

ORDINANCE NO. _____-2006

**AN ORDINANCE CREATING THE LAND DIVISION/SUBDIVISION
ORDINANCE OF THE TOWN OF SHERMAN**

The Town Board of the Town of Sherman, Sheboygan County, Wisconsin do ordain as follows:

Section 1.00 Introduction

1.01 Authority

Authority for this Ordinance is 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.

1.02 Reserved

1.03 Purpose

It is the purpose of this Ordinance:

- To protect the public health, safety, convenience, and general welfare of the Town of Sherman and its residents;
- DELETED: To encourage planned and orderly land use and development, while protecting property values and the property tax base;
- *To honor the vision of the Comprehensive Plan to maintain open spaces and scenic views by emphasizing agricultural areas surrounding small villages;*
- 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 flows and runoff following land development;
- To protect the beauty and amenities of the landscape and manmade developments;
- To promote the efficient and economical use of public funds; and,
- To conserve the value of the buildings placed upon land while providing the best possible environment for human habitation and encouraging the most appropriate use of land throughout the Town of Sherman.

1.04 Severability and Non-Liability

If a court of competent jurisdiction adjudges any portion of this Ordinance to be 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 Town and thereby asserts that there is no liability on the part of the Town Board, its agencies, officials, agents 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 Town inconsistent or conflicting with this Ordinance are hereby repealed to the extent of inconsistency or conflict only.

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 Sherman Board and publication and/or posting as required by law.

Section 2.00 General Provisions

2.01 Jurisdiction

This Ordinance shall apply in all lands within the limits of the Town of Sherman.

2.02 Land Divisions Not Covered by This Ordinance

This Ordinance shall not apply to divisions of tracts of land into fewer than five parcels if one or more of the following applies:

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 parcels or fewer.
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 title to joined lands merge by specific deed language, a certified survey map shall not be required.
4. A division of land resulting in parcels equal to or greater in area than a quarter-quarter section.
5. Cemetery Plats pursuant to sec. 157.07, Wis. Stats., and Assessor's Plats pursuant to sec. 70.27, Wis. Stats.
6. Conversion of the form of ownership of existing parcels into condominiums or cooperatives.

2.03 Re-division of Recorded Land Divisions

Any re-division of a recorded Land Division that ultimately results in the creation of five 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 by certified survey map.

2.04 Ownership

Lots, tracts or parcels shall be deemed to be in the same ownership when owned by the same individual person, corporation or other entity, or by different persons, corporations or other entities which have substantially identical ownership or identity of interest. Examples of substantially identical ownership or identity of interest include but are not limited to:

- Ownership of one parcel by a person, and ownership of the other parcel(s) by a corporation, partnership or LLC owned by or controlled by the first person.
- Ownership of one parcel by a person, and ownership of the other parcel(s) by a spouse, parent, child, grandchild, sibling, or other person closely related by blood or marriage, or an entity controlled by one of the foregoing.
- Ownership of one parcel by a person, and ownership of the other parcel(s) by a person who is an employee of the first person.

Lots, tracts or parcels which are bisected by a public road or by navigable water shall be considered to be divided into separate lots, tracts or parcels.

Conveyances of land within an approved business park or to a governmental agency, public entity, or public utility shall be accomplished by certified survey map regardless of the number of parcels.

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. The rules and by-laws of the Department of Regulation and Licensing.
6. Local comprehensive plans or comprehensive plan components.
7. The official map of the Town of Sherman.
8. All other applicable state, county and local ordinances and regulations.

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 a provision of this Ordinance shall upon conviction thereof forfeit to the Town of Sherman a penalty for each violation of not less than \$50 and not more than \$500 plus the costs of prosecution (including actual attorneys fees), and in default of payment shall be imprisoned in the County Jail until paid but not exceeding 30 days. Each day a violation continues shall constitute a separate offense.

2.08 Appeals

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom as provided in section 62.23(7)(e) 10., 14. and 15., Wis. Stats., within 30 days of notification of the rejection of the plat.

2.09 Review Fees

Prior to receiving Commission review of and recommendation on a preliminary plat, certified survey map, or planned unit development, the land divider shall submit to the Town of Sherman a fee that shall be set by the Town Board by resolution.

Section 3.00 Dedications and Reservations

3.01 Dedication of Lands

1. Streets and Public Ways

Whenever a parcel of land to be divided contains all or part of a street, highway, drainage way, other public way, or public access to a navigable waterway, such public way or access shall be made a part of the plat or survey map and dedicated or reserved by the land divider in the location and dimensions indicated, unless otherwise provided herein.

2. Parks, Open Space, Walkways and Buffers

In fulfilling the obligations under this section, the land divider shall utilize design practices consistent with conservation planning principles, to the extent required by the Town Board. The land 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 **no less than one-tenth (.10) of an acre per dwelling unit site**. In lieu of public land dedication, the land divider may provide the required amount of park or open space area through a homeowners' association, **common** condominium association, **common ownership, land trust**, or similar donee, providing such measure assures proper continuing maintenance of the area and is approved by the Town Board.

The land divider may request that the Town waive the requirement for dedication of land for parks or open space, and the Town may agree to waive the requirement 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. If the land divider accepts the Town's waiver of land dedication, the land divider shall pay at the time of Town approval a fee that shall be set by the Town of Sherman per dwelling unit for undeveloped lots. 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, development and maintenance of land for public recreation, conservation or open space purposes.

3.02 Reserved.

3.03 Floodplains, Waterways, 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, such floodplains, **waterways** and wetlands shall be made a part of the plat. Floodplains, **waterways** and wetlands included within a subdivision plat shall be included within lots or outlots, or shall be reserved in perpetuity for the recreational use of the future residents of the land to be divided, if approved by the Town Board.

3.04 Reserved

3.05 Reserved

Section 4.00 Improvements

4.01 Improvements

Prior to review and recommendation by the Commission of a preliminary plat or certified survey map, the Town Board and the land divider shall enter into a Developer's Agreement as described below. Prior to approval of a final plat or certified survey map, the land divider shall furnish and install such of the following improvements as may be required by the Town Board, at the sole expense of the land 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 Town may agree as part of the Developer's Agreement to permit the land divider to furnish and install the required improvements at a later date. In that case, the Agreement shall require the filing of a performance bond, certified check, certified letter of credit, sufficient collateral, or other acceptable surety with the Town, assuring that the land divider will cause construction of the required improvements within the time period specified. The amount of the bond or value of other acceptable surety shall be at least 110% of the Town's estimated costs of the improvements. The bond or other surety instrument shall also secure all lot improvements on individual lots as required in this Ordinance.

1. Survey Monuments

The land divider shall install survey monuments placed in accordance with the requirements of Section 236.15, Wis. Stats., utilizing the Sheboygan County Coordinate Monument System.

2. Grading and Surfacing

The land 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 land 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 land divider shall finish grade all shoulders and ditches, and install all necessary culverts and other storm and surface water drainage structures or systems to achieve positive drainage away from buildings and service facilities and to prevent erosion and sedimentation.

3. Curb and Gutter

The Town board may require 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 a concrete sidewalk on one side of all frontage streets and on one or both sides of all other streets within platted subdivisions, and/or bike lane/pedestrian walkway on both sides of all streets in the subdivision. Wider than standard sidewalks may be required in the vicinity of schools, commercial areas, and other places of public assemblage, or where joint pedestrian/bicycle use thereon is deemed desirable; and the Town may require the construction of sidewalks in locations other than required above if such walks are necessary, in the Town's opinion, for safe and adequate pedestrian or bicycle circulation.

5. Street Lamps

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

7. Street Trees

The Town may require the land divider to plant at least one 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.

8. Public Sewage Disposal Facilities

If the Town determines that public sewer facilities are available, the land divider shall construct sanitary sewerage facilities to make sewer service available to each lot. 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 Town may require the installation and capping of sewer laterals for future connection.

9. Private Sewage Disposal Facilities

If the Town determines that public sewer facilities 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. Cluster or other common sewage collection and disposal systems may be designed by the land divider and may be installed with the express consent of the Town Board 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.

10. Water Supply Facilities

When public water supply and distribution facilities in the opinion of the Town are available, the land divider shall cause such facilities to be installed to make adequate water service available to each lot. The Town shall review and approve the facilities in accordance with applicable codes and engineering practices. In the absence of public water supply and distribution facilities, private wells and water supply systems may be constructed to serve the individual lots. 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. **The Town Board may consider potential impacts on ground water resources and may require a hydrological study.**

11. Storm Water Management and Erosion Control Facilities

The land divider shall construct storm water management and erosion control facilities adequate to serve the subdivision or land division and which do not adversely affect adjacent lands.

12. Other Utilities

All new electric distribution lines (excluding lines of 15,000 volts or more), telephone lines from which individual lots are served, television cables, and other communication cables and lines within all newly platted subdivisions and land divisions shall be installed underground unless the Town Board determines that the location, topography, soil, stands of trees, or other physical barriers would make underground installation unreasonable or impractical. Associated equipment and facilities including but not limited to substations, pad-mounted transformers, switches, and pedestal-mounted terminal boxes may be located above ground. Costs for all utilities shall be borne by the developer. Utility easements shall be established on subdivision plats and certified survey maps.

13. Recreational and Open Spaces

The Town may require the land divider to dedicate and develop areas for recreational trails, parkland, and pedestrian access to adjacent lands, based upon the location, density, and neighboring uses of the land to be developed.

Section 5.00 Land Suitability

5.01 Land Suitability

No land shall be divided or subdivided for a use determined to be unsuitable by the Town Board 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 Town Board shall determine such unsuitability at the time the preliminary plat or certified survey map is considered for approval. The land divider shall furnish such maps and data as may be necessary to make a determination of land suitability. ***The land divider or his successor in interest shall be responsible for the cost of repair, correction and damage to preexisting drainage tiles or similar drainage systems that benefit other properties, and for damage from increased flow of surface water to other properties resulting from the development by the land divider.*** In addition to the data required to be submitted with the preliminary plat or certified survey map, the land divider 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 two 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 or waterway, 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 or waterway.
4. Such other data as may be required by the Town Board to ensure compliance with this and other ordinances.

5.02 Woodland Preservation

It is the policy of the Town of Sherman to preserve the environmentally sensitive or significant natural areas including natural forests and woodlands areas in the town, and to retain, as far as practical, substantial tree stands which should be incorporated into the site. Trees which are to be destroyed in the development process shall be identified in the required landscaping plan. Any trees not approved for destruction in the approved development or landscape plan, which are subsequently destroyed, shall be replaced with similar tree types no less than equal caliper up to 6 inch caliper.

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 Town Board 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 Town Board 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 Town Board 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 land divider an opportunity to present evidence and the means of overcoming such unsuitability, if he so desires. Thereafter the Town Board may affirm, modify, or withdraw its determination of unsuitability.

Section 6.00 Design Standards

6.01 Design Standards

1. Streets and Highways

- a. The land 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 Town 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 abut on a public street. The right-of-way width and building setback requirements of all limited access expressways, highways, and county trunk routes shall be determined by the Town Board 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 extension is not necessary or desirable for the coordination of the subdivision layout or for the advantage of 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 Town Board 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 Town Board 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.
- e. In (c) and (d) above, the Town Board may require 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 restriction lettered on the face of the plat: "This planting strip is reserved for the planting of trees and shrubs, and the building of all structures excepting public or private utilities structures thereon is prohibited."
- f. The number of streets converging at one intersection shall not exceed two.
- g. 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.
- h. Street jogs with centerline offsets of less than 150 feet shall be avoided.
- i. Where possible, lot lines shall be perpendicular to the street line and to the tangent at the lot corner of curved streets.
- j. A tangent of at least 100 feet shall be introduced between reverse curves on arterial and collector streets.
- k. 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.
- l. 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 Town Board.
- m. All street rights-of-way shall be of the width specified by comprehensive plans or official maps of the County or Town. If not specified therein, rights-of-way shall not be less than the width specified in the table below.
- n. The maximum street grade and the minimum radius of curvature on the centerline shall be as specified in the table below.

STREET WIDTH, CURVATURE AND GRADE STANDARDS

	Principal & Primary Arterials	Standard Arterials & Collectors	Local Streets	Marginal Access (frontage)
Minimum Right-of-Way Width (feet)	120	80	60	50
Radius of Curvature of Centerline (feet)	500	300	100	100
Maximum Grade	6%	8%	8%	8%

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

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

- o. 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).
- p. The use of cul-de-sacs or courts 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 or courts than by continuous streets.
- q. 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.
- r. Dead-end streets other than cul-de-sacs shall not be permitted.
- s. The platting of half-streets (streets with less than full right-of-way width) shall not be permitted.
- t. In commercial and industrial districts, alleys or the equivalent shall be provided 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.
- u. Street names
 - 1. The Town Board shall disapprove the name of any new street which is in use elsewhere in the Town. The Town Board may disapprove the name of any new street which is in use in a nearby community, or which may cause confusion because of similarity to the name of an existing street.
 - 2. Any street which is the continuation of an existing street shall bear the same name unless confusion would result.
 - 3. If the following street designations are utilized, the use shall be limited to the descriptions following:
 - 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 one block long, not ending in a cul-de-sac.
 - CIRCLE:** a cul-de-sac having nine or more lots.
 - COURT:** a cul-de-sac having eight or fewer lots.
 - PARKWAY:** a street abutting a park, 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.
- v. No person shall sell any parcel of land of 40 acres or less in size that does not abut a public road.

2. Utility Easements

Perpetual, unobstructed easements centered on rear lot lines of subdivisions and land divisions shall be provided for utilities. 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 land 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 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.
- 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 Town Board. 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.
- c. **Field tiles: The developer shall reconstruct, replace or re-route all farm drainage tiles encountered or damaged during subdivision construction to provide equal or better farm drainage. The developer shall provide a permanent record to the town of such reconstruction, replacement or re-routing.**

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 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 Town Board.
- 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 Town Board 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 Town Board 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 shall 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.
- 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. Excessive depth in relation to width (2:1 or greater) shall be avoided. 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. Lands lying between the meander line 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 parts of lots, outlots or public dedications in the plat. All lands under option to the land divider or to which the land divider holds any interest that abut the proposed subdivision and a lake or stream shall be included.

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 Sherman Zoning Ordinances.

7. Storm Water Management and Erosion Control Facilities.

The Town Board shall require the land 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. Facilities designed under this Section shall be of a type, size, and grade to hydraulically accommodate the maximum potential volumes of flow resulting from:

- 10 year, 3.8 inch, 24 hour, rainstorm if the drainage area is less than 25 acres, or
- 25 year, 4.4 inch, 24 hour, rainstorm if the drainage area is more than 25 acres.

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 Town Board 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 Town Board to serve tributary drainage areas lying outside of the subdivision, the costs of such 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, **rain gardens**, grading specifications, berms, etc., may also be required. 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 Town Board.

Section 7.00 Survey and Data Submission Requirements

1. Preliminary Plat.

A preliminary plat shall be prepared for all subdivisions by a land surveyor registered in this State. The plat shall be at a scale of not more than 100 feet to 1 inch and shall conform to the standards and specifications in Chapter 236, Wis. Stats., and shall utilize the Sheboygan County Coordinate System. The survey shall show the following:

- 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, land divider, and land surveyor preparing the plat.
- e. Entire area contiguous to the proposed plat owned or controlled by the land divider, even though only a portion of said area is proposed for immediate development.
- f. Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a comer established in the Sheboygan County Coordinate 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 significant features.
- 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 Town Board.
- t. Where the Town Board finds that it requires additional information relative to a particular problem presented by a proposed development to review the preliminary plat, it shall request such information from the land 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, Wis. Stats.

Where the Town Board 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 request such information from the land 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 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-divided 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, Wis. Stats.

Section 8.00 Review and Approval Procedures

8.01 Review and Approval Procedures

1. Pre-Application Procedure.

Prior to the filing of an application for approval of a preliminary plat or certified survey map, the land divider shall consult with persons designated by the Town and all affected utilities for assistance and advice regarding site suitability and general requirements, and with the County Land Conservation Department to obtain planning assistance to avoid potential soil erosion and sedimentation problems.

The Town shall retain the services of an independent professional engineer as well as its legal counsel for purposes of review and approval advice and the expenses of such professionals shall be paid by the land divider in accordance with the Town’s recoupment of professional fees ordinance.

a. Conceptual Plan

A sketch/conceptual plan of the proposed 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;
- All contiguous property owned or controlled by the land divider; **and,**
- **Landscape plans**

2. Preliminary Plat Procedure.

a. Land divider Submittals: Prior to submitting a final plat for approval, the land divider shall prepare a preliminary plat and a letter of application for Town Board approval. The preliminary plat shall be prepared in accordance with this Ordinance. The land 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 Town Board. Preliminary plats shall be submitted by the land 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 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 Commerce 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

Sherman 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

Within 20 days after receiving their copies of the preliminary plat, the agencies above shall notify the Town and the land divider of any objections. If an agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

Within 90 days of the date of filing the preliminary plat, the Town Board shall take action to approve, approve conditionally, or reject the preliminary plat, unless the time is extended by agreement with the land divider, based on its determination of conformance with the provisions of this Ordinance. One copy of the plat shall thereupon be returned to the land 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 land divider. Failure of the Town Board to act within 90 days of the date of filing, or agreed extension thereof, constitutes approval of the preliminary plat. 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, the final plat is entitled to approval. Plats that are not being processed under Section 236.12(2), Wis. Stats., may be reviewed under this Ordinance on the basis of any material that is capable of clearly legible reproduction.

- b. **Town Board Submittal:** The Town Board shall, within 20 days of receipt, forward one copy of the plat to the County Land Conservation Department for its review and recommendations pursuant to Sections 4.01 (3) and (8) of this Ordinance. One copy of all plats abutting or adjoining county trunk highways shall be submitted by the Town Board 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 Town Board 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 land 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 Town Board (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 Town Board 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 land 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 land 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 Town Board shall, within 60 days from the date received, approve or reject such plat unless the time is extended by agreement with the land divider. If the plat is rejected, the reasons shall be submitted in written form to the Department of Development and the land divider. Failure of the Town Board to act within 60 days shall be deemed approval of the final plat and a certificate to that effect shall be made on the face of the plat. Approved final plats shall be recorded with the Sheboygan County Register of Deeds in accordance with requirements of Section 236.25, Wis. Stats., before lots may be sold.

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 land divider 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 Sections 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 Sherman 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 Town Board and subsequently recording with the Sheboygan County Register of Deeds, a certified survey map which complies fully with Section 236.34, Wis. Stats., and with all applicable requirements contained in this Ordinance.

Two duplicates of the final certified survey map shall be submitted to the Town Board by the land divider or his agent.

Following review by and recommendation from the Commission, which shall occur within 30 working days from the date of filing of the map, the Town Board shall within 30 working days thereafter (unless the time is extended by agreement with the land divider) 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 land divider or his agent. If the map is approved, the Town Board shall

so certify on the face of the original map and return the map to the land divider or his agent.

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

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 Town Board 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 Town Board; or,
- c. The lots are being created for land conveyance purposes only. In this instance, upon the certified survey map the land divider shall have prominently placed a restrictive covenant prescribed by the Town Board.

One copy of all certified survey maps abutting or adjoining county trunk highways shall be submitted by the Town Board to the County Surveyor/Highway Engineer for review and comment. Within five working days, he or she shall notify the Town Board 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 Sections 236.20(2)(a), (b), (c), (e), (f), (g), (i), (j), (k), and (1), Wis. Stats. at a scale of not more than 500 feet to 1 inch. The map, with at least 12 copies for filing with the Town Board, 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, Wis. 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), Wis. Stats.
- l. Where the Town Board 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 land 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. 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. Objectives include:

- a. To encourage developers to use creative and imaginative approaches;
- b. To promote development that enhances energy efficiency;
- c. To encourage integration of compatible residential and non-residential uses;
- d. To encourage the provision of recreational facilities, open spaces, and buffer yards;
- e. To preserve 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 unique approaches to architectural design; and,
- h. To promote greater efficiency in providing public and utility services.

2. Submittal Requirements.

In addition to the submittal requirements for conventional subdivisions, planned unit development proposals shall also include:

- a. A written statement of intent containing the major planning assumptions and objectives of the proposed development and the benefits that will accrue to the community;
- 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, mass transit) by type, and how systems correlate with existing networks outside of the site; and,
- f. Any other plans and supporting information deemed necessary by the Town Board.

3. Design.

The developer 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, Wis. 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 without adequate safeguards approved by the Town Board.

The site shall 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 Developers Agreement must be executed between the land divider and the Town Board.

Parking areas shall be arranged to prevent through traffic to other parking areas, to be screened from adjacent development and roads, to be adequately lighted, and to be graded and drained to properly dispose of surface waters.

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 development, 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, the term "maximum number of dwelling units" shall substitute for the term "maximum number of lots".)

5. Permitted Uses.

Customary residential uses in planned unit developments may include detached and semi-detached single-family, and attached multi-family residential buildings, and their accessory structures, **as permitted by the Zoning Ordinance.** Recreational, commercial, and quasi-public or institutional uses may be included. No category of use is specifically excluded, but each use shall be judged on its compatibility and consistency with the objectives of this Section. The Town Board shall approve all uses proposed in a planned unit development **and such uses must be consistent with the Town of Sherman Zoning Ordinance.**

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 group, (2) by conveyance in fee simple of an equal, undivided interest in common to each lot owner, or (3) by dedication to the Town. Any conveyance or change of ownership of any lot shall convey with it ownership in the common property. No lot owner may convey his interest in the common property except in conjunction with conveyance of ownership of a platted lot. Lands dedicated to the public must be accepted by action of the Town. The care and maintenance of 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 Town, or by agreement with the Town for establishment of a special service district for the development area. All streets within the 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 Town if the development provides for separation of motorized traffic and pedestrian and bicycle circulation, and if off-street parking is deemed to be adequate.

7. Expansion.

Any expansion of a planned unit development by adding units and/or by adding property shall meet the requirements of this Section and Sections 703.26(2)(a), (1)), and (c), Wis. Stats.

8.03 Plans, Maintenance, and Inspection

1. Plans.

The Town Board 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, caliber, 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 Town may accept certain systems for Town maintenance. The Town Board shall expressly approve the selection of critical areas and/or structures to be maintained by the Town. All areas and/or structures to be maintained by the Town must be dedicated to the Town by plat or separate instrument and accepted by the Town Board. The Town 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 Town Board 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 Town Board, 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 land 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 Town Board 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 Town Board were refused entry after presentation of proper identification, it may procure a special inspection warrant in accordance with Chapter 968, Wis. Stats., except in cases of emergency.

Section 9.00 Definitions

9.01 Definitions

In this Ordinance, the present tense includes the future; the singular number includes the plural; and the plural includes the singular. The word "shall" is mandatory and not directory.

BLOCK

A tract of land bounded by streets or by a combination of one or more streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines, 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, Wis. Stats., and in full compliance with the applicable provisions of this Ordinance.

COMMISSION

The Plan Commission of the Town of Sherman.

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 adopted by the Town of Sherman for guiding and shaping the protection and development of the Town. A comprehensive plan may be referred to as a master plan, long range plan, or smart growth plan. Components of a comprehensive plan include tools for implementation and enforcement, including zoning, official maps, land division ordinances, public safety programs, public services, and capital improvement programs.

CONDOMINIUM

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

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION

That part of the Town within 1 1/2 miles of a fourth class city or a village, if such municipality has taken action to implement extraterritorial plat approval.

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 DIVIDER

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

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 40 acres or less and equal to or larger than 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 Town and/or other 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 outlot may not be used as a building site unless the deficiencies that rendered it unbuildable are cured. An outlot may be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions or land divisions in the future for the purpose of creating potentially buildable lots. An outlot may be conveyed regardless of whether it may be used as a building site.

PERSON

An individual, group of individuals, partnership, firm, LLC, 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 outlot 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, and which serve to collect traffic from lower-volume local 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 abutting development.
5. Alleys
Special streets affording only secondary access to abutting properties.
6. Cul-de-sac Streets
Streets closed at one end with a turn-around bulb provided.
7. Dead-end Streets
Streets closed at one end without a turn-around bulb.

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 land divider.

TOWN

The Town Board of the Town of Sherman, 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, Wis. Stats., including subsequent amendments to those rules.

This ordinance shall take effect on the day after its publication in The Sounder, the official newspaper of the Town of Sherman.

Adopted this 7th day of December, 2006.

William Goehring, Town Chairman

ATTEST:

Bernadette Mondloch, Town Clerk

Dated and submitted for publication:

December _____, 2006

No. of insertions -----1