

3.5 Subdivision Regulations

All existing, undeveloped parcels of land of record in the County Register of Deeds Office, and any new land divisions or subdivisions as defined in the SUBDIVISION ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN, and the TOWN OF SHEBOYGAN REGULATIONS OF SUBDIVISION AND PLATTING OF LAND, shall conform in full with the provisions of those Regulations and Ordinance. No Building Permit shall be issued for any lot until such compliance is assured.

- a. Septic Tank and Holding Tank. In any area where public sewer service is available, no septic system, mound or otherwise, or holding tank, shall be allowed in said areas.
- b. County Sanitary Permit. No private water supply or sewage disposal system, or part thereof, shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered, or its use changed without a County Sanitary Permit and without full compliance with the SANITARY ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN. No Building Permit shall be issued until any required installation of a safe and adequate water supply and sewage disposal system is assured and a Sanitary Permit is issued.
 - (1) Mound. The base of the mound must be a minimum of twenty-five feet (25') from the nearest lot line.
 - (2) Filter Field. The edge of a filter field must be a minimum of twenty-five feet (25') from the nearest lot line.

3.6 Reduction or Joint Use

No lot, yard, parking area, building area, sanitary sewage disposal area, or other space, shall be reduced in area of dimension so as not to meet the provisions of this Ordinance or other applicable local, county, or state regulations. No part of any lot, yard, parking area, sanitary sewage disposal area, or other space required for a structural use, shall be used for any other structure or use.

3.7 Performance Standards

- a. Compliance. This Ordinance permits specific uses in specific districts, and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air, and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards.
- b. Air Pollution. No activity shall emit any fly ash, fumes, vapors, mists, or gases in such quantities as to cause danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding .03 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mine's Information Circular 7718; except for no more than four (4) minutes during any six (6) hour period, each stack or chimney in an industrial district may emit smoke of Ringlemann No. 3. No hour per stack or chimney, except that once during any 6 hour period each stack or chimney in an industrial district may emit up to twenty (20) smoke units when blowing soot or cleaning fires. No activity shall violate DNR air pollution regulations and standards.
- c. Water Quality Protection. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials, into any water, public sewer, public highway, or drainage ditch of such nature, quantity, obnoxiousness, toxicity,

AN ORDINANCE REPEALING AND RECREATING
SUBSECTION 2.19 OF SECTION 7.02 OF THE SUBDIVISION
CODE OF THE TOWN OF SHEBOYGAN, SHEBOYGAN COUNTY,
WISCONSIN, AMENDING THE DEFINITION OF SUBDIVISION SO AS
TO COMPLY WITH WISCONSIN STATUTES § 236.02(12)

WHEREAS, it has come to the Town of Sheboygan Plan Commission's attention that the Town's definition of subdivision contained in Subsection 2.19 of Section 7.02 of the Subdivision Code of the Town of Sheboygan, is not consistent with that used in Wisconsin Statutes § 236.02(12); and,

WHEREAS, the Town of Sheboygan Plan Commission does hereby recommend to the Town Board of the Town of Sheboygan that the Town's definition of subdivision, as contained in Subsection 2.19 of Section 7.02 of the Subdivision Code of the Town of Sheboygan be amended so as to comply with the State's definition of subdivision;

NOW, THEREFORE, the Town Board of the Town of Sheboygan does ordain as follows:

Section 1. Repealing and Recreating Code. Subsection 2.19 of Section 7.02 of the Subdivision Code of the Town of Sheboygan is hereby repealed and recreated to read as follows:

"2.19 SUBDIVISION

'Subdivision' is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where:

- A. The act of division creates five (5) or more parcels or building sites of 1-1/2 acres each or less in area; or
- B. Five (5) or more parcels or building sites of 1-1/2 acres each or less in area are created by successive divisions within a period of five (5) years."

Section 2. Effective Date. The herein Ordinance shall take effect upon adoption.

Adopted this 5 day of September, 2000.

TOWN OF SHEBOYGAN

By 
DANIEL W. HEIN, Chairman

SUBDIVISION APPROVAL PROCEDURE

I. PRELIMINARY PLAT.

1. Sub Divider submits copies and proper fees to Clerk for agency reviews and approvals. If this method is used, a list of agencies and their addresses must be included with the copies and fees, or the Sub Divider may directly send the number of copies and fees necessary to the Department of Development for mailing to the respective agencies.
2. Agencies have twenty (20) days to submit approvals or objections (236.12).
3. Application for subdivision approval should be completed and attached to that application and a copy of all written approvals received from each agency or if none received, a letter from the sub divider that he/she submitted, as required under Chapter 236 and the Town Subdivision Ordinance, copies of the preliminary plat with proper fees and that twenty (20) days has expired since that time.
4. Within thirty (30) days from the filing of the application, the Town Plan Commission will review and give its approval or rejection of same.

(a) Notice Necessary:

Notice of the Town Plan Commission revision must be given by publication at least one (1) time in the Sheboygan Press and posted in three (3) public places at least seven (7) days prior to the meeting. Also, a notice should be sent to the owners of lands within two hundred (200) feet of the subdivision. A fee of \$200.00 to cover publication costs must be filed with the application.

5. Town Board shall approve within sixty (60) days of filing application with the Town Clerk unless time is extended by Sub Divider. Failure to act by the Town Board within sixty (60) days means approval (216.11 (2)).
6. Written Notice:
 - (a) A written notice of the rejection or conditional approval giving reasons must be submitted to applicant and placed in the Town Board minutes.

II. FINAL PLAT:

1. Final plat with corrections or conditions as required by approving agencies, Plan Commission or Town Board filed with Clerk.
 - (a) Clerk certifies on the plat copies:
 - (1) Where certified.
 - (2) Date certified.
 - (3) That no objection has been filed or if filed, that they have been met.
 - (b) Clerk must give ten (10) days prior to written notice of intent to approve to any municipality within one thousand (1,000) feet (236.11(2)).
2. Physical Improvements:

6.3 of the Town's Ordinance requires security in either of two (2) forms as directed by the Town Board to guarantee the installation of proper improvements.

 - (a) Security bond.
 - (b) Contracts for the installation of those improvements.
3. A Plan Fee in the amount of \$200.00 per residential unit is due and payable upon the filing of the final plat to be used for plan purposes.

APPLICATION FOR SUBDIVISION APPROVAL

TO THE TOWN BOARD AND PLAN COMMISSION OF THE TOWN OF SHEBOYGAN:

1. I/we, the undersigned, being owners of all the area herein described, hereby petition the Town Board of the Town of Sheboygan, Sheboygan County, Wisconsin to approve a plat of lands described herein.

2. Description of Property:
Section: _____, Township: _____, Range: _____
Please indicate location in laymen terms, the general vicinity of plat.

3. Date of previous application (if any): _____
 - (a) Disposition of previous petition: _____
(If previous petition has been denied, state fully on a separate attached sheet of paper what change in circumstances or conditions would warrant reconsideration).

 - (b) Current zoning classification: _____
Do you intend to request a zoning change? _____ Yes ___ No ___

4. Does the Plat conform to the following: (Please circle or check "Yes" or "No")
 - (a) Chapter 236 of the Wisconsin Statutes: Yes ___ No ___
 - (b) Town of Sheboygan Zoning Ordinance: Yes ___ No ___
 - (c) Town of Sheboygan Subdivision Ordinances: Yes ___ No ___
 - (d) Are all road right-of-ways at least 66 feet wide? Yes ___ No ___
 - (e) Have all utility easements of at least 12 feet been provided? Yes ___ No ___
 - (f) Do any blocks exceed 1,500 feet in length, or 270 feet in width? Yes ___ No ___

5. Have copies of the Plat been filed and approved by all agencies under Section 7.02 (4.2) of the Ordinances of the Town of Sheboygan? Yes ___ No ___

6. Have you provided for any plan or open space area in the plat? Yes ___ No ___

7. Under the Town's Subdivision Ordinance you may be required to dedicate 5% of the total land or 5% of the market value (after platting). Which do you prefer? Land ___ Cash ___

8. Do you understand that among other items, the following improvements will have to be installed by you at your cost within the time set by the Town Board, but not to exceed two (2) years:
 - (a) Sanitary and storm sewers (where applicable). Yes ___ No ___
 - (b) Streets shall be graded and surfaced under Town specifications. Yes ___ No ___
 - (c) Sidewalks where necessary. Yes ___ No ___
 - (d) Install all utilities underground. Yes ___ No ___

9. What is the estimated cost of each of the improvements that you are required to make?
 - (a) _____ \$ _____
 - (b) _____ \$ _____
 - (c) _____ \$ _____
 - (d) _____ \$ _____

10. What assurance can be given to the Town of Sheboygan that these and any other required improvements will be completed and paid for as required. A bond may be required to assure completion or restrictions may be required on the plat before any lots are sold.

11. Can sanitary sewer be installed in the area? Yes ___ No ___

If so, have you received permission for the Sanitary District for the installation of same? Yes ___ No ___

Explain: _____

12. Please give the names and addresses of all owners of real estate within two hundred (200) feet of the boundaries of the plat.

13. Other comments: _____

Date Filed: _____

Hearing Date For: _____

Plan Comm. _____

Town Board: _____

Date of Notice: _____

Disposition: _____

Applicant: _____

Address: _____

Date: _____

Telephone Number: _____

Cell Phone Number: _____

Fax Number: _____

SUBDIVISION CHAPTER 7

CHECK LIST

- Section 5.1 (a) _____ Street width 66 feet
(b) _____ Grade 6%
(c) _____ Alignment & visibility 300 major street; 100 minor street
(d) _____ Cul de sac (100 diameter) no more than 500 feet
(e) _____ Intersections: Right Angles.
(f) _____ Intersections: Alignment.

5.2 EASEMENTS:

- (a) _____ Utilities (minimum 12 feet), (Should be 30).
(b) _____ Storm water or drainage.

5.3 BLOCKS

- (a) _____ Maximum, 1500 feet
(b) _____ Minimum, 270 feet

5.4 LOTS

_____ Dimension, Set Backs, Etc.

5.6 _____ Public Sites & Open Spaces, _____ Cash

- 6.2 (a) _____ Water, _____ Sewer
(b) _____ Streets (graded & surfaced)
(c) _____ Sidewalks
(d) _____ Trees Needed
(e) _____ Street Lights
(f) _____ Storm Drainage
(g) _____ Underground Service

6.3 _____ Security for Improvements

SUBDIVISION APPROVAL PROCEDURE

I. PRELIMINARY PLAT.

1. Subdivider submits copies and proper fees to Clerk for agency reviews and approvals. If this method is used, a list of agencies and their addresses must be included with the copies and fees, or the subdivider may directly send the number of copies necessary to the Department of Development for mailing to the respective agencies.
2. Agencies have twenty (20) days to submit approvals or objections (236.12).
3. Application for subdivision approval should be completed and attached to that application a copy of all written approvals received from each agency or if none received, a letter from the subdivider that he submitted, as required under Chapter 236 and the Town subdivision ordinance, copies of the preliminary plat with proper fees and that twenty (20) days has expired since that time.
4. Within thirty (30) days from the filing of the application, the Town Park Commission will review and give its approval or rejection of same.
 - (a) Notice necessary. Notice of the Town Park Commission review must be given by publication at least one (1) time in the Sheboygan Press and posted in three public places at least seven (7) days prior to the meeting. Also a notice should be sent to the owners of lands within two hundred (200) feet of the subdivision. A fee of \$200.00 to cover publication costs must be filed with the application.
5. Town Board shall approve within sixty (60) days of filing application with the Town Clerk unless time is extended by subdivider. Failure to act by the Town Board within sixty (60) days means approval (216.11(2)).
6. Written Notice.
 - (a) A written notice of the rejection or conditional approval giving reasons must be submitted to applicant and placed in the Town Board minutes.

II. FINAL PLAT.

1. Final plat with corrections or conditions as required by approving agencies, Park Commission or Town Board is filed with Clerk.
 - (a) Clerk certifies on the plat copies:
 - (1) Where certified.
 - (2) Date certified.
 - (3) That no objection has been filed or if filed, that they have been met.
 - (b) Clerk must give ten (10) days prior written notice of intent to approve to any municipality within one thousand (1000) feet (236.11(2)).
2. Physical Improvements. 6.3 of the Town's ordinance requires security in either of two (2) forms as directed by the Town Board to guarantee the installation of proper improvements.
 - (a) Security bond.
 - (b) Contracts for the installation of those improvements.
3. A Park Fee in the amount of \$200.00 per residential unit is due and payable upon the filing of the final plat to be used for park purposes.

APPLICATION FOR SUBDIVISION APPROVAL

TO THE TOWN BOARD AND PARK COMMISSION OF THE TOWN OF SHEBOYGAN.

1. I/we, the undersigned, being owners of all the area herein described, hereby petition the Town Board of the Town of Sheboygan, Sheboygan County, Wisconsin to approve a plat of lands described herein.

2. Description of Property: Section _____, Township _____, Range _____
Please indicate location in laymen terms, the general vicinity of plat.

3. Date of previous application (if any): _____
 - (a) Disposition of previous petition: _____
(If previous petition has been denied, state fully on separate attached sheet of paper what change in circumstances or conditions would warrant reconsideration.
 - (b) Current zoning classification: _____
(Do you intend to request a zoning change? _____)

4. Does the plat conform to the following:
 - (a) Chapter 236 of the Wisconsin Statutes Yes No
 - (b) Town of Sheboygan Zoning Ordinance Yes No
 - (c) Town of Sheboygan Subdivision Ordinance Yes No
 - (d) Are all road right-of-ways at least 66 ft. wide? Yes No
 - (e) Have all utility easements of at least 12 ft. been provided? Yes No
 - (f) Do any blocks exceed 1500 ft. in length or 270 ft. in width? Yes No

5. Have copies of the plat been filed and approved by all agencies under Section 7.02 (4.2) of the ordinances of the Town of Sheboygan? Yes No

6. Have you provided for any park or open space area in the plat? Yes No

7. Under the Town's subdivision ordinance you may be required to dedicate 5% of the total land or 5% of the market value (after platting). Which do you prefer? Land Cash

8. Do you understand that among other items, the following improvements

will have to be installed by you at your cost within the time set by the Town Board, but not to exceed two (2) years:

- (a) Sanitary and storm sewers (where applicable) Yes No
- (b) Streets shall be graded and surfaced under Town specification Yes No
- (c) Sidewalks where necessary Yes No
- (d) Install all utilities underground Yes No

9. What is the estimated cost of each of the improvements that you are required to make?

- (a) _____ \$ _____
- (b) _____ \$ _____
- (c) _____ \$ _____
- (d) _____ \$ _____

10. What assurance can be given to the Town of Sheboygan that these and other required improvements will be completed and paid for as required (a bond may be required to assure completion or restrictions may be required on the plat before any lots are sold):

11. Can sanitary sewer be installed in the area? Yes No
If so, have you received permission from the Sanitary District for the installation of same? Yes No
Explain: _____

12. Give the names and addresses of all owners of real estate within two hundred (200) feet of the boundaries of the plat.

13. Other comments: _____

Date Filed: _____ Applicant: _____
Hearing Date: _____ Address: _____
Park Comm. _____ Date: _____
Town Board _____ Phone: _____
Date of Notice: _____
Disposition: _____

SUBDIVISION CHAPTER 7

CHECK LIST

- Sec. 5.1 (a) Street width 66 ft. _____
(b) Grade 6% _____
(c) Alignment & visibility 300 maj. st.; 100 minor _____
(d) Cul de sac (100 dia.) no more than 500 ft. _____
(e) Intersections: Rt. Angles _____
Alignment _____

5.2 Easements.

- (a) Utilities (min. 12 ft.) (30 should be) _____
(b) Storm water or drainage _____

5.3 Blocks

Max. 1500 ft. _____ Min. 270 ft. _____

5.4 Lots - Dimension, set backs etc. _____

5.6 Public Sites & Open Spaces _____ Cash _____

- 6.2 (a) Water _____ Sewer _____
(b) Streets (graded & surfaced) _____ (c) Sidewalks _____
(d) Trees needed _____ (e) Street Lights _____
(f) Storm Drainage _____ (g) Underground Service _____

6.3 Security for Improvements _____

CHAPTER 7

ZONING AND SUBDIVISION CODE

7.01 Zoning Code. See separate publication.

7.02 Regulations of Subdivision and Platting of Land.

7.03 Certified Survey Procedures

CHAPTER 7
7.02 Regulations of Subdivision and
Platting of Land.

INTRODUCTION.

SECTION 1

1.1 TITLE

This ordinance, shall be known and may be cited and referred to as the Town of Sheboygan Subdivision Regulation and is adopted pursuant to applicable provisions of the Wisconsin Statutes.

1.2 PURPOSE

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

1.3 ABROGATION AND GREATER RESTRICTIONS

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

1.4 INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.5 SEVERABILITY

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.6 REPEAL

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

11/70

1.7 EFFECTIVE DATE

This ordinance shall be in effect from and after its passage, approval and publication as provided by law.

1.8 SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS

Where it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this ordinance, the Town Board may in lieu thereof order an assessor's plat to be made under Section 70.27 of the Wisconsin Statutes and may assess the costs thereof as provided in this section, or to the subdivider. Regardless of the type of plat filed, any such subdivision shall comply with all the provisions of this ordinance to the extent that they may be reasonably applied.

SECTION 2

DEFINITIONS

2.1 ARTERIAL STREET

A street used, or intended to be used, primarily for fast or heavy traffic.

2.2 BUILDING LINE

A line parallel to a lot line and at a distance from the lot line sufficient to comply with the yard requirements of the Town of Sheboygan's zoning law.

2.3 BLOCK

A parcel of land bounded on at least one side by a street and on the other side by a natural manmade barrier.

2.4 CERTIFIED SURVEY MAP

A map of not more than two parcels or a lot split prepared in accordance with Section 236.34 of the Wisconsin Statutes.

2.5 COLLECTOR STREET

A street used and intended to be used to carry traffic from minor streets to the major system or arterial streets, including the principal entrance streets of a residential development.

2.6 COMPREHENSIVE PLAN

The extensively developed plan, also called a master plan, and/or official street plan adopted by a municipality having extra-territorial jurisdiction within the Town of Sheboygan or such plan adopted by the Town of Sheboygan, including proposals for future land use, transportation, redevelopment and public facilities.

2.7 COUNTY PLANNING AND RESOURCES DEPARTMENT

Department of the County employing a full-time professional planner charged with the duties of administering zoning and other planning legislation.

2.8 DEVELOPMENT

The act of building structures and installing site improvements.

11/70

2.9 EASEMENT

A legal right to use land belonging to another for purposes of access, utility extension or similar land use.

2.10 EXTRA-TERRITORIAL PLAT APPROVAL JURISDICTION

Means the area within three miles of the corporate limits of a first, second or third class city, or within one and one-half miles of a fourth class city or village that has exercised said jurisdiction for platting or planning purposes according to the Wisconsin Statutes.

2.11 MINOR STREET

A street used, or intended to be used primarily for access to abutting properties.

2.12 MARGINAL ACCESS STREET

Minor streets parallel to abutting properties and protection from through traffic.

2.13 MUNICIPALITY

Means an incorporated city or village

2.14 PLAT

A map of a subdivision.

2.15 PRELIMINARY PLAT

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

2.16 PUBLIC WAY

Any public road, street, highway, walkway, drainageway or part thereof.

2.17 REPLAT

The changing of the boundaries of a recorded subdivision plat or part thereof according to State Law.

2.18 RESUBDIVISION

The combination or division of platted lots so as to promote better land use and implement the objectives of the comprehensive plan and zoning law.

2.19 SUBDIVISION

The division of a lot, parcel or tract by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates three or more parcels or building sites of five acres each or less in area or where the act of division creates three or more parcels or building sites of five acres each or less in area by successive division within a five-year period.

2.20 RECORDING A PLAT

Means filing the original of the final plat with the Register of Deeds.

11/70

2.21 CUL DE SAC

A short minor street having one end open to motor traffic and the other end terminated by a vehicular turn-around.

2.22 RIGHT OF WAY

The width of an easement between properties for street, alley, crosswalk or highway purposes.

2.23 SET BACK

The linear distance between a front, side or rear lot line and a building, or other structure, located on such lot. A set back shall be measured at a right angle from each lot line from which a set back is required and it shall be measured to the nearest line of the building or other structure for which a set back is required.

~~2.24 TOWN PLANNING AGENCY~~

~~The Town of Sheboygan Park Commission.~~

2.25 MASTER PLAN

See Comprehensive Plan 2.6.

2.26 SHARED-USE PATH
SECTION 3.0

GENERAL PROVISIONS.

deleted
Added 2/26/08
Ord. No. 2007/08
Attached

3.1 JURISDICTION

These regulations shall apply to all divisions of land and subdivisions of land within the Town of Sheboygan.

3.2 COMPLIANCE

No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, or replat as defined herein or no street shall be laid out or improvements made to land without the compliance with all requirements of these regulations.

- (A) Any division of land which results in the subdivision as herein defined shall be in compliance with all the provisions of this ordinance, Chapter 236 of the Wisconsin Statutes and the Sheboygan County ordinance, including review procedures by state agencies having authority to object to plats.
- (B) When a replat of a recorded subdivision or plat thereof is proposed, the subdivision shall be vacated or altered according to the provisions of Section 236.40 through 236.445 of the Wisconsin Statutes.
- (C) Any division of land under five (5) acres in size, other than a plat, shall require a certified survey in compliance with Section 236.34 of the Wisconsin Statutes and subdivision regulations of Sheboygan County.

3.3 EXCEPTIONS

In no instance shall the provisions of this section relating to subdivisions or certified surveys apply to:

- (A) Transfers of interest in land by will or pursuant to court order.
- (B) Leases for a term not to exceed ten (10) years, mortgages or easements.

11/70

Approved
2/26/08
2007/2008

AN ORDINANCE AMENDING SECTION 7.02 OF THE
MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN,
SHEBOYGAN COUNTY, WISCONSIN, CONCERNING
REGULATIONS OF SUBDIVISIONS (SHARED-USE PATHS)

WHEREAS, the Town Board of the Town of Sheboygan does declare its intent to promote bicycling, walking, jogging, roller-blading, and similar non-motorized activities as healthy and environmentally friendly forms of recreation and transportation; and

WHEREAS, requiring the construction of bicycle and pedestrian paths within and between new residential subdivisions, roadways, and other development would promote pedestrian and other non-motorized forms of recreation and general transportation; and

WHEREAS, the Town Board has determined that amending the Town's General Code of Ordinances accordingly would promote the public health, safety, welfare, and convenience of the Town and its inhabitants;

NOW, THEREFORE, the Town Board of the Town of Sheboygan does hereby ordain as follows:

Section 1. Amending Code. Section 7.02 of the Municipal Code of the Town of Sheboygan entitled "Regulation of Subdivision and Platting of Land" is hereby amended to read as follows (additions indicated by underscoring; deletions indicated by ~~strikeouts~~):

2.0: DEFINITIONS

~~2.26 SHARED-USE PATH~~

A path of asphalt, crushed limestone, or similar hard surface for use by pedestrians and non-motorized vehicles such as bicycles, skateboards, and rollerblades.

5.0: REQUIREMENTS

5.7 SHARED-USE PATHS

The layout of subdivisions shall provide for the installation and connection of current and future shared-use paths to serve the needs of pedestrians, bicyclists, and similar non-motorized travelers within, to, from, and through the proposed subdivision, to provide adequate circulation or access to schools, commercial centers, churches, places of employment, and recreational facilities, as determined by the Town Board upon the recommendation of the Plan Commission.

3.3 Exceptions

In no instance shall the provisions of this section relating to subdivisions or certified surveys apply to:

- a. Transfers of interest in land by will or pursuant to court order.
- b. Leases for a term not to exceed ten (10) years, mortgages or easements.
- c. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by Town ordinance.

3.4 Land Suitability

No land shall be subdivided which is held unsuitable for the proposed use for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community. The Town Board or the County Planning and Resource Department in applying the provisions of this section shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability if he so desires at a public hearing. Thereafter, the Town Board may affirm, modify or withdraw its determination of unsuitability.

3.5 Variance

Where, upon recommendation of the Town Plan Commission and in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted without detriment to the public good without impairing the intent or purpose of these regulations or the desirable general development of the township in accordance with good planning and economic development of the township.

3.6 Conditions

In granting variances and modifications, the Town Board may require such conditions as will, in its judgment, secure substantially the objectives of these regulations.

SECTION 4.0

PROCEDURE

4.1 Preliminary Consultation

- a. Prior to subdivision, the subdivider shall submit a sketch to the Plan Commission, Town Board and County Planning and Resource Department of sufficient scale and reasonable accuracy so that the following information is indicated: The boundaries of the property being considered for subdivision; proposed roads and general lot layout, including proposed dedications; areas with slopes over 15°; general description of soil conditions, including lakes, streams, wet areas and rock out crops; proposed filling, grading, lagooning, dredging; and delineation of any flood plain area; and a description of all property owned or controlled by the subdivider contiguous to the proposed plat even though only a part of the area is proposed for immediate development.

- b. It is recommended that, prior to the filing of the application for the approval of a preliminary plat, the subdivider consult with the Plan Commission and County Planning and Resource Department or its staff and utilities serving the area, in order to obtain their advice and assistance. At this meeting, the subdivider and agency or staff should discuss the general sketch and plan in order to best explain his ideas. This consultation is neither formal nor mandatory, but is intended to explain these regulations and the comprehensive plan. Such discussions may promote mutual conclusions between the parties regarding the general program and objectives of the proposed development and its effects on the neighborhood or area within which it will be located. The subdivider will also gain a valuable understanding of the subsequent required procedures.

4.2 Preliminary Plat Review

Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat, and letter of application. Such plat and letter and soil test data (where applicable) will be prepared in accordance with these regulations and shall be filed as follows:

- a.
- (1) To the County Planning and Resource Department two copies of the preliminary plat and one copy of the soil test data.
 - (2) The State Department of Commerce shall receive two copies of the preliminary plat and one copy of the soil test data (where applicable).
 - (3) To the State Department of Transportation (where applicable) two copies of the preliminary plat.
 - (4) To the State Department of Administration two copies of the preliminary plat.
 - (5) To the City of Sheboygan Planner two copies of the preliminary plat (where applicable).
 - (6) To the Town of Sheboygan two copies of the preliminary plat and one copy of the soil test data.
 - (7) And all other agencies or departments as may be required from time to time by State Statutes, County ordinance or the Town Board of the Town of Sheboygan. Where applicable, hillside street plans and profile as required by Section 4.3 should be presented with the preliminary plat to the County Planning and Resource Department, City of Sheboygan Planner and the Town of Sheboygan.
 - (8) To each utility serving the area one copy of the preliminary plat. Such copy shall be returned to the Plan Commission within ten (10) working days from the receipt of the said copy showing the location and width of utility easements needed.
- b. Filing Fees. The preliminary plat must be accompanied by the applicable fees indicated in the Town's Fee Schedule (Section 11.05 of the Municipal Code) and shall not be considered filed until such fees are paid.
- c. Plan Commission Review.
- (1) Public Hearing. After review and approval of the preliminary plat by all other agencies required to approve or review, the Town Clerk shall schedule a public hearing on the plat before the Plan Commission, and give notice thereof by publishing a Class 2 notice pursuant to Ch. 985, Wis. Stats. Written notice of the hearing shall be given to the applicant, any interested parties, and all landowners within 200 feet of the applicant's land.

- (2) Recommendation. No more than sixty (60) days after the filing of a preliminary plat, the Plan Commission shall recommend to the Town Board that the plat be approved, conditionally approve, or rejected.
- d. Board Action. The Town Board shall, after receipt of the Plan Commission's recommendation and within ninety (90) days of the date the plat was filed, unless the time is extended by agreement with the subdivider, approve, approve conditionally, or reject such plat and shall state, in writing, conditions of approval or reasons for rejection. Failure of the Board to timely act shall constitute an approval of the preliminary plat, unless other authorized agencies object to the plat. The Town Clerk shall communicate to the subdivider the action of the Town Board. If the preliminary plat is approved, the Town Chairperson shall endorse it for the Town Board.
- e. Effect of Approval. Approval of a preliminary plat shall be valid for six (6) months from the date of approval. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the Plan Commission and Town Board at the time of its submission.
- f. Conditional Approval. Where a plat is approved conditionally, which conditions call for layout changes, the subdivider shall provide the Town with corrected copies of the preliminary plat for distribution to each approving and objecting authority for their files and possible further comment. If the approving authorities approve a preliminary plat subject to certain conditions and such conditions are not identical, then the more restrictive conditions shall apply. If the subdivider or the approving authority may request a joint meeting of the subdivider and the other approving authorities for the purpose of clarifying or, if need be, amending the conditions so as to clarify the applicable conditions.
- g. Amendment. If the subdivider desires to amend the preliminary plat as approved, the subdivider may resubmit the amended plat, which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Town Board, of such scope as to constitute a new plat, in which case it shall be refilled.

4.3 Preliminary Plat Requirements

- a. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and a plat prepared on tracing cloth or paper of good quality drawn with waterproof, nonfading black ink, or legibly drawn with pencil, on a scale of not more than one hundred (100) feet to the inch, and shall correctly exhibit the following data:
- (1) Title: The title under which the proposed subdivision is to be recorded.
 - (2) Location of the proposed subdivision by section, township and range, or as otherwise officially designated by the Register of Deeds. Such location shall be graphically presented on a preliminary plat as a small scale legend map, the location of the proposed subdivision with respect to surrounding area, streets, roads and such geographical features as exist contiguous to the plat.
 - (3) Date, scale, names and addresses of the owner, subdivider and land surveyor preparing the plat.
 - (4) Lot width and depth.
 - (5) Existing and proposed street, parks, public access and utility services.

- (6) Available community facilities and utilities.
- (7) Easements.
- (8) Land characteristics, including soil information, wetlands, and topography survey of the area being subdivided showing contours of ten (10) foot intervals.
- (9) Proposed filling, grading, lagooning, dredging.
- (10) Delineation of any flood plain area with topographical mapping showing two (2) foot contour intervals to an elevation of ten (10) feet above the normal water elevation of the lake, stream, pond or other water course.
- (11) Identification of proposed improvements such as grading, paving, installation of facilities, including water and sewage disposal facilities, if applicable, and dedications or reservations of land which the subdivider proposes to make and shall indicate when the improvements will be provided.
- (12) Any proposed restrictive covenants for the land involved.
- (13) Approximate radii of all curves of existing or proposed roads or cul-de-sac in the proposed subdivision and surrounding areas.
- (14) Affidavits: The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with these regulations.
- (15) Soil testing: Soil tests shall be required where the subdivision will not be served by public sanitary sewers and is required by State Statutes or the Plan Commission, Town Board, or county planning agency, and shall be shown upon the preliminary plat or filed separately indicating, among other things, the location of each hole and the percolation and a certification of the date and results.

4.4 Final Plat Review

- a. Submission. The final plat and such copies thereof as shall be required shall be submitted to the Plan Commission within six (6) months of the approval of the preliminary plat. However, if approval of the preliminary plat must be obtained from another approving authority subsequent to approval by the Town, the final plat shall be submitted within six (6) months of such approval. The Town Board may waive failure to comply with this requirement.
- b. Town Board Approval. The Plan Commission shall refer the final plat with its recommendations to the Town Board within sixty (60) days of its submission unless the time is extended by the Board. The Board shall approve or reject the final plat within sixty (60) days of its submission to the Plan Commission, unless the time is extended by agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the Town Board meeting and a copy thereof or a written statement of such reasons shall be supplied the subdivider.
- c. Substitute Copies.
 - (1) If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Board will be inscribed on the original of the final plat, the surveyor or the subdivider shall certify the respects in which the original of the final plat

differs from the true copy, and all modifications must be approved. The subdivider shall send a copy of the final plat to each affected utility to make any necessary changes in the utility easements shown on the preliminary plat.

- (2) The subdivider shall provide sufficient copies of the plat at the request of the Town Board, Plan Commission or County Planning and Resource Department for distribution to various affected agencies and utility companies.
- (3) The final plat shall be accompanied by detailed construction plans of all improvements to be provided by the subdivider.

4.5 Recording Final Plat

The approved final plat shall be recorded in accordance with the requirements of Wis. Stat. § 236.25 before lots are sold and within six (6) months of the first approval.

4.6 Final Plat Requirements

a. The proposed subdivision shall conform to:

- (1) The preliminary plat as approved and to the requirements of all applicable ordinances and State laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Wis. Stat. § 236.12.
- (2) The provisions of Chapter 236, Wisconsin Statutes.
- (3) All applicable ordinances of the Town.
- (4) The comprehensive plan, the master plan or official street map of the Town of Sheboygan or any municipality having official extraterritorial jurisdiction over part or all of the Town.
- (5) Lot size and lot elevation if the subdivision is not served by a public sewer and provisions for such services have not been made, except where the Town has placed greater restrictions on the size and elevation of the lot.
- (6) The rules of the State Department of Transportation relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts on a state trunk highway or connecting street.

4.7 Plat Data

The final plat shall exhibit on its face, among other things, the following information:

- a. Primary control points or ties to such control points to which all dimensions, angles and bearings of the plat shall be referred.
- b. Exact dimensions and bearings of all boundary lines of the whole tract and of each lot within the tract to be subdivided.
- c. Name, exact right-of-way width, and exact centerline and arc length and bearing of every street included in the subdivision.

- d. Location, dimension and purpose of each easement.
- e. Identification number of every lot and block of the subdivision.
- f. Setbacks or building lines required by the Plan Commission.
- g. All reserved lands for future public acquisition or for common use of the property owners within the subdivision.
- h. All special restrictions, or directives required or dictated by the Plan Commission relating to access, utilities, or landscaping.
- i. Title, scale, north indicator, location plan, date and surveyor's certification.
- j. Detailed construction plans of all improvements to be provided by the subdivider.

4.8 Deed Restrictions

The Town Board may require that deed restrictions be filed with the final plat.

4.9 Certification

The surveyor shall certify on the plat that he has fully complied with all provisions of these regulations.

SECTION 5.0

REQUIREMENTS

5.1 Streets

- a. All streets shall be of the width specified on the official map or, if no width is specified there, the width shall be determined by the Town Board and shall not be less than sixty-six (66) feet.
- b. Grades. Streets shall not exceed six percent (6%) unless necessitated by topography and approved by the Town Board.
- c. Alignment and Visibility. Clear visibility, measured along the centerline, shall be provided for at least three hundred (300) feet on major streets, and one hundred (100) feet on minor streets.
- d. Street Names. New street names shall not duplicate the names of existing streets, and shall be approved by the Town Board, but streets that are continuations of others already in existence and named shall bear the name of existing streets.
- e. Cul-de-sac, or dead end streets, designed as permanent installation shall not be longer than five hundred (500) feet in length, except where at the discretion of the Town Board topographical or particular conditions warrant an extension. All permanent cul-de-sac streets shall terminate in a circular turn around having a minimum diameter of one hundred (100) feet.
- f. Intersection.
 - (1) Street shall intersect as nearly as possible at right angles and their alignment shall be continuous, and street jobs or off-center intersections shall be avoided.

- (2) Not more than two (2) streets shall intersect at one point unless approved by the Town Board.
 - (3) Property lines at street intersections shall be rounded with a radius of twelve (12) feet or of a greater radius where the Town Board considers it necessary.
 - (4) Street jogs with centerline off-sets of less than one hundred twenty-five (125) feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.
- g. Alleys. Alleys shall not be allowed in the Town of Sheboygan.
- h. Half Streets. Half streets shall be prohibited, except where the Town Board finds it reasonable and practical to require the dedication of the other half when the adjoining property is subdivided or will soon be subdivided.

5.2 Easements

- a. Easements across lots or centered on rear or side lot lines shall be provided for the installation of utilities where necessary and shall be at least twelve (12) feet wide and such easements shall be continuous from block to block. When an easement is centered on a rear or side lot line, the width of the easement in each lot can be added together to meet the width requirement.
- b. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

5.3 Blocks

- a. The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated. Block lengths in residential areas shall not be more than one thousand five hundred (1500) feet, nor less than two hundred seventy (270) feet between street lines. Pedestrian crosswalks or not less than ten (10) feet wide may be required by the Town Board through the center of blocks more than nine hundred (900) feet in length where deemed essential to provide circulation and access to community facilities.
- b. Blocks should have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate traffic from residential development.
- c. Pedestrian ways of not less than six (6) feet in width may be required where necessary in the opinion of the Town Board to provide pedestrian access to schools, churches, shopping centers or other such facilities, requiring increased pedestrian circulation.

5.4 Lots

- a. In General. The size, shape and facing of lots in the minimum building setback line shall be appropriate for the topography of the subdivision and for the type of development and use contemplated, and shall conform to the Town zoning ordinance.\

- b. Lot Dimensions. Lot dimensions shall conform to the requirements of the zoning ordinance.
- c. Corner Lots. Corner lots shall have added widths so as to provide satisfactory setback requirements from both streets.
- d. Access to Public Street. Every lot shall front or abut on a public street.
- e. Lots at Right Angles. Lots at right angles to each other should be avoided wherever possible, especially in residential areas.
- f. Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.
- g. Large Lots. In case a tract is subdivided into parcels containing one or more acres, such parcels shall be arranged to allow the resubdivision of any parcels into normal lots in accordance with the provisions of this ordinance.
- h. Municipal Boundaries. Lots shall follow municipal boundary lines whenever practicable, rather than cross them.
- i. Double frontage and reverse frontage lots shall be avoided, except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

5.5 Hillside Development Streets

Street grades of over six percent (6%) shall be given special consideration. Such plans shall include street profiles and plans showing cuts, fills, construction, and other pertinent data. The following considerations shall be included:

- a. Excessive cuts in ridges or excessive fills in valleys shall not be allowed.
- b. Water runoff ditches shall be adequately designed and paved where required to serve as drains, rock catches, bicycle lanes or walks. Such surfaces shall be at least two and one-half (2-1/2) feet wide and shall be widened intermittently for emergency turnoffs.
- c. Retaining walls shall be installed where necessary.
- d. All banks, cuts and fills shall be planted with erosion retardant cover. Hill slopes exceeding grades allowed by these regulations for building development shall be presented for special study, when such development is not in contradiction to the comprehensive plan, master plan or official street plan. Such proposals should be accompanied by detailed plans prepared by a competent engineer, architect, or planner for a logical, workable development of problematic areas.

5.6 Public Sites and Open Spaces

In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for public schools, parks, playgrounds, drainage ways, and other public purposes. If the design on the comprehensive plan, master plan, plan component or neighborhood development plan, such areas shall be made part of the plan as stipulated in Section 4.5, a., (4), of these regulations. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees or foliage, lake frontage, and other such aesthetically valuable natural or man-made features.

5.7 Shared-USP Paths
2/26/08 Ord. - 2007/2008 Attached.

AN ORDINANCE AMENDING SECTION 7.02 OF THE
MUNICIPAL CODE OF THE TOWN OF SHEBOYGAN,
SHEBOYGAN COUNTY, WISCONSIN, CONCERNING
REGULATIONS OF SUBDIVISIONS (SHARED-USE PATHS)

WHEREAS, the Town Board of the Town of Sheboygan does declare its intent to promote bicycling, walking, jogging, roller-blading, and similar non-motorized activities as healthy and environmentally friendly forms of recreation and transportation; and

WHEREAS, requiring the construction of bicycle and pedestrian paths within and between new residential subdivisions, roadways, and other development would promote pedestrian and other non-motorized forms of recreation and general transportation; and

WHEREAS, the Town Board has determined that amending the Town's General Code of Ordinances accordingly would promote the public health, safety, welfare, and convenience of the Town and its inhabitants;

NOW, THEREFORE, the Town Board of the Town of Sheboygan does hereby ordain as follows:

Section 1. Amending Code. Section 7.02 of the Municipal Code of the Town of Sheboygan entitled "Regulation of Subdivision and Platting of Land" is hereby amended to read as follows (additions indicated by underscoring; deletions indicated by ~~strikeouts~~):

2.0: DEFINITIONS

2.26 SHARED-USE PATH

A path of asphalt, crushed limestone, or similar hard surface for use by pedestrians and non-motorized vehicles such as bicycles, skateboards, and rollerblades.

5.0: REQUIREMENTS

~~5.7 SHARED-USE PATHS~~

The layout of subdivisions shall provide for the installation and connection of current and future shared-use paths to serve the needs of pedestrians, bicyclists, and similar non-motorized travelers within, to, from, and through the proposed subdivision, to provide adequate circulation or access to schools, commercial centers, churches, places of employment, and recreational facilities, as determined by the Town Board upon the recommendation of the Plan Commission.

SECTION 6.0

REQUIRED IMPROVEMENTS

6.1 SURVEY MONUMENTS

The subdivision shall be monumented as required under Wis. Stat. § 236.15, which is hereby adopted by reference.

6.2 Required Installations

Before the final plat of the subdivision located within the Town of Sheboygan will be approved, the subdivider shall provide and dedicate the following facilities and improvements according to standards established by the Town Board, all of which facilities and improvements must be installed within the time required by the Town Board, but in no event exceed two (2) years:

- a. Water and Sewage. Water, sanitary and storm sewer mains and laterals installed to the lot line in those cases where the subdivision has been designed to be served by such utility systems, where connections can be reasonably provided to existing systems or to systems to be constructed in the reasonably near future, and where the installation of such facilities is deemed necessary by the Town Board.
- b. Streets. Streets shall be graded and surfaced according to established standards of the Town of Sheboygan. (See Streets Graded and Surfaced, Section 3.01, Municipal Code of the Town of Sheboygan.)
- c. Sidewalks. Sidewalks where deemed necessary by the Town Board and curb and gutter or such other facilities necessary to provide adequately for surface water drainage as directed by the Town Board.
- d. Street Trees. The subdivider shall provide, when directed by the Town Board, for the planting of street trees on both sides of the roadways. Such trees shall have a trunk diameter of not less than one and one-half (1-1/2) inch at a point one foot above the root system. The planting plan, species and quality of trees to be planted by the subdivider shall be approved by the Town Board.
- e. Fire Cisterns. Where public water is not provided and where deemed necessary for the public safety, fire cisterns may be required to be provided. The necessary number, size and location of which shall be determined by the Town Board upon recommendation of the Fire Chief. A paved roadway providing reasonable access to such cisterns shall also be provided.
- f. Erosion Control. All open cuts of ground shall be returned in a satisfactory manner. Sod shall be provided for any open cuts subject to excessive erosion, which sod shall be laid in strips at intervals and at right angles to the flow of the water in order to prevent erosion.
- g. Street Lights. Where deemed necessary for public safety, the provision of street lights may be required, the necessity, location, and type of which shall be determined by recommendation of the Plan Commission and approval of the Town Board.
- h. Storm Drainage. Storm drainage facilities where needed shall be designed to permit the unimpeded flow of natural watercourses; insure the drainage of all points along the line of streets and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and preventing excess runoff on adjacent property. The Town Board may require that easements or drainage ways of widths sufficient to accommodate present and future storm water runoff be provided.

i. Other Utilities. The subdivider shall cause electric power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such service lines shall be allowed above ground unless due to exceptional topography or other physical barriers the Town Board deems it impractical to so construct same. Plans indicating the proposed location of all utility distribution lines required to service the plat shall be approved by the respective utility agencies and the Town Board.

j. Street Landscaping. Screen planting strips, and open space planting shall be accomplished by the subdivider as required by the Town Board.

k. *shared-use paths - Adopted 2/26/08 Ord. No. - 2007/08 Attached*

6.3 Security for Improvements

a. In the event the aforesaid facilities and improvements have not been fully installed at the time the plat is submitted for final approval, the subdivider shall either:

(1) File with the Town Clerk a surety bond approved by the Town to amply cover the cost of completing said facilities and improvements, in such an amount as the Town Board shall determine to be adequate, which surety bond shall be executed by the subdivider as principal and a responsible bonding company duly licensed and authorized to do business in the State of Wisconsin as surety, the same to be payable to the Town of Sheboygan and to be conditioned upon the faithful performance and payment of any and all work to be performed by the subdivider pursuant to this ordinance; or,

(2) Submit contracts for the installation of said facilities and improvements which contracts shall first be approved by the Town Board and the performance of said contracts be secured by performance and payment bonds of the contractors. Said bonds shall be filed with the Town Board and approved by the Town Attorney, in such an amount or amounts as the Town Board shall determine to be necessary and adequate to complete all of said facilities and improvements. Each bond shall be executed by the contractors as principal and a responsible bonding company duly licensed and authorized to do business in the State of Wisconsin, as surety. Said bond shall be payable to the Town of Sheboygan, and shall be conditioned upon the faithful performance and payment of any and all work required by this ordinance to be performed by said contractors.

b. The adequacy of such facilities and improvements and their proper installation shall be subject to approval of the Town Board.

c. In all instances where it shall appear to the satisfaction of the Town Board of the Town that the whole of a platted subdivision cannot immediately be fully improved with respect to the installation of all storm and sanitary sewers and related facilities, water mains and related facilities and street improvements, by reason of unavoidable delay in the acquisition of lands necessary for such improvements or by reason of the unavoidable delay in obtaining necessary engineering data and information or for other good reason or cause, the Town Board may, in its sole discretion, authorize the subdivider to proceed with the installation of improvements required under this ordinance on a portion or part of said subdivision. In such event, the requirements of this ordinance shall apply to that portion, or part thereof, authorized for immediate improvement.

6.0: REQUIRED IMPROVEMENTS

6.2 REQUIRED INSTALLATIONS

~~(K) Shared-use Paths~~ Shared-use paths shall be required within subdivisions, between subdivisions, and between subdivisions and other areas, subject to the following standards:

1. Right-of-way width of at least twenty (20) feet.
2. A paved lane of asphalt, crushed limestone, or similar hard surface at least ten (10) feet wide on top of a prepared and compacted base, with a five (5) foot buffer on each side.
3. Paths in wooded and wetland areas shall be designed and constructed so as to minimize the removal of vegetation and to preserve the natural beauty of the area.
4. Any portion of the site that abuts a highway, an arterial street, or a collector street may require a shared-use path adjacent to the roadway; however, paths which are extensions of the roadway pavement are not to be for pedestrian use, and must be at least five (5) feet wide.
5. Signage shall be installed according to standards and specifications established by the Town Board.

Section 2. Severability. Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. The herein Ordinance shall take effect upon posting or publication.

Enacted this _____ day of _____, 2008.

TOWN OF SHEBOYGAN

By _____
DANIEL W. HEIN, Chairperson

SECTION 7.0

DEDICATION AND RESERVATION OF LAND

7.1 Streets

Whenever a tract of land to be subdivided embraces all or any part of any street, drainage way or other public way, said public way shall be made part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated by the Town Board or City Master Plan.

7.2 Parks and Open Space

All subdividers shall dedicate to the Town of Sheboygan an area at least five percent (5%) of the total area of the subdivision for parks playgrounds, public access and open spaces, or an amount equal to five percent (5%) of the total market value of said subdivision after platting:

- a. The Plan Commission may recommend that the Town Board of the Town of Sheboygan shall require at its choice dedication or contribution.
- b. That said dedicated area dedicated and reserved for future public use such as parks, playgrounds, and public access, may be used for such purposes upon the direction of the Town Board.
- c. That funds paid in lieu of said dedication or upon sale of any dedicated land under this section shall be placed in a special park and open space fund for future public use such as parks, playgrounds, public access and open spaces.
- d. The total market value after platting shall mean the market value of the land as divided into lots, including required improvements.

7.3 Lake Access

Subdivisions abutting on a navigable lake or stream shall, according to the provisions of Wis. Stat. § 236.16(3) and the provisions of this ordinance provide public access at least one hundred (100) feet wide to the low watermark so that there will be public access to fifty (50) acres or larger bodies of water, which is connected to existing public roads, at not more than one-half mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the Department of Natural Resources, County Planning Agency, Town Board, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. Public access to navigable bodies of water fifty (50) acres or less in size may provide, at the discretion of the Town Board or the County Planning Agency, an access less than one hundred (100) feet wide based upon the size and quality of the body of water and the space available for access.

7.4 Flood Plain

The lands lying between the meander line established in accordance with Wis. Stat. § 236.20(2)(g) 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, outlots 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 subdivider or in which the holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

7.5 Reservation of Land

Whenever a proposed playground, park, school site or other public land, other than streets or drainage ways, designated on any comprehensive plan, master plan or official map or other official planning document is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be made part of the plat and shall be dedicated to the public or reserved for periods not exceeding three (3) years, unless extended by mutual agreement, for acquisition by the government at undeveloped land cost. When the size of the tract being subdivided is large enough in the opinion of the Town Board to necessitate a percentage of public land as part of a plat for convenience and pleasure of the public, said dedication shall be effective as a requirement for plat approval.

7.6 Sales of Lands Abutting on Private Way

No person shall sell any parcel of land of five (5) acres or less in size, located outside the corporate limits of a municipality, if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town or county.

SECTION 8.0

CONSTRUCTION

8.1 Commencement

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved.

8.2 Building Permits

No building permit shall be issued for erection of a structure on any lot of record until all the requirements of these regulations have been met.

SECTION 9.0

PENALTY

9.1 Penalty

Any person, firm or corporation who fails to comply with any provision of this ordinance shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00), no more than Two Hundred Dollars (\$200.00), together with the costs of prosecution for each violation and in default of payment thereof, shall be imprisoned in the County Jail of Sheboygan County, Wisconsin, until payment of such forfeiture and costs, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense. In addition, the remedies provided by Wis. Stat. §§ 236.30 and 236.31 shall be available to the Town.

SECTION 10.0

SEVERABILITY

10.1 Severability

If any section, subsection, paragraph, clause, or provision of this Ordinance would be adjudged invalid, such adjudication shall apply only to the section, subsection, paragraph, clause or provision involved, and the remainder of this Ordinance shall remain valid, effective, and in full force.

CHAPTER 7: ZONING AND SUBDIVISION CODE
PART 7.03: Certified Survey Approval Procedure

(1) **Approval of Other Authorities.**

Prior to submitting a certified survey map for approval, the subdivider shall obtain approval from all other approving or reviewing authorities.

(2) **Plan Commission Review.**

Upon receipt of a certified survey map and the applicable fees indicated in the Town's Fee Schedule (Section 11.05 of the Municipal Code) the Town Clerk shall schedule the map on the next available Plan Commission meeting agenda for its review and consideration. No more than forty (40) days after the filing of a map, the Plan Commission shall recommend to the Town Board that the map be approved, conditionally approved, or rejected.

- (3) **Board action.** The Town Board shall, after receipt of the Plan Commission's recommendation and within sixty (60) days of the date the map was filed, unless the time is extended by agreement with the subdivider, approve, approve conditionally, or reject such map and shall state, in writing, conditions of approval or reasons for rejection. Failure of the Board to timely act shall constitute an approval of the map, unless other authorized agencies object to the map. The Town Clerk shall communicate to the subdivider the action of the Town Board. If the map is approved, the Town Chair shall endorse it for the Town Board.

No changes required to subsections (4) to (6).