

Title 14 A

Land Division and Subdivision Code

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SECTION 1.0 INTRODUCTION

Section 1.01 **AUTHORITY.** Pursuant to the authority granted by 236.45 of the Wisconsin Statutes, the Town Board of Stephenson, County of Marinette, does ordain these subdivision/land division regulations effective in the Township.

Section 1.02 **TITLE.** This ordinance shall be known as, referred to, or cited as the Subdivision/Land Division Ordinance, Township of Stephenson, Marinette County, Wisconsin.

Section 1.03 **PURPOSE AND INTENT.** The purpose of this ordinance is to regulate and control the division of land within the Town of Stephenson, Marinette County, for the following purposes: To Promote the Public health, safety and general welfare; to further the orderly layout and use of land; to prevent the over-crowding of land; to lessen congestion in the streets and highways, to provide for adequate light and air; to facilitate adequate provisions for waste sewerage and other public requirements; to provide for proper ingress and egress; to promote proper monumenting of subdivided and land being divided and conveyed by accurate legal description to provide safe and orderly land division layouts.

Section 1.04 **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, ordinances, rules, regulation or permit previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern. The Marinette County Shore land Ordinance is applicable only in shore land areas as defined within the Marinette County Ordinance

Section 1.05 **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 of Stephenson of Marinette County, and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

Section 1.06 **SEVERABILITY.** If any section, 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.

Section 1.07 **REPEAL.** All other ordinances or parts of ordinances of the Township of Stephenson, Marinette County, inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

Section 1.08 **EFFECTIVE DATE.** This ordinance shall be effective after a public hearing, adoption by the Town Board of Stephenson, and publication or posting as provided by law.

SECTION 2.0 RULES & DEFINITIONS

Section 2.01 **RULES** In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

- (1) Words used in the present tense shall include the future and words used in the singular number shall include the plural number, and the plural, the singular.
- (2) The word “shall” is mandatory and not discretionary.
- (3) The word “may” is permissive.
- (4) The masculine gender includes the feminine and neuter.

Section 2.02. **DEFINITIONS.**

- (1) **ALLEY.** A public or private right-of-way which provides secondary access to abutting properties.
- (2) **MAJOR STREET.** A street used, or intended to be used, primarily for fast or heavy through traffic. Major streets shall include designated town roads, county roads, state and federal highways, and parkways.
- (3) **COLLECTOR STREET.** A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including principal entrance, streets to residential developments.
- (4) **CUL-DE-SAC STREET.** A street with only one outlet and having a turnaround for the safe and convenient reversal of traffic movement.

- (5) **LOT.** A buildable parcel of land represented and identified in a land division and subdivision, as defined in Section 8.05 of this ordinance.
- (6) **MINOR STREET.** A street used, or intended to be used, primarily for access to abutting properties.
- (7) **FRONTAGE STREET.** A minor street auxiliary to and located on the side of a major street for control of access and for service to the abutting development.
- (8) **REPLAT.** The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or out lot within a recorded subdivision plat without changing exterior boundaries of said block, lot or out lot, is not a re-plat.
- (9) **PUBLIC WAY.** Any public road, private road, street, highway, walkway, drainage way, or part thereof.
- (10) **BLOCK.** A group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter, or other name through which it may be identified.
- (11) **BUILDING.** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.
- (12) **BUILDING SETBACK LINE.** A line parallel to the street line or water line beyond which buildings may not be erected. Side and rear lot lines shall also have set backs.
- (13) **FINAL PLAT.** The map or plan of a subdivision, and any accompanying material, as described in Section 5.0 of this ordinance.
- (14) **GRADE.** The center line gradient of a road, street, or other public way, specified in percent.
- (15) **CERTIFIED SURVEY MAP.** A map of a division of land prepared in accordance with Section 236, of the Wisconsin Statutes.
- (16) **OUTLOT.** A remnant parcel of land not to be used for building purposes, so designated on the plat.
- (17) **PRELIMINARY PLAT.** A map showing the salient features of a proposed subdivision submitted to the Plan Commission, for purposes of preliminary consideration, as described in Section 4.0 of this ordinance.
- (18) **SUBDIVIDER.** Any person, firm or corporation, or any agent

thereof, dividing or proposing to divide land resulting in a subdivision, certified survey, or re-plat.

(19) **SUBDIVISION.** The division of a lot, parcel or tract of land by the owner thereof, or his agent, for the purpose of transfer of ownership or building development, where, the act of division creates five or more parcels or building sites, regardless of size, or where the act of division creates five or more parcels or building sites, regardless of size, by successive division within a five year period.

(20) **SURROUNDING.** Defined as those properties lying within 100 feet of development property line. This includes all adjoining properties and those affected by a water easement through or adjoining the development. A town or private road, river, creek or shed are not a barrier to the 100 foot rule, i.e. they should be considered as non-existent for this application. Lakes and flowages are exempted.

(21) **TOWN.** Reference to town shall mean the Town of Stephenson including the Town Board, Town Clerk or any other designated Town Committee.

(22) **REVERSED FRONTAGE.** A double frontage lot for which the boundary along one of the streets is established as the rear lot line. The rear lot line of the lot shall be that boundary abutting a primary arterial, railroad right-of-way or other disadvantageous use.

(23) **EASEMENT.** A right given by the owner of land to another party for specific limited use of that land.

SECTION 3.0 GENERAL PROVISION

Section 3.01 **JURISDICTION.** The jurisdiction of this ordinance shall include all lands within the township. However, in no instance shall the provisions of this ordinance apply to;

- (1) **TRANSFERS OF INTERESTS** in land by will or pursuant to court order.
- (2) **LEASES** for a term not to exceed ten years, mortgages or easements.
- (3) **SALE OR EXCHANGE** of parcels of land between owners of adjoining property if additional lots are not thereby created and the resultant lots are not reduced below the minimum sizes required by these regulations, the Marinette County Shore land Zoning Ordinance, or other applicable laws or ordinances.

Section 3.02 **COMPLIANCE.** No sub divider shall divide any land located within the jurisdictional limits of these regulations which results in a land division/subdivision, certified survey, or a re-plat as defined herein; no such land division/subdivision, certified survey or re-plat shall be entitled to record; and, no improvements shall be made to land without compliance with all requirements of this ordinance, and the provisions of Chapter 236, Wisconsin State Statutes.

Section 3.03 **LAND SUITABILITY.** No land shall be subdivided which is held unsuitable for any proposed use by the Plan Commission for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, 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 future residents of the proposed land division or of the Community. The Town Board in applying the provisions of this ordinance shall in writing cite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the sub-divider an opportunity to present evidence regarding such suitability at a public hearing. Therefore, the Town Board may affirm, modify or withdraw its' determination of unsuitably.

SECTION 3.04 DEDICATION AND RESERVATIONS OF LAND.

(1) WHENEVER A TRACT OF LAND to be divided, embraces all, or part of a street, drainage way, or other public way, which has been designated in the adopted regional and county comprehensive plans, or adopted plan components, said public way, shall be made a part of the plat and dedicated or reserved by the sub-divider in the locations and dimensions indicated on said plan.

(2) WHENEVER A PROPOSED PARK, PLAYGROUND, PUBLIC ACCESS, OPEN SPACE SITE, or other public land, other than streets or drainage ways, designated in the adopted regional and county comprehensive plans, or adopted plan components is embraced, all or in part, in a tract of land to be divided, such proposed public lands may be made a part of the plat and shall either be dedicated to the public or be reserved for acquisition at undeveloped land costs, for a period not to exceed three years from the date of recordation unless extended by mutual agreement between the sub divider and the public agency having jurisdiction. If the reserved land is not acquired by said public agency within the above time limit, the land shall be released to the owner.

(3) Whenever feasible, ALL PUBLIC ACCESS to the low watermark of navigable lakes and streams required by Section 236.16(3). Wisconsin Statutes should be at least 60 feet wide by Statute and shall contain land characteristics acceptable to the Plan Commission.

SECTION 3.05 IMPROVEMENTS

The sub divider shall not install any streets or other improvements required by the Town until the Preliminary Plat or Land Division Certified Survey Map has been approved by the Plan Commission. Before recording the final Plat with the County Register of Deeds, the sub divider shall install all required improvements. Such improvements shall be completed by the sub divider or his sub-contractors within the time limit established by the Town Board. In order that adequate inspections can be made, the sub divider shall notify the Town Chairman or his designee one week prior to the time each improvement is to be installed, and upon completion of the final plat.

(1) PERMIT: To insure compliance with the standards created by this ordinance, no person, shall commence construction of any road that is intended to provide future public access to more than one landowner without first obtaining a permit for such construction from the Town, along with a copy of this ordinance and typical road cross section. Permits can be obtained from the Town of Stephenson Town Board at one of the monthly Certified Survey Committee meetings. Applicants are also responsible for any other county or state permits needed.

(2) ROADWAY BASE AND FILL. All marsh, swamp, muck, and peat material shall be removed from under the area of the roadway to insure a stable foundation for the roadway fill. All such material shall be disposed of either by placing a layer 6 inches minimum depth on the side of cut and fill section or by disposal off the roadway. Road fill shall be free of all large rock, muck, peat and other organic matter. Fill material shall be installed in layers up to 6-inch maximum and compacted between layers to assure maximum compactness and prevent differential settlement.

(3) INSPECTION: Continual inspection of roads by the Town Chairperson or his designee during all phases of construction is necessary for roads to be considered for addition to the town road system. A minimum of 3 inspections must take place. Inspections will be made of the road base, ditches and grades, the crushed gravel, driving surface and hard surface of either cold or hot mix blacktop. An inspection report and recommendation of approval will be given to the full Town Board by the Town Chairperson and/or his designee at the next town board meeting, and the time frame shall be established by the Certified Survey Land Development Committee. The Chairperson or his designee will then approve each phase of construction. Included in the final plat will be the statement (the Town is not accepting the road until it meets all Town road standards). Posting of bond is also necessary at this time.

(4) FINANCIAL GUARANTEES:

(1) The agreement shall require the sub-divider to make an escrow deposit or in lieu thereof, to furnish a performance bond of irrevocable letter of credit, the amount of the

deposit and the penal amount of the bond to be equal to one and one quarter (1 1/4) times the estimate of the total cost of all road improvements (grading, base installation, paving, etc.)

(2) On request of the sub divider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit, letter of credit or bond shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. If the required improvements are not complete within the specified period, all amounts held under performance bond, deposit or letter of credit, shall be turned over and delivered to the Town and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or sub-divider. The Town Board, at its option, may extend the bond, deposit or letter of credit, period for additional periods not to exceed two (2) years each period.

(3) The time for completion of the work and the several parts thereof shall be determined by the Town Board upon recommendation of the Town Road Supervisor after consultation with the sub divider. The completion date shall be a component of the contract.

(4) The sub divider shall pay the Town for all costs incurred by the Town for review and inspection of the roads of the subdivision. This would include review and/or preparation of plans and specifications by the Town Chairman or his designee, Planner, and/or Attorney and any other associated costs.

(5) If the Sub divider and the individual or entity holding title to the property on which the development is to occur are different entities or individuals, then both shall sign the development contract. If either or both the Sub divider or title holder to the development property are a corporate or legal entity, then all of the owners of that entity (or entities if both the Sub divider and the title holder are legal entities) shall sign the development contract in their individual capacities.

During the Certified Survey Map process, final approval of the Town Board will be given after receipt of a warranty deed conveying title of the entire right of way to the Town of Stephenson or public dedication. Notice of approval or denial shall be given by the Town Board or designated agent. The developer has the right to appeal the inspection reports to the Town Board.

(6) The sub-divider may construct the project in such phases as the town body approves, which approval may not be unreasonably withheld. If the sub-divider's project will be constructed in phases, the amount of any required surety bond or other security required by the town body shall be limited to the phase of the project that is currently being constructed. The town may not require that the sub-divider provide any security for improvements sooner than is reasonable necessary before the commencement of the installation of the improvements as per provided in Wisconsin statute 236.13(2)(a).

(5) RIGHT OF WAY. 66 ft. is required on any newly established road or the current existing right of way width, 49 1/2 ft. minimum on any existing road. In all new roads, the roadway surface must be built in the center of the right of way.

(6) CLEAR ZONE: 66 ft. or the present right of way width of 49 -1/2 ft. minimum with Town Board approval.

(7) CUL-DE-SAC: All dead end roads, regardless of length, shall have a cul-de-sac at the end having a radius of 75 feet or a "T" of not less than 50 ft. on both sides of center line of said road and not less than 50ft. wide. On an existing road that has no cul-de-sac or "T", one will be put in if needed when the road is resurfaced.

(8) BOULEVARDS: Boulevards are acceptable in new developments with Board approval.

(9) ROAD WAY WIDTH: Roadway width (traveled or surfaced portion plus shoulders) shall be 26 ft. The entire road way width shall have no less than six (6) inches of one and one half (1½) inch crushed run or a maximum of four (4) inch

stone. The top course shall consist of six (6) inches of compacted three-fourths (3/4) inch crushed stone. Refer to 6-2-12 (6). More bank run or crushed gravel may be needed to create stability in problem areas.

(10) SURFACING: Surfacing options:

- A. Hot mix: 2 inches compacted minimum of 20 ft. wide
- B. Cold mix: 2 inches compacted minimum of 20 ft. wide
- C. Gravel exceptions:
 - 1. Existing Town roads not yet upgraded.

(11) UTILITY PLACEMENT: Utility placement must be coordinated with the Town Chairman (or his designee) and developer to run on either or both edges of the 66 ft. right of way.

(12) DITCHES: The ditch must be at least 1 ft. below the bottom of the gravel base or sub-grade. Deeper ditches may be necessary to provide positive drainage patterns. Side slopes of 4 to 1 are desirable with 2 ½ to 1 maximum. Side slopes and back slopes are to be top soiled so that they can be seeded for permanent cover.

(13) CULVERTS: A culvert must be durable and have sufficient hydraulic capacity to carry away a predetermined quantity of water in a given time. Culverts shall be installed as necessary with the location and size to be determined by the Town Chairman (or his designee). Multiple part culverts are to be banded with a band of the same size and gauge as the culvert.

(14) DRIVEWAYS: There will be no driveways providing access to more than 2 properties without Town Board approval.

(15) CURVES AND INCLINES: All curves and inclines shall be constructed in accordance with the standards set forth in Section 86.26 of WI Statutes currently in effect or subsequently amended which standards are incorporated herein by reference.

(16) STUMPS: No stumps, brush or other road debris shall be buried under the 66 ft. right of way. The location of all stumps, brush or other debris which is not removed from the site shall be shown on the covenants and restrictions for the development.

(17) ACCESS: For each 1/8 mile of an existing road (federal,

state, county or town) not more than 1 road may be constructed to adjoin the existing road.

(18) SEEDING: All side slopes, back slopes and any other disturbed areas not paved or graveled shall be seeded with standing DOT highway mix or equivalent mix for permanent cover.

(19) ROAD SIGNS: Signs will be provided and installed by the Town of Stephenson or its designee.

(20) NAMING OF ROADS: The naming of roads must have Town Board approval and approval from property listings of Marinette County according to County Ordinance No.242 or current Ordinance.

(21) VARIANCE: A variance to this ordinance may be granted by Town Board action.

(22) APPLICABILITY: This ordinance shall apply to all roads, construction of which is completed after the effective date of this ordinance and all existing roads that may in the future become dedicated for public use or submitted to the Town as a Town road.

(23) ENFORCEMENT: The Town Chairman (or his designee) or other person or persons authorized by the Town Board shall be empowered to inspect and/or issue citations through the powers of this Ordinance.

SECTION 3.06 VARIANCES. In any particular case where the sub-divider can show that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this ordinance would cause practical difficulty or exceptional and undue hardship, the Plan Commission, may relieve such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this ordinance or the desirable general development of the County. A three-fourths vote of the entire membership of the Plan Commission, shall be required to grant any modification to these regulations, and any modification thus granted shall be entered in the minutes of the Commission setting forth the reason which in the opinion of the Commission, justifies the modification and then shall be approved by the full Town Board.

SECTION 3.07 **VIOLATIONS.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this ordinance or the Wisconsin Statutes and no person, firm or corporation shall be issued a town building permit authorizing the building on, or improvement of, any subdivision, certified survey or re-plat within the jurisdiction of this ordinance and not of record as of the effective date of this ordinance until the provisions and requirements of this ordinance have been fully met. The town may institute appropriate action or proceedings to enjoin violation of this ordinance or the applicable Wisconsin Statutes.

SECTION 3.08. **PENALTIES.** Any person, firm or corporation that fails to comply with the provisions of this ordinance shall upon conviction thereof forfeit not less than One Hundred (\$100.00) dollars, nor more than One Thousand (1,000.00) dollars and the cost of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof for a period not to exceed six months. Each day a violation exists or continues shall constitute a separate offense.

(1) **RECORDATION** improperly made has penalties provided in Section 236.30, Wisconsin Statutes.

(2) **CONVEYANCE** of lots in unrecorded plats has penalties as provided for in Section 236.31, Wisconsin Statutes.

(3) **MONUMENTS** disturbed or not placed have penalties as provided for in Section 236.32, Wisconsin Statutes.

(4) **ASSESSOR'S PLAT** made under Section 70.27, Wisconsin Statutes , may be ordered by the Town when a subdivision or successive land divisions are created by successive divisions, and the legal description of land division parcels, are in error or locating of parcels are uncertain.

SECTION 3.09. **APPEALS.** Any person aggrieved by an objection to a plat or failure to approve a plat may appeal there from as provided in Section 236.13(5) and 62.23(7) (10 to 15), Wisconsin Statutes.

SECTION 4.0 PRELIMINARY PLAT

SECTION 4.01. GENERAL. A Preliminary Plat shall be required for all sub-divisions and shall be based upon a survey by a registered land surveyor and the plat prepared on reproducible material at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- (1) Title under which the proposed sub-division is to be recorded.
- (2) Legal Description and General Location of proposed sub-division and relative location to a nearby municipality.
- (3) Date, Scale and North Arrow.
- (4) Names and Addresses of the Owner, sub-divider and land surveyor preparing the plat.
- (5) Entire area contiguous to the proposed plat owned or controlled by the sub-divider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Town Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this ordinance and undue hardship would result from strict application thereof.

SECTION 4.02. PLAT DATA. All Preliminary Plats shall show the following:

- (1) Approximate Length and Bearing of the exterior boundaries of the proposed sub-division referenced to 2 corners, established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- (2) Water Elevations of adjoining lakes and streams at the date of the survey approximate high and low water elevation based on USGS elevations.
- (3) Location, Right-of-Way Width and Names of all existing and Proposed streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (4) Location and Names of Any Adjacent Sub-divisions, parks, schools and cemeteries, and owners of record of abutting platted and un-platted lands.
- (5) Location of All Existing Property Boundary Lines,

structures, streams, railroad tracks, and other similar significant features within the tract being sub-divided or immediately adjacent thereto.

(6) Approximate Dimensions of All Lots together with proposed lot and block numbers.

(7) Location and Approximate Dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways or other public use.

(8) Approximate radii of all curves.

(9) Existing and proposed use on and adjacent to the proposed sub-division.

(10) Corporate Limits Lines.

(11) Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

(12) Any Proposed Lake, Stream & Wetland improvements or relocation and proposed filling, grading, lagoon and dredging and the notice of application for division of Environmental Protection Dept. of National Resources, when applicable.

SECTION 4.03 STREET PLANS AND PROFILES.

All roads shall be constructed in compliance with the Town of Stephenson Ordinances regulating road construction.

SECTION 4.04 TESTING.

The Plan Commission may recommend to the Town Board that borings and soundings be required to be made in designated areas to ascertain sub-surface soil, rock and water conditions, including depth to bedrock and depth to ground water table at developers expense. Where the sub-division will not be served by public sanitary sewer service, the pertaining provisions of the Wisconsin Administrative Code shall be complied with; and the appropriate data shall be submitted with the Preliminary Plat.

SECTION 4.05 COVENANTS.

The Plan Commission may require submission of a draft of protective covenants whereby the sub-divider intends to regulate land use in the proposed sub-division and otherwise protect the proposed development.

SECTION 4.07 CONDOMINIUM DEVELOPMENTS

a. PURPOSE

1. The Town Board hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums, but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not organized as a condominium under the Wisconsin Statutes.
2. The factor that makes this Chapter applicable to a Condominium development is the creation of single, multiple or distinct property entities at or near the ground surface, subject to property taxation as separate "units", with each property entity having different ownership and management. The Town determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.
3. Thus, the Town Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - (a) Additional population density;
 - (b) Possibility of use of particular land in a manner unsuitable to the land's characteristics;
 - (c) Additional demands upon Town area parks, recreation areas, utility facilities and schools;
 - (d) Additional traffic and street use.

b. PORTIONS OF CHAPTER APPLICABLE TO CONDOMINIUM DEVELOPMENTS

1. The following sections of this Chapter shall apply to both condominium developments, including both single and/or multiple unit condominiums:

2. Sections 3.03 of 14A, relating to land suitability and construction practices
3. Sections 6.03 of 14A, relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 6 of 14A shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
4. Section 1-3-1 of the Code of Ordinances, relating to fees for review

c. EXCEPTIONS

1. This Section shall not apply to the following condominiums:
 - (a) Any condominium plat satisfying all applicable requirements and properly recorded prior to the effective date of this Chapter;
 - (b) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

SECTION 4.08 Homeowner, Property Owner or Condominium Associations; Common Areas and Facilities.

Common areas or facilities within a land division, subdivision or condominium shall be held in common ownership as undivided proportionate interests by the members of a homeowners, property owners or condominium association, subject to the provisions set forth herein and applicable provisions contained in any pertinent development agreement and deed restriction. Included within the definition of, but not limited to, "common areas or facilities" are: common area open space, conservancy and recreation areas; storm water detention/retention facilities; and shared community private septic systems. The homeowners, property owners or condominium association shall be governed by the following:

- (a) **Documents to Be Submitted.** The sub divider shall provide the Town with a description of the homeowners, property owners or condominium association, including its bylaws, and all documents and restrictive covenants governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review as to form by the Town Attorney at the sub divider's expense. The documents required by this Section shall be filed with the Town at the time of preliminary plat submittal.
- (b) **Timetable for Creation.** The association shall be established by the owner or applicant of the land division/condominium

and such association shall be operating prior to the sale of any lots or units in the subdivision, land division or condominium.

- (c) **Mandatory Membership.** Membership in the association shall be mandatory and on-going for all purchasers of lots or units within the subdivision, land division or condominium and their successors and assigns.
- (d) **Maintenance Responsibilities.**
 - (1) The association shall be responsible for maintenance of and insurance for common areas and facilities. Included in such responsibilities is on-going maintenance of any storm water detention/retention system facilities or shared community private septic system for that subdivision or condominium, pursuant to a maintenance plan approved by the Town and incorporated in the development agreement; such requirement is only inapplicable where the Town has expressly determined to have, in the alternative, the Town maintain such facilities and areas.
 - (2) The members of the association shall share equitably the costs of maintaining, insuring, and operating common areas and facilities. The sub divider shall arrange with the Town a method of assessment of any common areas and facilities which will allocate to each lot, parcel or unit within the land division or condominium a share of the total assessment of costs for such common areas and facilities; the services of the Town Assessor may be utilized in developing such methodology, at the sub divider's expense.
- (e) **Plan for Natural Areas.** A land stewardship plan for any common open space or prairies to be maintained in a natural state shall be included in the submittal of association documents.
- (f) **Notice of Transfer Of Common Areas.** The Town shall receive written notice of any proposed transfer of common areas or facilities by the association or the assumption of maintenance of common areas or facilities. Such notice shall be given by the association to all members of the association and the Town at least thirty (30) days prior to such transfer.
- (g) **Failure to Maintain.** In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and

facilities. Such notice shall set forth the nature of corrections or maintenance required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor association, shall be considered in violation of this Chapter, in which case the Town shall have the right to enter the premise and take the needed corrective or maintenance actions. The costs of corrective or maintenance actions by the Town shall be assessed against the properties that have the right of enjoyment of and/or are served by the common areas and facilities.

SECTION 4.09 **LAND OWNERS NOTIFICATION**

All land owners surrounding a new development must be informed of a developer's plan via Certified Mail. Said notification must be mailed so as to allow notification to be "in hand" of said owners no later than 7 days prior to presentation of the plat/plan to the Plan Commission.

SECTION 5.0 FINAL PLAT

SECTION 5.01 GENERAL. A final Plat prepared by a registered land surveyor shall be required for all sub-divisions. It shall comply in all respects with the requirements of Section 236.20 Wisconsin Statutes.

SECTION 5.02 ADDITIONAL INFORMATION. The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20. Wisconsin Statutes, the following:

- (1) EXACT STREET WIDTH along the line of any obliquely intersecting street.
- (2) SETBACKS OF BUILDING LINES shall be in conformance with the Town Building Ordinance however not required to be shown on the plat.
- (3) ALL LANDS RESERVED for future public acquisition or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance must also be provided with the plat.
- (4) SPECIAL RESTRICTIONS required by any approving or objecting agency relating to access control along public ways or to provision of planting strips.

SECTION 5.03 DEED RESTRICTIONS. Any deed restrictions attached to the sub-division shall be filed with, or placed on the face of the Final Plat.

SECTION 5.04 SURVEYING AND MONUMENTING. All Final Plats shall meet all the surveying and monument requirements of Section 236.15, Wisconsin Statutes.

SECTION 5.05 MARINETTE COUNTY COORDINATE SYSTEM.

Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated; the plat shall be tied directly to two of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin Marinette County Coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the

plat. All distances and bearings shall be referenced to Marinette County Coordinate System.

SECTION 5.06 CERTIFICATES. All Final Plats shall provide all the certificates required by Section 236, Wisconsin Statutes; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this ordinance and provide a certificate for Town Board approval.

SECTION 6.0 PROCEDURES

SECTION 6.01 PRE-APPLICATION.

- (1) **PRELIMINARY CONSULTATION.** Prior to filing an application for approval of a preliminary Plat, the sub divider shall consult with the Plan Commission to become informed of the purpose and objectives of these regulations, adopted regional and county comprehensive plans or adopted plan components, and duly adopted plan implementation, ordinances of the county and to otherwise assist the sub-divider in planning his development. In so doing, the sub divider will gain a better understanding of the subsequent required procedures.

SECTION 6.02 PRELIMINARY PLAT REVIEW. Before submitting a Final Plat for approval, the sub-divider shall prepare a Preliminary Plat in accordance within Section 4.0 of this ordinance. The sub-divider shall file sufficient copies of the preliminary plat as needed in the outlined section 6.02 (1) and a letter of application with the Plan Commission, at least twenty-eight days prior to the meeting of the Town Board, at which action is desired.

(1) The developer or their designee, within five (5) days after filing, shall transmit copies of the plat for distribution as follows:

- (a) One copy to the Town Clerk and one copy to the Town Chair person.
- (b) One copy to the Clerk of an adjoining city or village **IF** the Subdivision lies within the extraterritorial plat approval jurisdiction of the city or village and they exercise this authority.
- (c) Two copies to the Division of Highways, Wisconsin Dept. of Transportation, IF the subdivision abuts or adjoins a State truck highway or connecting street.
- (d) Two copies to the Wisconsin Department of Commerce, IF the subdivision is not served by a public sewer and provision for such service has not been made.

- (e) One copy to the Marinette County Highway Department, IF Applicable, under Marinette County Shoreline Zoning Ordinance.

SECTION 6.03 PRELIMINARY PLAT APPROVALS.

- (1) The Plan Commission shall review the plat for conformance with this ordinance and all other ordinances (including the requirements set forth in Title 14A, Section 7.03 of the Town of Stephenson Code of Ordinances), rules, regulations and adopted regional and county comprehensive plans or adopted plan components which affect the plat.
- (2) The Town Board shall, within sixty (60) days of the date of filing of the Preliminary Plat approve, approve conditionally or reject such plat, unless the time is extended by agreement with the sub-divider.

One copy of the plat shall thereupon be returned to the sub-divider with the date and action endorsed there on; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejections shall accompany the plat. One copy of the plat and letter shall be placed in the Town Board's file.

- (3) Failure of the Town Board to act within sixty (60) days of the filing date shall constitute an approval as provided in Section 236.11 (1) (a) of the Wisconsin Statutes.
- (4) Approval or Conditional Approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout as indicated in Section 236.11(1) (b), Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout.

SECTION 6.04 FINAL PLAT REVIEW. The sub-divider or their designee shall prepare a Final Plat in accordance with Section 5.0 of this ordinance and shall file the required number of copies of the Final Plat as outlined in Section 6.02(1) and a letter of application

with the Plan Commission, at least twenty-eight (28) days prior to the meeting of the Town Board, at which action is desired. The final plat must be submitted within 36 months following the approval of the preliminary plat, unless formally extended, ref. ss. (236.11(1) (b).

- (1) The developer or their designee, within five (5) days after filing, transmit copies of the plat to the agencies identified in Section 6.02(1) of this ordinance which are required to review the plat.
- (2) The surveyor preparing the face of the plat that it is a correct representation of all existing land divisions and features; and that he has fully complies with the provisions of this ordinance.
- (3) The letter of application **MUST** indicate that copies of the plat are on file with the utility companies having jurisdiction over the subject area so that adequate provisions can be made by the utility companies to serve the proposed subdivision.

SECTION 6.05 FINAL PLAT APPROVALS

- (1) The Plan Commission shall inform the Town Clerk, not less than (10) days in advance of the date, time and place of the Town Board meeting at which the commission requests the plat be placed on the agenda for review.
- (2) The Town Board shall examine the Final Plat as to its conformance with the approved Preliminary Plat; any conditions of approval of the Preliminary Plat; this ordinance and all ordinances, rules, regulations and adopted regional and county comprehensive plans or adopted plan components which may affect the plat.
- (3) The Town Board shall within sixty days of the date of filing of the Final Plat approve, approve conditionally or reject the plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting, and a written statement with the reasons forwarded to the sub-divider. The developer or their

designee certifies on the face of the original Final Plat that copies were forwarded as required by Section 6.04 (1) of the date thereof, and that no objections have been, or if filed, have been satisfied

- (4) Failure of the Town Board to act within sixty days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved, as provided in Section 236.11(1) (a) of the Wisconsin Statutes.
- (5) A professional engineer, a planner, or another person charged with the responsibility to review plats shall provide the approving authority with his/her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his/her recommendation on the approval of the final plat. The conclusion(s) and recommendation shall be made part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing as provided in Wisconsin ss. 236.11(1)(c).

SECTION 6.06 RECORDATION. After the Final Plat has been approved by the Town Board and any other approving agencies, the developer or their designee shall record the plat with the County Register of Deeds within 12 months of last approval and 36 months of the first approval in accordance with Section 236.25 (2)(b) of the Wisconsin Statutes.

SECTION 6.07 REPLAT. When it is proposed to re-plat a recorded sub-division, or part thereof, so as to change the boundaries of a recorded sub-division, or part thereof, the sub-divider or person desiring to re-plat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44, Wisconsin Statutes. The sub-divider, or person desiring to re-plat, shall then proceed as specified in Sections 6.01 through 6.07 of this ordinance.

SECTION 7.0 CERTIFIED SURVEY MAPS

SECTION 7.01 APPLICABILITY. For any land division creating one to four parcels, a certified survey map or a sub-division shall be created. All lands subdivided must be recorded with Register of Deeds.

SECTION 7.02 REQUIREMENTS. A certified survey map shall be prepared in compliance with the requirements of Chapter 236 of the Wisconsin Statutes which is hereby adopted by reference and incorporated herein as fully set.

SECTION 7.03 PROCEDURE.

(1) The sub-divider or their designee shall file a copy of said survey map with the Planning Commission. The Planning Commission shall review and, within forty days, approve, approve conditionally or reject the map. The sub-divider or their designee shall be notified, in writing, of any conditions of approval or the reasons for rejection.

(2) **Development Plans:** The person or persons seeking Development Plan approval is to contact either the Plan Commission Chairman or Town Clerk to be placed on the Plan Commission meeting agenda.

For Development Plans, the developer must notify contiguous land owners of the proposed development and the meeting date, via certified mail. The letters must be “in hand” of these adjoining owners seven days prior to the **second meeting** of the Plan Commission at which the proposed development plan will be discussed.

The developer or his agent is to present to the Plan Commission a conceptual plan or plat. This should include, but not limited to, all proposed covenants and restrictions. The person or agent should be prepared to discuss features such as road plans, topography, soil make up, storm water runoff and expected project timeline. The Plan Commission will provide a checklist of information required.

For presenting a development plan, the developer or agent should prepare seven (7) copies of the plan in 11" X 17" size and one (1) copy 22" X 36" minimum. For discussion purposes, an additional seven (7) 11X17 copies should indicate all existing buildings, utilities and future proposed building sites.

The Development Plan and CSM is to contain the **parent parcel number** in addition to other information requested in Title 14 and the Commission's Checklist including any flood plain or ordinary high water mark, where applicable.

Any subsequent drawings are to show the date and version.

(3) **CSMs:** CSMs must indicate the following:
Existing building sites.

Location of known utilities such as natural gas lines, communications and electric power lines.

All roads, whether paved, sand or gravel, public or private, all easements or right-of-ways.

Tax parcel numbers plus original and new lot number if applicable.

All monuments per State specs.

North point

Scale not to exceed 200 feet per inch.

7 copies are needed for the Plan Commission and 6 copies for the Town Board, plus the original with supporting documents for the Town's signatures and the appropriate fee(s) as per Town of Stephenson ordinance 1-3-1.

SECTION 7.04 CERTIFICATES.

(1) The map shall include the certificate of the surveyor who surveyed and mapped the parcel as required by Chapter 236 of the Wisconsin Statutes and shall be signed by the property owner.

(2) The certificate of approval shall be typed, lettered or reproduced legibly and permanently on the face of the map.

SECTION 7.05 CERTIFIED SURVEY MAP. The map shall be filed by the sub-divider or their designee for record with the Register of Deeds of Marinette County. Three additional copies of the final approved map shall be forwarded to the Town Board of Stephenson. The document number of the recording file shall be noted on the final approved map copies.

SECTION 7.06 DEVELOPMENT PLATS. An idea or concept where a party wishes to create 10 (ten) or more parcels of any size from an existing tax parcel. The development plan shall be subject to the same rules as Section 6.0.

Upon the approval of the development plan by the Plan Commission and the Town Board, lots will be created by certified survey maps. The developer or surveyor will bring the certified survey map to the Town Chairman and Clerk for signatures and then the certified survey map will be recorded in the Register of Deeds office.

SECTION 8.0 DESIGN STANDARDS

SECTION 8.01 STREET ARRANGEMENT. The sub-divider shall dedicate land for and improve streets as provided herein. Streets shall conform to any applicable official map ordinance in effect. In areas for which an official map has not been completed, the street layout shall recognize the functional classification of various street types and shall be developed and located in proper relation to existing and proposed streets, with due regard to topographical conditions, natural features, utilities, land uses, and public convenience and safety. The land division shall be designed so as to provide each lot with satisfactory access to a public street as provided herein. The following conditions shall apply for street arrangement in all proposed sub-divisions;

(1) **PROPOSED STREETS** shall extend to the boundary lines of the tract being sub-divided and also all development plans and certified survey maps where applicable, unless prevented by topography or other physical conditions or unless in the opinion of the Town Board, such extension is not necessary or desirable for the co-ordination of the layout of the sub-division or for the advantageous development of adjacent land tracts. Such streets shall terminate with a temporary turnaround of 150 feet right-of-way diameter.

(2) **MAJOR STREET AND HIGHWAY PROTECTION.** Whenever the proposed sub-division contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be contained by REVERSED FRONTAGE, with screen planting contained in a non-access reservation along the rear property line, or by the use of FRONTAGE STREETS.

(3) **STREET NAMES** shall be established and be similar to existing street names, and existing street names shall be projected or continued wherever possible.

SECTION 8.02 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF WAY TREATMENT. Whenever the proposed sub-division contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

(1) WHEN RESIDENTIAL LOTS WITHIN THE PROPOSED SUB-DIVISION back upon the right-of-way of an existing or proposed limited access highway or railroad, the following restriction shall be lettered on the face of the plat: "Direct vehicular access to (name of road) from lots abutting said road is prohibited."

(2) STREETS PARALLEL TO A LIMITED ACCESS HIGHWAY or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(3) MINOR STREETS immediately adjacent and parallel to railroad rights-of-way should be avoided.

SECTION 8.03 STREET INTERSECTIONS. Streets shall intersect each other as nearly as possible at right angles and not more than two streets shall intersect at one point unless approved by the Town Board.

(1) NUMBER OF INTERSECTIONS along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections should not be less than 660 feet.

(2) PROPERTY LINES at street intersections may be rounded with a minimum radius of 25 feet or of a greater radius when required by the Town Board.

SECTION 8.04 For future use

SECTION 8.05 LOTS. The size, shape and orientation of lots shall be appropriate for the location of the sub-division and for the type of Development and use contemplated. The developer is responsible for the appropriate positioning, shape and size of the lots. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated.

(1) SIDE LOT LINES should be at right angles to straight street

lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(2) **DOUBLE FRONTAGE AND REVERSED FRONTAGE LOTS** shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantage of topography and orientation.

(3) **ACCESS.** Every lot shall front or abut on a public street for a distance of at least 30 feet. In unique cases where it is impossible for a lot to abut a public street, a private way may be used for access purposes provided a statement is included on the face of the plat indicating that the lot is served by a private way and that the town or county has no responsibility for the maintenance of the private way. Access requirements and road construction requirements shall be according to town ordinances regulating roads.

(4) **AREA AND DIMENSIONS** of lots shall conform to the requirements of the Wisconsin Administrative Code.

(5) **CORNER LOTS** shall be designed with extra width to permit adequate building setback from both streets.

SECTION 8.06 BUILDING SETBACK LINES. Building setback lines shall conform to the requirements established in the Town Building Ordinance.

SECTION 8.07 EASEMENTS. Where a sub-division is traversed by a water course, drainage way or stream, an adequate drainage way or easement maybe required to handle storm water runoff. The location, width, alignment and improvement of such drainage way or easement shall be approved in accordance with Storm Water Management Plan.

SECTION 9.0 REQUIRED IMPROVEMENTS

SECTION 9.01. SURVEY MONUMENTS. The sub-divider shall install survey monuments in accordance with the requirements of Section 236, Wisconsin Statutes.

SECTION 9.02. REQUIRED IMPROVEMENTS. As required by Section 3.05 of this ordinance, the sub-divider shall install all public improvements required by the Town Board. Such improvements shall be completed by the sub-divider or his sub-contractors within the time limit established by the Town Board. Such improvements

usually include some or all of the following:

(1) **GRADING AND SURFACING.** Grading and surfacing of all streets proposed to be dedicated in accordance with the construction standards of town ordinances regulating roads.

(2) **STORM WATER DRAINAGE FACILITIES.**

(a) Construction of storm water drainage facilities, which may include curb and gutters, catch basins and inlets, storm sewers, road ditches and open channels as may be required to provide adequate surface drainage for the sub-division.

(b) Storm drainage facilities, where needed, shall be designed to permit the unimpeded flow of natural water courses, 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 shore-land erosion and siltation of surface waters and preventing excess water runoff on adjacent property.

(3) **INSTALLATION OF STREET SIGNS** meeting the approval of the Town Board shall be installed by the Town of Stephenson or its designee.

SECTION 10.0 CONSTRUCTIONS

SECTION 10.01 COMMENCEMENTS. No construction or installation of improvements shall commence in a proposed sub-division or developments plans until the Preliminary Plat has been approved by the Town Board.

SECTION 10.02 INSPECTION. The sub-divider or designee, prior to the commencement of any work within the sub-division, or development plan shall make arrangements with the Town Chairman or his designee to provide for adequate inspection. The Town Board shall inspect and approve all competed work prior to approval of the Final Plat.

SECTION 11.0 LAND DIVISION REVIEW

SECTION 11.01 LAND DIVISION REVIEW. The town shall review, Pursuant to Chapter 236, Wisconsin Statutes, all land divisions within the Town of Stephenson which create parcels of land, 40 acres or less. All boundaries must be shown on the certified survey map. In such review the following factors shall be considered:

- (1) Hazards to the health, safety or welfare of future residents.
- (2) Public access to navigable water, as required by law.
- (3) Adequate storm drainage facilities.
- (4) Conformity to state law and administrative code provisions.

SECTION 11.02 APPLICABILITY. All land divisions of existing tax parcels in the Town of Stephenson which create new parcels of land shall be done by certified survey map in accordance with Chapter 236, Wisconsin Statutes and in accordance with Section 7.0, Sections 7.02 through 7.05 of this ordinance.