed.
- g. Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- h. Location, right-of-way width, and names of any existing or proposed streets, alleys, or other public ways, easements, railroad and utility rights-of-way, and all section or quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- i. Location of existing property lines, structures, drives, streams and watercourses, lakes, wetlands, rock outcrops, wooded areas, and other similar significant features within the parcel being subdivided.
- j. Water elevations of adjoining lakes, ponds, streams, and flowages at the date of the survey, and approximate high and low water elevations.
- k. Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto with any legally established centerline elevations.
- l. Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets at vertical intervals of not more than 2 feet.
- m. Location and approximate dimensions of any sites to be dedicated or reserved for parks, open space, drainage ways, schools, or other public uses.
- n. Approximate dimensions of all lots, and proposed lot and block numbers.
- o. Existing and proposed land use and zoning included within and immediately adjacent to the proposed subdivision.

- p. Location and a report identifying the results of soil boring and percolation tests within the exterior boundaries of the plat, conducted in accordance with Chapter Comm 85, Wisconsin Administrative Code.
- q. Floodplain, shoreland, wetland, and erosion hazard boundaries, pursuant to the County Shoreland-Floodplain Ordinance, and any proposed lake and stream access.
- r. Surface drainage pattern mapping and indication of direction and established peak volume of soil drainage pattern.
- s. Plans for all soil conservation and erosion control measures such as gutters, ditches, catch basins, storm sewers, culverts, open channels, sediment traps or basins, terraces, water diversions, and similar practices, keyed to locations on the preliminary plat, if required by the Commission.
- t. Where the Commission finds that it requires additional information relative to a particular problem presented by a proposed development to review the preliminary plat, it shall have the authority to request such information from the sub divider.

2. Final Plat.

A final plat prepared by a land surveyor registered in this State is required for all subdivisions. It shall comply in all respects with this Ordinance and the standards and specifications of Section 236.20, WI Stats. and that section is hereby adopted by reference.

Where the Commission finds that it requires additional information or plat data relative to a particular problem presented by a proposed development to review the final plat, it shall have the authority to request such information from the sub divider.

3. Certified Survey Map.

A certified survey map prepared by a land surveyor registered in this State is required for all land divisions where the act of division creates:

- a. less than 5 lots, parcels, or building sites of 40 acres each or less in area; or,
- b. less than 5 lots, parcels, or building sites of 40 acres each or less in area by successive divisions from the same "Mother Tract" (see section 9) within a period of 5 years.

All area calculations are to be exclusive of any dedications, right-of-way easements, or reservations.

Any lot created from a certified survey division may not be re-subdivided for a period of 5 years after the filing of the map.

It shall comply in all respects with this Ordinance and the standards and specifications of Section 236.34, WI Stats. and that section is hereby adopted by reference.

## Section 8.00 Review and Approval Procedures

### 8.01 Review and Approval Procedures

#### 1. Pre-Application Procedure.

It is recommended that prior to the filing of an application for the approval of a preliminary plat or certified survey map the sub divider consult informally with the *professional staff of the Commission*, the town, and all affected utilities for assistance and advice regarding site suitability and general requirements. It is also suggested that the sub divider consult with the *County Land Conservation Department* to obtain planning assistance to avoid potential soil erosion and sedimentation problems.

##### a. Conceptual Plan

A sketch/conceptual plan of the proposed subdivision or land division drawn on a topographic survey map should be submitted. The sketch plan should identify:

- Property boundaries,
- Proposed roads, lots, and any proposed dedications;
- Slopes exceeding 15%;
- General soil conditions;
- Building limitations, such as: wetlands, floodplains, erosion hazard areas, drainage ways, rock outcroppings, and vegetation;
- Proposed filling, grading, lagooning, or dredging; and,
- All contiguous property owned or controlled by the sub divider.

#### 2. Preliminary Plat Procedure.

- ##### a. Sub divider Submittals:
- Prior to submitting a final plat for approval, the sub divider shall prepare a preliminary plat and a letter of application for Commission approval. The preliminary plat shall be prepared in accordance with this Ordinance, and the sub divider shall submit 4 copies of the plat, 1 copy of all on-site soil test data, and all other plans and specifications required in this Ordinance, to the Commission.

Also, preliminary plats may be submitted by the sub divider to the Department of Development ("state clearinghouse") for redistribution of:

- 2 copies each to those agencies having "plat approval authority" and "plat objecting authority" pursuant to Sections 236.10 and 236.12, Wis. Stats.
- 2 copies will be retained by the Department of Development and that agency will forward 2 copies to the Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting highway,
- 2 copies to the Department of Industry, Labor, and Human Relations if the subdivision is not served by public sewer and provision for such service has not been made
- 2 copies to the Department of Natural Resources if navigable waters abut or are contained within the proposed subdivision,
- 2 copies to the applicable Town clerk, and

- 2 copies to the clerk of each adjoining city or village if the subdivision lies within the extraterritorial plat approval jurisdiction of the city or village.

The above review agencies shall be classified as "approving," "objecting," or "advisory" agencies as follows:

**APPROVING AGENCIES**

Wilson Town Board

The Applicable Adjoining Cities or Villages

**OBJECTING AGENCIES**

Wisconsin Department of Development ("state clearinghouse")

Wisconsin Department of Transportation

Wisconsin Department of Commerce

**ADVISORY AGENCIES**

Wisconsin Department of Natural Resources

Affected Public or Private Utilities

County Land Conservation Department

County Surveyor/Highway Engineer

The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the sub divider, and all agencies having the authority to object, of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return it to the Department of Development. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat. All recommendations of advisory agencies shall be communicated in a like manner within 20 days from the date the plat is filed.

Within 90 days of the date of filing the plat, the Plan Commission and any other approving authority (or its agent authorized to approve preliminary plats) shall take action to approve, approve conditionally, or reject the preliminary plat, unless the time is extended by agreement with the sub divider, based on its determination of conformance with the provisions of this Ordinance. One copy of the plat shall thereupon be returned to the sub divider (or the Department of Development if the plat was submitted for state review) with the date and action endorsed thereon; and, if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat and shall be submitted to the sub divider. Failure of the Plan Commission, other approving authority, or its agent, to act within 90 days of the date of filing, or agreed extension thereof, constitutes an approval of the preliminary plat.

Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 6 months of the preliminary plat approval and conforms substantially to the preliminary plat as approved, including any conditions of that approval and to any local plans and ordinances adopted as authorized by law, as indicated in Section 236.1 1(1)(b), WI Stats. the final plat is entitled to approval.

Plats that are not being processed under Section 236.12(2), WI Stats. may be reviewed under this Ordinance on the basis of any material that is capable of clearly legible reproduction.

- b. Commission Submittal: The Plan Commission shall, within 20 days of receipt, forward 1 copy of the plat to the *County Land Conservation Department* for its review and recommendations pursuant to Section 4.01 (3) and (8) of this Ordinance. One copy of all plats abutting or adjoining county trunk highways shall be submitted by the Plan Commission to the County Surveyor/Highway Engineer for review and recommendations with regard to access safety and design standards set forth in Section 6.01(1) of this Ordinance.

The Plan Commission reserves the right to require all subdivision plats, as defined in this Ordinance, to undergo the review process set forth in this Section, regardless of statutory exemption.

3. Final Plat Procedure.

The sub divider shall prepare a final plat and a letter of application in accordance with this Ordinance and applicable state statutes and administrative codes, for transmittal to the Plan Commission (or the Department of Development if the plat was submitted for state review), within 6 months of preliminary plat approval, unless the time limitations be specifically waived by the Plan Commission or that Department. If the final plat is not submitted within 6 months of the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat. The final plat may, if permitted by the approving authorities, constitute only that portion of the approved preliminary plat, which the sub divider proposes to record at that time.

The objecting agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the sub divider, and all agencies having authority to object, of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and return that copy to the Department of Development. If any objecting agency fails to act within 20 days from the date of receipt of copies of the plat, it shall be deemed to have no objections to the plat.

All improvements and construction plans thereof required by this Ordinance shall be made or guaranteed in a manner described in Section 4.00 of this Ordinance. The Plan Commission shall, within 60 days from the date received, approve or reject such plat unless the time is extended by agreement with the sub divider. If the plat is rejected, the reasons shall be submitted in written form to the Department of Development and the sub divider. Failure of the Plan Commission to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the authority which has failed to act. Approved final plats shall be recorded with the Sheboygan County Register of Deeds in accordance with requirements of Section 236.25, WI Stats. before lots may be sold.

As a further condition of approval, the governing body of the town or municipality within which the subdivision lies may require that the sub divider make and install any public improvements reasonably necessary or that the sub divider execute a surety

bond or provide other security to ensure that he or she will make those improvements within a reasonable time.

4. Replat Procedure.

When a replat of a recorded subdivision or part thereof is proposed so the boundaries are to be changed and/or areas to be dedicated to the public are to be altered, the subdivider shall initiate action to vacate or alter the recorded plat as provided by Sections 236.36 through 236.44, Wis. Stats. The replat shall be prepared and submitted as provided in Section 6.01 (1), (2), and (3) of this Ordinance. Both the title of the replat and the title of the original plat shall appear in the surveyor's certification.

5. Certified Survey Map Procedure.

No person shall divide any land located within the Town of Wilson which shall result in a land division as defined under Section 7.00 of this Ordinance, or which divides a block, lot, or out lot within a recorded subdivision plat without changing the boundaries of said block, lot, or out lot without first filing for approval by the Plan Commission and subsequently recording with the Sheboygan County Register of Deeds, a certified survey map which complies fully with Section 236.34, WI Stats. and with all applicable requirements contained in this Ordinance.

The final certified survey map, with minimally 2 copies, should be submitted to the Plan Commission by the subdivider or his agent.

The Plan Commission shall, within 30 working days from the date of filing of the map (unless the time is extended by agreement with the subdivider), approve, approve conditionally, or reject the certified survey map based on a determination of conformance with the provisions of this Ordinance, the County Sanitary and Shoreland-Floodplain Ordinances, and any other applicable local or state codes and statutes. If the map is rejected, the reasons shall be stated in written form and submitted to the subdivider or his agent. If the map is approved, the Plan Commission shall so certify on the face of the original map and return the map to the subdivider or his agent.

The applicable town board shall approve, approve conditionally, or reject the map and/or the dedication of streets or other public areas, as its jurisdiction allows, within 30 days from the date of filing, unless the time is extended by agreement with the subdivider.

Whenever a certified survey map has been rejected by the applicable town board for failure to conform to any locally adopted ordinance, such rejection, described in writing, shall be deemed to constitute an automatic rejection by the Plan Commission, unless specifically ruled otherwise by agreement with the Town Board and the subdivider.

Soil and Site Evaluations, conducted in accordance with Comm 83, Wisconsin Administrative Code, and the County Sanitary Ordinance, are required if the lots being created will be served by on-site private sewage disposal systems, except that such tests may be waived by the Plan Commission if:

- a. The lots being created are already served by an acceptable on-site sewage disposal system, off-site common sewage disposal system, or municipal sewerage system;  
or,

- b. The lots being created are intended for uses other than residential and for which acceptable sewage disposal facilities plans have been filed with the Plan Commission; or,
- c. The lots are being created for land conveyance purposes only. In this instance, upon the certified survey map the sub divider shall have prominently placed a restrictive covenant prescribed by the Plan Commission.

One copy of all certified survey maps abutting or adjoining county trunk highways shall be submitted by the Plan Commission to the County Surveyor/Highway Engineer for review and comment. Within 5 working days, he or she shall notify the Plan Commission of any recommendations or objections.

The survey shall be performed and the map prepared by a land surveyor registered in this State. The map shall be prepared in accordance with Section 236.20(2)(a), (b), (c), (e), (f), (g), (i), (j), (k), and (1), WI Stats. at a scale of not more than 500 feet to 1 inch. The map, with minimally 12 copies for filing with the Plan Commission, shall be prepared on durable white paper, or in the form of a silver haloid image on polyester film, 8 1/2 inches wide by 14 inches long. It shall include on its face in addition to the information required by Section 236.34, WI Stats. the following:

- a. Name of the owner.
- b. Date of survey.
- c. Graphic scale.
- d. All existing buildings, and other developed features on the parcel.
- e. Locations, rights-of-way, easements, and names of adjoining streets, highways, railroads, utilities, parks, cemeteries, subdivisions, as well as navigable ponds, streams, lakes, flowages, and zoned wetlands.
- f. Size of the parcels being created in square feet.
- g. Any applicable use or access restrictions and covenants.
- h. All floodplain, shoreland, wetland, or erosion hazard boundaries, and the contour lines lying at a vertical distance of 2 feet above the elevation of the 100 year recurrence interval flood, or, where such data is not available, at a vertical distance of 5 feet above the elevation of the maximum flood of record.
- i. Distances and bearings referenced to a line and a corner of the Sheboygan County Coordinate System.
- j. Surveyor's certification of compliance with all provisions of this Ordinance and other applicable laws.
- k. Owner's and mortgage's certification of dedication of streets and other public areas prepared in accordance with Sections 236.21(2) and 236.34(1)(e), WI Stats.
- l. Where the Commission finds that it requires additional information relative to a particular problem presented by a proposed development to review the certified survey map, it shall have the authority to request such information from the sub divider.

## **8.02 Planned Unit Developments (i.e., clusters, condominiums, cooperatives)**

### **1. Purpose and Intent.**

The purposes of this Section are to encourage and promote flexibility, ingenuity, and efficiency in the land development process, to allow maximum utilization of land, and to provide for variety and compatibility among housing types and non-residential uses. Projects proposed under this Section are to be planned and designed as a unit, be compatible with the local environment and neighboring properties and uses, and shall not conflict with other laws or the overall public interest.

Objectives include:

- a. To encourage developers to use creative and imaginative approaches in the design and overall land development process;
- b. To promote a land development process that enhances energy efficiency and is sensitive to the demands and economics of the local real estate market;
- c. To encourage the integration of compatible residential and non-residential uses rather than their segregation;
- d. To encourage the provision of recreational facilities, open space, and buffer yards in conjunction with residential and non-residential development;
- e. To provide an enjoyable living environment by preserving existing topography, stands of trees, surface waters, floodplains, wetlands, and similar natural assets and landforms;
- f. To encourage a variety of living environments and a pleasing blend of housing types;
- g. To encourage a uniqueness in architectural design; and,
- h. To promote greater efficiency in providing public and utility services.

Development shall be planned, reviewed, and carried out in conformance with all municipal, state, and other laws and regulations. However, in interpreting and applying the provisions of this Section, it shall take precedence and be controlling when there is conflict between it and any other sections of this Ordinance.

2. Submittal Requirements.

Submittal and sketch plan requirements shall follow the same procedures as required for conventional subdivisions (Section 71.23), and the following information shall be provided:

- a. A written statement of intent containing the major planning assumptions and objectives of the proposed development and its concept and the benefits that will accrue from it to the community at large, as well as to its residents;
- b. All contemplated land uses within the tract on the sketch or preliminary plan;
- c. Gross densities in each use;
- d. Proposed location of all principal and anticipated accessory structures and associated parking areas;
- e. Proposed circulation systems (pedestrian, bicycle, auto) by type, and how systems correlate with existing networks outside of site; and,
- f. Any other plans and supporting information deemed necessary by the Plan Commission.

3. Design.

The developer, in the design of a cluster, condominium, or other planned unit development, shall give consideration to the reservation of suitable sites of adequate area for future school, park/playground, and other public uses. If such areas are

designated on a local comprehensive plan or official map prepared under Section 62.23, WI Stats. they shall be made part of the development.

Ecologically sensitive lands, or land with unsafe or hazardous conditions such as open quarries, unconsolidated fill, Floodways, or steep slopes shall not be developed unless the development provides for adequate safeguards which are approved by the local municipality and the Plan Commission.

The site shall be planned to provide for adequate landscaping, pedestrian movement between dwelling units, common open space, and parking areas. Prior to approval of the final plat or development plan, a written agreement must be executed between the sub divider and the Plan Commission which sets forth exactly what improvements are going to be installed. The sub divider shall present plans and specifications for improvements to the Commission. In addition, the financial guarantees as set forth in Section 71.19 of this Ordinance shall apply hereunder.

Parking areas should be arranged so as to prevent through traffic to other parking areas, should be screened from adjacent development and roads, should be adequately lighted, and should be graded and drained to properly dispose of runoff waters and minimize erosion, flooding, and other inconveniences.

Proposed cluster, condominium, or other planned unit developments shall be developed as a unit.

4. Maximum Number of Units.

The maximum number of lots permitted shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required in this Ordinance or the applicable zoning ordinance, whichever is LEAST restrictive. (In condominiums and similar developments, under which no new lots are created, the term "maximum number of dwelling units" shall substitute for the term "maximum number of lots" in the preceding statement in determining overall density.)

5. Permitted Uses.

Customary residential uses in cluster, condominium, or other planned unit development may include detached and semi-detached single-family, and attached multi-family residential buildings, as well as their accessory structures. Recreational, commercial, and quasi-public or institutional uses may be included to serve the residents of these developments and/or residents of the surrounding area.

No uses are specifically excluded, but each use should be judged on a performance basis, deemed consistent with the objectives set forth in this Section. The Town Board and the Plan Commission shall approve all uses proposed in a planned unit development.

6. Dedication and Maintenance.

Land not used for lots and streets shall be dedicated in perpetuity to recreation, open space, or buffer yard use (1) by conveyance in common to each lot owner via a homeowners association, condominium association, or similar recipients, (2) by conveyance in fee simple of an equal, undivided interest in common to each lot owner, or (3) by dedication to the town or County. Any conveyance or change of ownership of any lot shall convey with it ownership in the common property; no lot owner shall have the right to convey his interest in the common property except as an incident of the

ownership of a platted lot. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government.

The care and maintenance of the above common open space areas and rights-of-way shall be assured either by establishment of an appropriate management association for development, by dedication of the open space areas and rights-of-way to the appropriate municipality (which may choose to accept or reject the dedication), or by agreement with the municipality for establishment of a special service district for the development area. (In special service districts, the municipality shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the property tax bills of properties within the development. In all cases, the municipality, on the advice of its municipal attorney or corporation counsel, may levy an assessment for the cost of any maintenance not taken care of by an association to the satisfaction of the municipality. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final development plan or plat and shall be included in the title of each property.)

All streets within the cluster, condominium, or other planned unit development shall be dedicated to public use and shall substantially conform to the standards set forth in Section 6.01 (1) of this Ordinance. Right-of-way widths and street pavement widths may be reduced as deemed appropriate by the local municipality if the development provides for the separation of motorized traffic and pedestrian and bicycle circulation, and if off-street parking is deemed to be adequate.

7. Expansion.

The expansion of a planned unit development project involving additional units and/or property shall meet the requirements of this Section and Section 703 .26(2)(a), (1)), and (c), WI Stats.

### 8.03 Plans, Maintenance, and Inspection

1. Plans.

The Plan Commission may require the following plans and accompanying construction specifications, pursuant to Section 4.01:

- a. Street plans and profiles showing existing and proposed grades, elevations, and cross sections of required improvements.
- b. Storm water management and erosion control plans showing those structures required to retard or control the rate of runoff water and those grading, excavating, and site management practices that will prevent erosion and sedimentation.
- c. Sanitary sewer plans and profiles showing the locations, grades, elevations, sizes, and materials of required facilities.
- d. Water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.
- e. Planting plans showing the locations, age, caliper; species, and time of planting of any required grasses, shrubs, trees, and other vegetation.
- f. Additional special plans or information as required.

2. Maintenance.

The installed system(s) required by this Ordinance shall be maintained by the owner except that the County or town may accept certain systems for County or town maintenance. The governing body thereof shall expressly approve the selection of critical areas and/or structures to be maintained by the County or town. All areas and/or structures to be maintained by the County or town must be dedicated to the County or town by plat or separate instrument and accepted by the governing body. The County shall have the right of inspection of the system(s) to be maintained by the owner and, if necessary, to take corrective action should the owner fail to properly maintain the system(s). In the event of such failure, the Plan Commission shall give such owner written notice of the nature of the existing defects and the corrective action necessary. Should the owner fail, within 30 days from the date of the notice, to commence corrective action to the satisfaction of the Plan Commission, the Town may complete or cause the corrective action to be completed, the cost of which shall become a lien on the real property of the owner until paid.

3. Inspection.

The sub divider shall notify the approving authorities having jurisdiction to provide for adequate inspection to review and approve all complete work prior to release of any sureties and to ensure compliance with the enacted requirements.

The Plan Commission shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this Ordinance. If the Plan Commission were refused entry after presentation of proper identification, it may procure a special inspection warrant in accordance with Chapter 968, WI Stats. except in cases of emergency.

## **Section 9.00 Definitions**

### **9.01 Definitions**

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

#### **BLOCK**

A tract of land bounded by streets or by a combination of 1 or more streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines, or shorelines of waterways, or corporate boundary lines.

#### **BUILDING**

Any structure having a roof supported by columns or walls.

#### **BUILDING LINE**

A line, which indicates the distance from the boundaries of a lot within which buildings shall not be erected (see also SETBACK).

#### **CERTIFIED SURVEY MAP**

A map of a land division, not a subdivision, prepared in accordance with Section 236.34, WI Stats. and in full compliance with the applicable provisions of this Ordinance. A Certified Survey Map has the same legal force and effect as a subdivision plat.

#### **COMMISSION**

The Plan Commission of the Town of Wilson

#### **COMMON OPEN SPACE**

A parcel or parcels of land or an area of water, or a combination of land and water within the site designated for a planned unit development and designed and intended for the use or enjoyment of residents of the planned unit development. Common Open Space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit development.

#### **COMPREHENSIVE PLAN**

A plan, also called a master plan, or elements thereof, for guiding and shaping the growth or development of the Township and which has been adopted by the Town of Wilson and whose preparation is authorized by the Wisconsin Statutes. Devices for the implementation of these plans such as zoning, official maps, subdivision control ordinances, and capital improvement programs shall also be considered a part of the comprehensive plan.

#### **CONDOMINIUM**

A form of real property ownership under which a declaration of condominium has been recorded pursuant to Chapter 703, WI Stats.

#### **EXTRATERRITORIAL PLAT APPROVAL JURISDICTION**

The unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or 1 1/2 miles of a fourth class city or a village, if such cities or villages have enacted a subdivision control ordinance or official map ordinance.

FLOODPLAINS

Those lands, including the flood fringes, floodways, and channels, subject to inundation by the 100-year recurrence interval flood (regional flood) or, where such data is not available, the maximum flood of record.

LAND DIVISION

A division of a lot, parcel, or tract of land by the owner thereof, or the owner's agent, for the purpose of transfer of ownership or building development where the act of division creates:

- (1) less than 5 lots, parcels, or building sites of 40 acres each or less in area; or,
- (2) less than 5 lots, parcels, or building sites of 40 acres each or less in area by successive divisions form the same "Mother Tract" within a period of 5 years.

All area calculations are to be exclusive of any dedications, right-of-way easements, or reservations (see also SUBDIVISION).

LOT

A parcel of land between 40 acres and the minimum lot sizes set out in Section 6.01(6) having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use.

MOTHER TRACT

A parcel of land that is, or at any time in the previous twenty (20) years was, in the same ownership. Contiguous parcels in the same ownership are considered to be one parcel for the purposes of this definition, even though the separate parcels may have separate tax identification numbers or were acquired at different times or from different persons. See Section 2.02(3) for further discussion of "in the same ownership"

OFFICIAL MAP

A map indicating the location, width, extent of the existing and proposed streets, highways, parkways, parks, and playgrounds adopted by the municipalities in Sheboygan County in accordance with Section 62.23(6), Wis. Stats.

OUTLOT

A parcel of land, other than a lot or block, so designated on a plat or certified survey map, but not presently deemed either of standard lot size or suitability. An out lot may not be used as a building site unless it comes into compliance with the restrictions that resulted in its assuming an out lot status. An out lot may be either redivided into lots or combined with one or more other adjacent out lots or lots in adjacent subdivisions or land divisions in the future for the purpose of potentially creating buildable lots. An out lot may be conveyed regardless of whether it may be used as a building site.

PERSON

An individual, group of individuals, partnership, firm, corporation, association, state, county, city, village, township, sanitary district, or other government corporation

PLANNED UNIT DEVELOPMENT

An area of land, controlled by a single owner, corporation, or any other legal entity to be developed as a single entity for a number of buildings, the plan for which is unique in its mixture of land uses and open spaces and not specifically provided for by applying customary block, lot, and density requirements of this Ordinance or town subdivision or zoning ordinances.

PLAT

A map of a subdivision.

PRELIMINARY PLAT

A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

REPLAT

The process of changing, or the map or plat, which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot, or out lot within a recorded subdivision plat without changing exterior boundaries of said block, lot, or out lot is not a replat.

SETBACK

The minimum horizontal distance from the center of the traveled way or the right-of-way, as specified, and the nearest point of a building, or proposed building, or any projection thereof, including uncovered steps.

SHORELANDS

Those lands established to be within the jurisdiction of the Shoreland-Floodplain Ordinance,

Sheboygan County, as follows:

- (1) Lands 1,000 feet from the ordinary high water mark of navigable lakes, ponds, and flowages.
- (2) Lands 300 feet from the ordinary high water mark of navigable rivers and streams or to the landward side of a floodplain if that distance is greater.
- (3) The shorelands of all lakes, ponds, flowages, marshes, wetlands, rivers, streams, and creeks as shown on the "Shoreland Zoning Map, Sheboygan County, Wisconsin."

SOIL TESTS

Percolation tests and soil borings or soil and site evaluations conducted as provided by the Sanitary Ordinance, Sheboygan County, and Chapters Comm 83 and 85, Wisconsin Administrative Code.

STREETS

Public ways for vehicular or pedestrian and vehicular traffic.

1. Arterial Streets and Highways

Roadways, which provide for rapid movement of concentrated volumes of traffic over relatively long distances between activity areas (i.e. freeways, expressways).

a. Principal Arterials

Streets serving the major interstate and interregional traffic corridors.

These routes provide the highest level of mobility under a high degree of access control.

b. Primary Arterials

Streets serving major regions or connecting several significant cities and intercommunity corridors within the metropolitan area. These routes provide for a high degree of mobility under a high degree of access control.

c. Standard Arterials

Streets which most commonly provide for intermediate length trips, thus serving through traffic to the primary and principal arterials from lower activity areas not served by such routes.

2. Collector Streets

Streets, which provide for moderate speed movements within large areas. They are basically local streets, which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets.

a. Connectors

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

b. Distributors

Streets, which gather and distribute traffic from and to the local streets and adjacent lands.

3. Local Streets

Streets designed for low speeds and volumes, which provide access from low traffic generating areas to collector and arterial streets.

4. Marginal Access Streets (Frontage Streets)

Minor streets auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

5. Alleys

Special streets affording only secondary access to abutting properties.

6. Cul-de-sac Streets

Streets closed at 1 end with turn-around provided.

7. Dead-end Streets

Streets closed at 1 end without turn-around.

**SUBDIVIDER**

Any person, or his or her agent, dividing or proposing to divide land resulting in a subdivision, land division, or replat.

**SUBDIVISION**

A division of a lot, parcel, or tract of land by the owner thereof, or the owner's agent, for the purpose of transfer of ownership or building development where the act of division creates:

1. 5 or more lots, parcels, or building sites of 40 acres each or less in area; or,
2. 5 or more lots, parcels, or building sites of 40 acres each or less in area by successive divisions of the same "Mother Tract" within a period of 5 years.

All area calculations are to be exclusive of any dedications, right-of-way easements, or reservations (see also LAND DIVISION).

**SURETY BOND**

A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

TOWN

The Town Board of the Town of Wilson, Sheboygan County, Wisconsin.

UTILITY EASEMENT

An easement to place, replace, maintain, or move utility facilities.

WETLANDS

Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

WISCONSIN ADMINISTRATIVE CODE

The rules of administrative agencies having rule-making authority in Wisconsin published in loose-leaf, continual revision system as directed by Section 35.93 and Chapter 227, WI Stats. including subsequent amendments to those rules.