

CHAPTER 21

SUBDIVISION REGULATIONS

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21.01 INTRODUCTION

(1) **Authority.** These regulations are adopted under the authority granted by § 236.45 and Chapter 703 of the Wisconsin Statutes as amended from time to time.

(2) **Title.** This Ordinance shall be known as, referred to, or cited as the "Land Subdivision Ordinance, City of Manitowoc, Wisconsin."

(3) **Purpose.** The purpose of this Ordinance is to regulate and control the subdivision of land within the corporate limits and extra-territorial plat approval jurisdiction of the City of Manitowoc in order to promote the public health, safety, and general welfare of the community. The regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further division of larger tracts into small parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; and in general to facilitate enforcement of community development standards as set forth in the Comprehensive Plan, Zoning Ordinance, Building Code and Official Map of the City of Manitowoc. These regulations are made with reasonable consideration, among other things, of the character of the City with a view of conserving the value of the buildings placed upon land, providing the best possible environment of human habitation and for encouraging the most appropriate use of land throughout the City.

(4) **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, 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.

(5) **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 City of Manitowoc and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(6) **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.

(7) **Repeal.** All other ordinances or parts of ordinances of the City of Manitowoc inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

(8) **Effective Date.** This Ordinance shall be effective after a public hearing, adoption by the City of Manitowoc Common Council and publication or posting as provided by law.

21.02 DEFINITIONS

For the purpose of these regulations, the following terms are defined. Words used in the present tense include the future, the singular number includes the plural number, and the plural number includes the singular number. The word "shall" is mandatory.

(1) **Alley:** A special public way affording only secondary access to abutting properties.

(2) **Arterial Street:** A street used, or intended to be used, primarily for through traffic including freeways and expressways as well as major streets, highways and parkways.

(3) **Block:** A parcel of land surrounded by streets, and other parcels designated as blocks on plats which have been approved by the Common Council.

(4) **Building Line:** A line parallel to a lot line and at the minimum distance from the lot line to comply with the Zoning Ordinance's yard requirements.

(5) **Building Site:** A parcel of land occupied, or permitted to be occupied, by a structure as permitted under applicable zoning regulations.

(6) **Certified Survey Map:** A map of land split prepared in accordance with this Ordinance and Chapter 236, Wisconsin Statutes.

(7) **Collector Street:** A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets to residential developments.

(8) **Comprehensive Plan:** The extensively developed plan, also called a master plan, adopted by the City Plan Commission and certified by the Common Council pursuant to Section 62.23 of the Wisconsin Statutes, including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, Official Map, land division, and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

(9) **Condominium:** A form of ownership combining individual unit ownership with shared use and ownership of common elements or facilities, established in accordance with the requirements of Chapter 703 of Wis. Stats. Common elements and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership and not a specific building type or building style. Buildings in a condominium shall meet the density and location requirements of the zoning district in which they are located.

(10) **Cul-de-Sac Street:** Minor street closed at one end with a turn-around provided for vehicles.

(11) **Extraterritorial Plat Approval Jurisdiction:** The unincorporated area within three (3) miles of the City of Manitowoc, except as provided in Section 66.32 and 236.10 (2) of the Wisconsin Statutes.

(12) **Frontage Street:** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

(13) **Lot Division:** The term lot division means the division of a parcel of land into two, three, or four parcels any one of which is five (5) acres or less in area for the purpose of transfer of ownership or building development.

(14) **Minor Street:** A street used, or intended to be used, primarily for access to abutting properties.

(15) **Official Map:** A map adopted pursuant to Section 62.23 of the Wisconsin Statutes which shows existing and proposed streets, highways, parkways, parks and playgrounds, and school sites.

(16) **Plat:** A map of a subdivision complete with all certificates and engineering data required by Chapter 236, Wisconsin Statutes.

(17) **Public Way:** Any public road, street highway, walkway, drainageway, or part thereof.

(18) **Replat:** The changing of the boundaries of a recorded subdivision plat or part thereof.

(19) **Subdivider:** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a major subdivision, minor subdivision, lot division or replat.

(20) **Subdivision:** The definition of a subdivision is that provided in Section 236.02 of the Wisconsin State Statutes.

21.03 GENERAL PROVISIONS

(1) **Jurisdiction.** The jurisdiction of the Ordinance shall include all lands within the corporate limits of the City of Manitowoc as well as the un-incorporated area within three (3) miles of the corporate limits except as provided in Section 236.10 (2) and 66.32 of the Wisconsin State Statutes. The provisions of this Ordinance pertaining to divisions of tracts of land into less than five (5) parcels shall not apply to:

(a) Transfers of interests in land by will or pursuant to court order.

(b) Leases for a term not to exceed ten (10) years, mortgages or easements.

(c) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by Chapter 236.45 Wisconsin Statutes, these regulations, the Zoning Ordinance, or other applicable laws or ordinances.

(d) The division of land into parcels greater than ten (10) acres.

(2) **Compliance.** No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which result in a lot division, subdivision, or a replat as defined herein; no such division or replat shall be entitled to record, and no streets be laid out or improvements made to land without compliance with all requirements of the Ordinance, and:

(a) Provisions of Chapter 236, Wisconsin Statutes.

(b) Rules of the Wisconsin State Division of Health, Department of Health and Social Services, regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.

(c) Rules of the State Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.

(d) Duly approved Comprehensive Plan, or any component thereof, including the Zoning Ordinance, Official Map, and all other applicable ordinances of the City of Manitowoc.

(e) Other applicable ordinances including County and Town Ordinances.

(2m) **Legal Description Reference Points.** All approved certified surveys, subdivision plats, and the like, received by the City of Manitowoc on or after May 11, 1999, that are located within a one-half mile proximity of two predefined Manitowoc County Coordinate System points, shall have their distances and bearings rotated to tie into, and be referenced to the Manitowoc County Coordinate System. At the discretion of the City Planner or the City Engineer, the City reserves the right to require that other certified surveys or subdivisions that are not within the one-half mile proximity have their distances and bearings rotated to tie into, and be referenced to the Manitowoc County Coordinate System, with the City being responsible for costs incurred beyond the normal one-half mile requirements.

(3) **Dedications and Reservation of Lands**

(a) Wherever a tract of land to be subdivided embraces all or any part of an arterial street, drainageway or other public way which has been designated in the Comprehensive Plan or component part thereof, or the existing "official" map of the City of Manitowoc, said public way shall be made a part of the plat and/or Certified Survey Map and dedicated or reserved or treated by the developer as determined by the Plan Commission in the locations and dimensions indicated on such plan or map as set forth in this Ordinance.

(b) Wherever a proposed playground, park, school site or other public land, other than streets or drainageways, designated in a Comprehensive Plan, component part thereof, or on the existing "official" map of the City of Manitowoc is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be so designed as to be made an integral part of the plat and/or Certified Survey Map and may be dedicated but in any case, shall be reserved for acquisition at the established market price at the time the plat is approved, by the agency having jurisdiction, for a period not to exceed two (2) years unless extended by mutual agreement.

(c) Wherever a subdivision abuts a public use area such as a park, lake, stream or any similar type of public recreational area, the subdivider, at the option of the Plan Commission, shall provide an access thoroughfare at least 60 feet wide connecting such public area with a public street so that there shall be adequate public access to the public use area as determined by the Commission.

(d) The dedication of land for public purposes such as parks, rights-of-way, school sites, easements, becomes effective at the time of recording of the Certified Survey Map or the final plat. Such certified survey maps must be prepared in accordance with Section 236.34 (1) (e) of the Wisconsin State Statutes.

(e) On sites reserved for eventual public acquisition, no building development or improvement is permitted during the time or reservation. Land so reserved shall be shown on the plat of a subdivision or on a certified survey map of other divisions.

(f) **Park Dedication Requirement.** Prior to approval of the final plat, the subdivider shall dedicate land or provide a payment in lieu of dedication for the development of public park, recreational or open space areas, all as required in this subsection (f).

1. Feasibility of Land Dedication. Following submission of a preliminary plat, the Plan Commission, in conjunction with the Parks and Recreation Director, shall determine whether a dedication of land owned by the subdivider in or adjacent to the proposed subdivision is compatible with City development plans. If such compatibility exists, the Plan Commission shall then determine the location and acreage of land areas to be dedicated, subject to subparagraph (f)2. The Plan Commission may require that a written agreement be executed with the subdivider prior to final plat approval to establish any details regarding the dedication.

2. Computation of Required Dedication. If the Plan Commission and Recreation and Parks Director determine under (f)1 that a dedication is compatible with City development plans, the subdivider shall dedicate to the City land for park purposes as a condition of final plat approval based on the following percentages of land in the proposed subdivision with the following zoning classifications at the time of final plat approval:

<u>Zoning Classification</u>	<u>% Allocation of Total Gross Residential Acreage</u>
R-1	5
R-2, R-3	7
R-4	9
R-5, R-6, R-7	10

If the Subdivider is obligated to dedicate more land than the Plan Commission determines is needed under the above formula, the subdivider shall make a payment in lieu of dedication under (f)3 for the balance.

3. Payment in Lieu of Dedication. Where the Common Council determines such dedication is not feasible or incompatible with City plans, the subdivider shall in lieu thereof pay to the City a fee determined by taking an average equalized assessed value per acre of undeveloped property within the City, as determined by

the City Assessor, multiplied by the total gross residential acreage in the proposed subdivision (including street right-of-way) which would otherwise be required under §21.03(3)(f)2. The Plan Commission shall make a recommendation to the Common Council regarding a final decision to accept land or a payment in lieu thereof under this ordinance.

4. Time of Payment. Any payment in lieu of dedication under this subparagraph shall be due in a lump sum prior to the time of final plat approval.

5. Use of Funds. Payments received hereunder shall be held in a nonlapsing, interest bearing account to be used exclusively for site acquisition or capital improvement of park and recreational lands acquired after enactment of this ordinance.

6. Proportionate Payment in Lieu of Dedication. Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the development, the Plan Commission may, but shall not be required to allow such areas or portions thereof shall be credited against the requirement of land dedication and/or in lieu of fees for park and recreation purposes, as set forth in this subsection, provided that the following standards are met:

a. Yards, building separations, setbacks and other open areas required to be maintained by the zoning and building regulations shall not be included in the computations of such private open space;

b. Private ownership and maintenance of the open space is adequately provided for by recorded covenants, conditions and restrictions;

c. Use of private open space is restricted for permanent park and recreational purposes by recorded covenants, conditions and restrictions which run with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the City; and

d. The proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land.

7. Exempt Lots. No dedication or payment shall be required for a lot, created by the subdivision of land under this ordinance, on which a residential structure already exists, or which is a residual parcel in excess of 120 acres and not intended for immediate sale or other conveyance.

(4) Plats or Lot Divisions Outside the Corporate Limits. Before final approval by the City of Manitowoc of any plat or certified survey located outside the corporate limits of the City, but within the plat approval jurisdiction of the City of Manitowoc, the subdivider shall give evidence that he has complied with all street and utility improvement requirements of the town in which the land being platted is located as well as evidence of compliance

with the requirements of the subdivision regulations for Manitowoc County.

(5) Variances. When in the judgment of the Plan Commission or the Common Council it would be inappropriate to apply literally a provision of this Ordinance because the subdivision is located outside the corporate limits or because extraordinary hardship would result, it may waive or vary such provisions so that substantial justice may be done and the public interest secured, provided that in no event shall the requirements of filing and recording the Certified Survey Map or the final plat be waived.

(6) Land Suitability. No land shall be subdivided for residential use, which is held unsuitable for such use by the City Plan Commission for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or other features likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The City Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion, that land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the City Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

(7) Official Map. The subdivision layout shall conform to the "Official Map" of the City of Manitowoc as contained in Chapter 22 of the Municipal Code. However, where necessary and practical, a variance for the exact design as shown on the "Official Map" may be permitted if such variance does not detrimentally affect the public interest, the spirit and intent of this Chapter, or the integrity of the said "Official Map."

(8) Public Access to Lots. The subdividing of land shall be such as to provide for each lot, by means of either a public street or a permanent 25 foot wide easement, satisfactory access to an existing public highway or to a street as shown on the "Official Map".

(9) Retention of Natural Features. In all subdivisions, consideration shall be given to all natural features such as large trees, natural groves, water courses, scenic points, historic points, and similar community assets, which will add attractiveness and value to the subdivision and preserve these natural assets for the good of the general public.

(10) Subdivision of Land Near Floodplains. In general, no land for residential use shall be subdivided where its elevation is lower than three (3) feet above the highest water level recorded for the area.

(11) Planned Residential Developments. Planned" residential developments containing proposals at variance with the requirements of this ordinance may be established and shall be considered on the basis of area, density of development, compatibility with adjoining areas, and whether the plans include covenants, deed restrictions or other legal assurances to guarantee that the plan will be implemented and fully achieved.

(12) Division of Commercially Zoned Land. The division of commercially zoned land into residential type lots shall not be permitted. When small areas in the subdivision plat will be created for commercial use, they shall be of sufficient size to implement the operations of a local business zone, and the City Plan Commission may require the subdivider to justify the size and location.

(13) Lot Division Within the Corporate Limits or Extraterritorial Plat Jurisdiction. No person, firm, or corporation shall divide any land located within the corporate limits of the City of Manitowoc or its Extraterritorial Plat Jurisdiction for the purpose of creating an additional parcel without filing for approval by the City plan Commission or City Planning Department, a Certified Survey Map meeting all the requirements of Section 236.34 of the Wisconsin Statutes and which shall show all existing buildings located on the parcel (s) which are a part of the survey map. To the extent practicable, the division creating new lots or building sites shall comply with the provisions of this Ordinance relating to general requirements, design standards, improvement requirements and drainage plan requirements.

(14) 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 Building Permit authorizing the building on or improvement of any Subdivision or replat 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 City may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

(15) Penalties. Any persons, firm or corporation that fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$1,000.00 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 (6) months. Each day a violation exists or continues shall constitute a separate offense.

(a) Recordation improperly made has penalties provided in Section 236.30, Wisconsin Statutes.

(b) Conveyance of lots in unrecorded plats has penalties as provided for in Section 236.31, Wisconsin Statutes.

(c) Monuments disturbed or not placed have penalties as provided for in Section 236.32, Wisconsin Statutes.

(d) Assessor's Plat may be ordered by the City when a subdivision is created by successive divisions as provided in Section 236.31 (2), Wisconsin Statutes.

21.04 PROCEDURES

(1) For Plat Approval Within Corporate Limits.

(a) Concept Plan. Any owner or authorized representative, proposing to subdivide or divide a tract of land into five or more parcels or building sites of five acres or less in area shall contact the City Planner and City Engineer and acquaint himself with the provisions of the Wisconsin State Statutes and ordinances of the City of Manitowoc concerning the platting of land. Prior to, or concurrent with the submittal of a preliminary plat, a concept plan shall be submitted for approval by the City Plan Commission. The concept plan is intended to guide the overall development of property in the City of Manitowoc, and shall provide the following information:

Scaled sketch of the proposed subdivision including location map, existing topography, number of lots,

lot and block numbers, typical lot width and depth, proposed utilities and street improvements, street names, proposed layout of streets and their relationship to the City's Official Map, physical and legal/statutory relationships between the subdivision and abutting properties, and identification of any other relevant land characteristics including, but not limited to, adjacent development patterns, wetlands, playgrounds, parks or other public areas.

This concept plan shall depict the total planned development for contiguous land areas owned by a subdivider, including the current and all future phases of a proposed subdivision development. Approval of the concept plan by the City Plan Commission shall be required prior to consideration of a preliminary plat. Approval of the concept plan shall not be interpreted as approval of a preliminary plat.

(b) Submittal of Preliminary Plat to Plan Commission before July 1. The owner, or his authorized representative shall submit to the City Plan Commission a preliminary plat of the proposed subdivision, prepared in accordance with these regulations and Chapter 236 of the Wisconsin State Statutes before July 1 if contemplating requesting approval of the final plat during the next year. The submission of his preliminary plat shall be at least ten (10) days prior to the next regular scheduled City Plan Commission meeting and shall include ten (10) prints of the preliminary plat, three (3) sets of engineering plans, and a letter of transmittal requesting approval and outlining among others, the proposed use of the subdivided land, proposed dedication of land intended for streets, alleys, public ways or other public uses and other that are proposed by the subdivider. The map showing the preliminary plat shall cover all adjacent real property owned in whole or in part or controlled by the subdivider, even though only a small portion thereof is proposed for development at this time.

(c) Action of Common Council Concerning Preliminary Plat. Within forty (40) days of the time of the filing of the preliminary plat with the City Clerk, the Common Council shall take action to approve, approve conditionally, or reject such plat. Notice of the action of the Common Council shall be given to the owner, or his authorized representative, within ten (10) days thereafter outlining, in writing, any conditions of approval or the reasons for rejection of the plat.

(d) Reports of Reviewing Agencies. Reports on the preliminary plat shall be prepared and considered by the Plan Commission from the following agencies:

- (i) City Engineering Department
- (ii) Manitowoc Public Utilities
- (iii) Manitowoc County Planning and Park Commission
- (iv) Wisconsin Fuel and Light Company
- (v) Wisconsin Telephone Company
- (vi) Department of Building Inspection
- (vii) Planning Department

(e) Plan Commission Report on Preliminary Plat to Common Council. After recommendation concerning the preliminary plat by the City Plan Commission the same shall be forwarded to the Common Council with a statement of the conditions upon which the approval was based. This statement shall enumerate those regular and/or special site improvements which must be installed prior to approval of the final plat. The preliminary plat along with the recommendations of the City

Plan Commission shall be considered by the Common Council at its next regular scheduled meeting. The Common Council shall by resolution indicate its approval, conditional approval, or rejection of the preliminary plat including any conditions upon which the approval is based and shall specify what improvements will be required before acceptance of the final plat. A certified copy of this resolution shall be sent to the person or persons submitting the plat by the City Clerk.

(f) Submittal of Final Plat to Plan Commission. Within 24 months after the approval of the preliminary plat by the Common Council, a final plat of the proposed subdivision prepared in accordance with these regulations and Chapter 236 of the Wisconsin State Statutes, shall be submitted to the City Clerk and Plan Commission. The submission of this final plat shall include ten (10) photostatic copies of the final plat and a letter of transmittal requesting approval and outlining all necessary points in relation to the final plat. Within sixty (60) days after the transmittal of the final plat to the City Clerk and Plan Commission it shall be either approved or rejected by the Common Council according to the provisions of Chapter 236 of the Wisconsin State Statutes.

(g) Plan Commission Report on Final Plat to Common Council. After approval of the final plat by the City Plan Commission the same shall be forwarded to the Common Council with a statement of the conditions upon which the approval was based. At this time the City Plan Commission shall also make final recommendations to the Common Council regarding the necessary minimum improvements and special requirements needed to be carried out to fulfill the letter and spirit of the Ordinance.

(h) Filing Requirements of Approved Final Plat. After the final plat of the subdivision has met with all approvals, as herein stated, and is in a status acceptable to the Register of Deeds of Manitowoc County, the subdivider or his agent shall file with the City Plan Commission and with the City Engineer mylar tracings of the subdivision map and the surveying data pertaining thereto.

(i) Final Plat Review Fee. Whenever a final plat of a proposed subdivision is submitted to the City Clerk and Plan Commission for approval, a review fee as determined by resolution of the Common Council shall accompany the Final Plat. Such sum shall not be refunded whether or not the Final Plat is approved.

(2) Procedure for Approval of Plats or Development Plans Within the Extraterritorial Plat Approval Jurisdiction of the City of Manitowoc.

(a) When the land to be subdivided lies within three (3) miles of the corporate limits of the City of Manitowoc, the subdivider shall proceed as specified in the Manitowoc County Subdivision Regulations. All improvement requirements, specified by the Town Board or any special district in matters over which they have jurisdiction, shall be met before the filing of the final plat.

1. Subdivision Plats. Any final subdivision plat as defined in the Wisconsin State Statutes shall be submitted to the Manitowoc City Plan Commission in triplicate for its approval as provided for in Section 236.10 of the Wisconsin State Statutes.

2. Development Plans. Any development plans, as required by the Manitowoc County Subdivision Regulations

shall be submitted to the City Plan Commission in triplicate for its approval.

(3) Procedures for Approval of Lot Divisions Not Involving Subdivision or Development Plans. Any division of land ten (10) acres or less in area which creates an additional parcel or building site within the Corporate Limits of the City of Manitowoc or its Extraterritorial Jurisdiction must be accomplished by a Certified Survey prepared in accordance with the provisions of Section 236.34 of the Wisconsin State Statutes. Certified Surveys must be submitted to and approved by the Manitowoc City Plan Commission or City Planner after review of the survey's conformance to the Comprehensive Plan, Official Map, and other applicable State and Local Ordinances and Regulations. Previous to filing a Certified Survey Map, the subdivider may consult with the City Planner and City Engineer for advice and assistance. These consultations are intended to inform the subdivider of the purpose and objectives of these regulations, the Comprehensive Plan and Official Map, and to otherwise assist the subdivider in planning his development.

(4) Certified Survey Review Fee. Whenever a Certified Survey is submitted to the Manitowoc City Plan Commission for approval, a per lot filing fee as determined by resolution of the Common Council shall accompany the survey. Such sum shall not be refunded whether or not the survey is approved.

21.05 DESIGN STANDARDS.

In the subdividing of a lot, parcel or tract of land for the purpose of sale or of building development, the owner or his authorized agent shall observe the following design standards.

(1) Street Layout.

(a) As far as practicable, all proposed streets shall be continuous and in alignment with existing planned or platted streets with which they are to connect.

(b) All proposed streets shall be extended to the boundaries of the tract to be subdivided, unless prevented by topography or other physical conditions or unless such extension is not necessary or desirable for co-ordination with the surrounding street pattern. Dead-end streets or cul-de-sacs of reasonable length will be approved where necessitated by topography, or where they are appropriate for the type of development contemplated.

(c) Streets shall intersect, as nearly as possible, at right angles, taking into consideration topography, ownership lines, or other natural barriers.

(d) Alleys may be provided in commercial or industrial districts where good design requires them to properly service local and through traffic requirements, but shall not be provided in residential districts unless required by unusual topography or other exceptional conditions, such as the need to provide limited access onto arterial streets.

(e) Whenever part of a dedicated, platted or recorded street, alley or other public way exists immediately adjacent to the tract to be subdivided, the balance of such street, alley or other public way shall be dedicated by the subdivider.

(f) Minor streets shall be designed so as to discourage their use for through traffic.

(g) Street jogs with centerline off-sets of less than one hundred and twenty-five (125) feet shall not be approved.

(h) Vehicular access to arterial streets or parkways shall be held to a minimum, if possible only at street intersections. Vehicular access to lots adjoining or adjacent to arterial streets or a parkway shall be minimized by proper subdivision design.

(i) Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision shall be made on each side of such right-of-way for streets approximately parallel to and at a distance suitable for appropriate use of the land between such streets and the railroad right-of-way, but, not less than one hundred and fifty (150) feet.

(2) Block Design.

(a) The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and type of development contemplated and conform to the "Official Map," but shall not exceed thirteen hundred and twenty (1,320) feet in length, unless waived by both the Common Council and the City Plan Commission nor shall they be less than four hundred (400) feet in length.

(b) Blocks shall have sufficient width to provide for two (2) tiers of lots except in blocks adjacent to major streets, railroads, or waterways.

(c) In blocks over nine hundred (900) feet in length, a crosswalk or pedestrian way, not less than twenty (20) feet wide, may be required near the center and entirely across such block where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, other community facilities, or pedestrian traffic. Where pedestrian ways are deemed necessary by the Plan Commission and Common Council the subdivider shall fully improve the pedestrian way at his own cost prior to approval of the final plat.

(d) The number of intersecting streets along arterial streets shall be held to a minimum and wherever practicable said intersecting streets shall be at least six hundred and sixty (660) feet apart. When a subdivision abuts a state trunk highway, the intersecting streets shall be in general at least one thousand (1000) feet apart. Whenever existing streets can provide adequate access to state trunk highway then no new streets shall open onto the highway. Temporary street connections to arterial streets or state trunk highways shall be permitted when the subdivision is only part of the overall neighborhood development as shown on the "Official Map."

(3) Street Standards.

(a) All street right-of-ways, from lot line to lot line, shall be of the width as specified and shown on the "Official Map" of the City of Manitowoc, or, if not specified, they shall not be less than the width as specified for the following types of streets:

<u>Street Type</u>	<u>Minimum Width in Feet</u>
Principal Arterial	One Hundred (100)
Minor Arterial	Ninety (90)
Collector Street	Eighty (80)

Minor Street Sixty (60), except that all future streets, not reserved, dedicated or identified on the City's Official Map or identified on a fully executed Certified Survey Map on or before November 16, 1998, shall be at a minimum right-of-way width of sixty six (66) feet.

(b) Minor streets and cul-de-sac streets not over six hundred and fifty (650) feet in length may be sixty (60) feet in width.

(c) Cul-de-sacs shall not exceed six hundred and fifty (650) feet in length and shall provide a turn-around with a minimum right-of-way radius of sixty (60) feet with a reverse curve having a minimum ninety (90) foot radius connecting the right-of-way tangent.

(d) All alleys and pedestrian ways shall be a minimum of twenty (20) feet in width.

(e) The minimum street widths as stated herein may be varied where topography or other special conditions require the same, but in no event will half streets or a portion of a street be permitted.

(f) Alley shall not be dead-ended but be developed as either "I", or "L" or "T", with each end terminating in a public way.

(g) Clear visibility or minimum sight distances, measured along the centerline shall not be less than specified as follows:

<u>Street Type</u>	<u>Minimum Sight Distance in Feet</u>
Arterial Street	Six Hundred (600)
Collector Street	Two Hundred (200)
Minor Street	Two Hundred (200)

(h) When streets deflect more than Five (5) degrees from a straight line or where determined by the Plan Commission, a horizontal curve shall be used to connect the tangents. The minimum centerline radii for such horizontal curves shall be as specified below. Variances may be permitted when topography or other considerations make observance of these standards impractical.

<u>Street Type</u>	<u>Minimum Radius in Feet</u>
Principal and Minor Arterials	Four Hundred (400)
Collector Street	Three Hundred (300)
Minor Street	One Hundred (100)

(i) A tangent of at least one hundred (100) feet in length shall be provided between reversed curves.

(j) Street grades shall conform to the following maximum specifications:

<u>Street Type</u>	<u>Maximum Grade</u>
Arterial Streets	Five (5) percent
Collector Streets	Six (6) percent
Minor Streets	Seven (7) percent
Streets less than	

500 feet in length

Ten (10) percent

(k) The minimum grade to be used in all cases shall not be less than 0.50 percent, except on curves with a radius of less than one hundred (100) feet shall be no less than one (1.00) percent.

(l) Pedestrian ways or crosswalks shall have a maximum grade of twelve (12) percent, unless steps of an acceptable design are to be constructed.

(m) All street grades shall be determined by the developer's engineer and approved by the City Engineer.

(n) No street shall intersect any other street at an angle less than sixty-eight (68) degrees.

(o) At street and alley intersections, property line corners shall be rounded by an arc, the minimum radius of which shall be fifteen (15) and ten (10) feet, respectively. Chords shall be substituted for such arcs. The above minimum radii shall be increased when the smallest angle of the intersection is less than sixty-eight (68) degrees.

(p) Street curb intersections shall be rounded by radii of at least twenty (20) feet except that minimum radii may be larger on collector and arterial streets.

(q) The Plan Commission shall name all new streets.

(4) Lot Design.

(a) The size, shape and orientation of lots shall be appropriate for the zone of the proposed subdivision and for the type of development contemplated, provided, however, that no lot shall be less than six thousand six hundred (6,600) square feet in area and have an average width of sixty (60) feet at the building setback line, or as required in the provisions of Chapter H 62 of the Wisconsin State Statutes, where public sewers are not available.

(b) Every lot shall front or abut on a public way other than an alley or a pedestrian way.

(c) Double frontage lots shall be avoided.

(d) Reversed frontage lots at street intersections shall be avoided.

(e) Corner lots shall be platted ten (10) percent wider than required for minimum width interior lots in order to provide proper setbacks on both streets.

(f) In all quadrangular lots and so far as possible all other lots, the side lot line shall be at right angles to straight street lines or radial to curved street lines.

(g) In tracts subdivided into parcels containing one or more acres, parcels shall be so arranged as to allow the resubdivision of any such parcels into normal lots in accordance with the provisions of these subdivision regulations.

(h) Where not controlled by zoning regulations, minimum building lines appropriate for the location and type of development contemplated shall be established all in accordance with applicable County regulations.

(i) Lots shall not be platted so as to cross over municipal boundaries unless the areas involved will be annexed to the City of Manitowoc in the process of subdividing.

(j) Double lotting will be approved if it is part of a comprehensively designed subdivision in accordance with these subdivision regulations and if they are incorporated with a frontage access to a public street having a minimum width of twenty-five (25) feet.

(k) When a subdivision is not served with a public sewer, then all the provisions of Chapter H 62 of the Wisconsin State Statutes governing lot size and lot elevation shall be applicable to any subdivision as defined in Section 236.02.

(5) Easements and Restrictions.

(a) Easements across lots or centered on rear or side lot lines shall be provided for the extension of any existing or planned utilities. These easements shall be at least six (6) feet wide on each side of the lot line and/or a total width of twelve (12) feet. Where situations warrant a large easement, such shall be provided as requested by the utility involved.

(b) Land subject to flooding and land deemed to be uninhabitable or inappropriate shall not be platted for residential use, unless adequate methods are formulated by the developer and approved by the City Engineer and the City Plan Commission.

(c) Where a subdivision is traversed by a water course, drainageway, channel, or stream having constant or intermittent flow there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width for construction and maintenance as will be adequate in the opinion of the City Engineer.

(d) All easements identified on subdivisions and certified survey maps are subject to Standard Utility Easement Conditions as recorded at the Manitowoc County Register of Deeds in Volume 1252, Page 498 of Records, as document number 798738, as may be amended from time to time, and shall be referenced on the approved plat or certified survey.

(6) Underground Facilities.

(a) All new electric distribution lines (excluding lines of 12,000 volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, community antenna television cables and services installed within a newly platted area, mobile home park or planned development, shall be underground unless the Plan Commission shall specifically find after study that:

1. The placing of such facilities underground would not be compatible with the planned development.
2. Location, topography, soil, stands of trees or other physical conditions would make underground installation unreasonable or impracticable.
3. The lots to be served by such facilities can be served directly from existing overhead facilities.

(b) Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above grade pedestal mounted terminal boxes may be located above ground.

(c) The subdivider or the subdivider's agent shall furnish proof to the Plan Commission that such arrangements as may be required under applicable rates and rules filed with the Wisconsin Public Service Commission have been made with the owner or owners of such lines or services for placing their respective facilities underground as required by this subsection as a condition precedent to approval of the final plat or certified survey map.

(d) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed, subject to any exception permitted by the Plan Commission under subpars. (a) 1, 2 and 3 above.

(e) Adequate easements as required in §.2105(5)(a) shall be provided and dedicated on each side of all rear lot lines and on side lot lines, across lots or along front lot lines where necessary for the installation of electric and communications facilities. Such easements shall be noted as "utility easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map.

1. Where the electric and communications facilities are to be installed underground the utility easements shall be graded to within 6" of final grade by the subdivider prior to the installation of such facilities and earth fill, piles or mounds or dirt shall not be stored on such easement areas.
2. Where the electric and/or communication facilities are to be installed underground a note shall be placed on the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than 6" by the subdivider, his agent or by other subsequent owner of the lots on which such utility easements are located, except with written consent of the utility or utilities involved.

21.06 PLAT SPECIFICATIONS AND REQUIREMENTS.

(1) **Preliminary Plats.** Preliminary plats shall show and contain the following information prepared by a Registered Surveyor:

(a) **Items Pertaining to the Title.**

1. Proposed subdivision name, which shall not duplicate or closely approximate the name of any other subdivision in the area governed by this ordinance.

2. Name and address of the owner or his authorized agent.
3. Location by quarter section, section, township, range and county and the legal description to clearly define the location and boundaries of the proposed plat and a statement of the acreage contained in the plat.
4. Scale, not to be more than one (1) inch equals one hundred (100) feet.
5. Date, north point, and vicinity map.
6. Name and address of the Registered Surveyor preparing the plat.

(b) Items Pertaining to the Plat.

1. The boundary of the ownership of which the proposed subdivision is a part and the boundary of the proposed subdivision, accurately described and indicated and evidence of ownership, to determine if all parties having an interest are represented.
2. Names of adjacent recorded or unrecorded subdivisions and the names of the owners of contiguous parcels of unsubdivided land which are owned by any of the subdividers of the subject plat.
3. Information shall be submitted on the following items pertaining to the land to be subdivided and the adjoining areas:
 - a. The location, widths, and names of all existing or platted streets, alleys, pedestrian ways, or other public ways and easements and their status of development. All easements are subject to Standard Utility Easement Conditions as recorded at the Manitowoc County Register of Deeds in Volume 1252, Page 498, as document no. 798738, as may be amended from time to time, and shall be referenced on the preliminary plat;
 - b. All railroad and utility right-of-ways and easements, parks, cemeteries;
 - c. All permanent or temporary buildings or structures and other public spaces;
 - d. All sanitary and water mains, sewers, showing their existing and proposed sizes, depths, elevations and locations;
 - e. Existing and proposed storm sewer information, drainage ditches, water courses, bridges, and all other items that may be used in connection with the planned subdivision.
4. Dimensions of lots and other land areas where necessary.
5. Radii of all curves and the lengths of all tangents.
6. Land to be reserved for public use, or to be reserved by deed covenant for use of all the property owners in the subdivision, with conditions, if any, of such dedication or reservation. Private property held in

common and not dedicated for public use shall be so indicated.

7. Self imposed restrictions or reference thereto shall appear on the face of the plat.

8. The preliminary plat shall be accompanied by the following minimum information to be approved by the City Engineer and Director of Public Works.

a. Profiles and cross sections showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision for positive off-street drainage.

b. Typical cross sections of the proposed grading of roadways and sidewalks.

c. The method of sewage disposal and plan including proposed sanitary and storm water sewers with grades, elevations and sizes indicated.

d. Water mains with grades, elevation and sizes indicated.

e. Subdivider to fully improve in conformance with this ordinance all off-site streets which provide access to streets in the subdivision. All elevations shall be made on the verified datum plan of the City of Manitowoc. The preliminary plat must be submitted for review before July 1 of the year prior to the planned opening of the subdivision to insure that the City of Manitowoc will have funds available for installation of storm sewer mains. If a preliminary plat is submitted after July 1 and if the Common Council accepts said preliminary plat, the subdivider shall be responsible for paying a 20% surcharge for storm sewer mains in addition to the lineal foot rates as contained in Section 21.06 (2) (d) (v).

9. In order to insure positive drainage from all lots within each proposed block so that no surface water will pond within the block, subdivider shall submit at the time of the preliminary plat review a drainage plan for each block within the proposed subdivision as well as reasonable distance beyond the subdivision limits. This drainage plan shall include the final grade elevations to be maintained along rear lot lines. Should the approved drainage plan require any grading or the installation of storm water drainage facilities within any block or blocks, the subdivider shall cause such grading or other improvements to be installed at his expense at the same time the subdivision roads are being graded. Contour information in the drainage plan shall be at vertical intervals of not more than two feet where the slope is less than 10% and not more than five feet where the slope is greater than 10%. All elevations shall be based on the verified datum plan of the City of Manitowoc.

To insure compliance with the approved drainage plan, a covenant shall be included on the face of the final plat referring to the drainage plan at the time of approval of the plat requiring compliance therewith by the developer.

(2) **Final Plat.** The final plat of a subdivision shall

consist of the original official record plat and supporting certificates, affidavits, and acknowledgments fully executed and all the provisions of Chapter 236.12 of the Wisconsin State Statutes complied with before presentation to the City Plan Commission for their consideration.

(a) Items Pertaining to the Title.

1. Name of the subdivision and the section or part thereof shall appear in prominent letters and such name shall not duplicate or closely approximate the name of any other subdivision in the area governed by this ordinance.

2. Location and position of the subdivision shall be shown in each of the following ways:

a. Directly under the name given to the subdivision shall be noted its location by government lot, quarter section, township, range and county.

b. The exact location of the tract being subdivided with reference to a corner or corners established in the U.S. Public Land Survey and Manitowoc County Coordinate System, indicated by distances and bearings in accordance with Section 21.03(2m).

c. A small scale line drawing of the section or government subdivision of the section naming, if any, the peripheral streets of said section in which the land under consideration is situated. This drawing shall show a graphic scale and north point and shall be oriented on the sheet in the same direction as the main drawing.

3. Names and addresses of owner and the Registered Surveyor.

4. A graphic scale and a north point.

(b) Items Pertaining to the Final Plat.

1. All plats shall be legibly prepared on one or more sheets twenty two (22) inches wide and thirty (30) inches long of durable muslin-backed paper. When more than one sheet is used for any plat, they shall be numbered consecutively and each sheet shall contain a notation showing the whole number of sheets in the plat and its relation to the other sheets. A binding margin of one and one-half (1½) inches wide on one side, as designated by the Register of Deeds and one (1) inch margin on all other sides.

a. All final plats shall also be provided to the City on a 3½" computer diskette, compact disk or other medium specifically approved by the City Planning Department in the City's current Microstation DGN format or a standard DXF file format, wherever practicable.

2. The drafting of final plats shall be drawn with waterproof, non fading black ink unless specified otherwise in this section, except that any information besides original signatures required by law may be typewritten. The scale used shall not be more than one hundred (100) feet to the inch.

3. All plats shall accurately show on the face thereof the following information, with distances shown to the nearest one one-hundredth (1/100) of a foot and bearings in degrees, minutes and seconds.

a. The exterior boundaries of the land surveyed and divided.

b. All parcels, lots, blocks, streets, off-street parking areas, pedestrian ways, alleys, public grounds, public utility easements and drainage easements into which the land so surveyed is divided. All easements are subject to Standard Utility Easement Conditions as recorded at the Manitowoc County Register of Deeds in Volume 1252, Page 498, as document no. 798738, as may be amended from time to time, and shall be referenced on the final plat.

c. All monuments erected, corners and other points established in the field in their proper places. The type of material of which such monuments, corners and other points are composed of, as well as dimensions, noted by representation or by suitable legend, except lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, length and weight per lineal foot of the monuments as required by the Wisconsin State Statutes.

d. All blocks consecutively numbered or lettered in numerical or alphabetical order provided that the blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively through the several additions.

e. All lots in each block consecutively numbered and outlots lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order with each block.

f. The area of each lot or outlot containing an area of one (1) acre or more to the nearest one one-hundredth (1/100) of an acre.

g. The length and bearing of all exterior boundary lines and the recorded lengths and bearing of abutting plats or certified surveys where there are variances.

h. The length and bearing of boundary lines of all easements, blocks, public grounds, public ways and alleys.

i. The widths of all easements, streets, public ways and alleys.

j. The center line of all streets, including lengths and bearings.

k. The length and bearing of all lot lines; except that when the lines in any tier of lots are parallel, it shall be sufficient to mark the bearings of the outer lines of such tier only.

l. All lake or stream shore meander lines

established by the surveyor in accordance with Section 236.15 (1) (d) of the Wisconsin State Statutes, the distances and bearings thereof, and the distance between the point of intersection of such meander lines with lot lines and the ordinary high water mark.

m. The number of degrees, minutes and seconds in all exterior and block angles.

n. Building setback lines properly dimensioned along all streets which are to be established by the subdivider if they vary from the setbacks of the City of Manitowoc's current zoning requirements or if the subdivision proposed is within the extraterritorial jurisdiction of the City of Manitowoc.

o. All private easements, roads, streets, public ways, alleys, off-street parking areas and other land reserved for private use which are not dedicated to public use, which shall be clearly marked thereon "Private Road," "Private Street" or "Private Way."

p. All parks, parkways, playgrounds, off-street parking areas, alleys and other lands dedicated to public use shall be clearly marked thereon "dedicate to the public for use as a park or playground etc."

q. All water courses, drainage ditches and other existing features pertinent to proper subdivision.

r. All existing, temporary or permanent buildings and structures.

s. Self imposed restrictions or reference thereto.

4. Horizontal curves shall be used to join the tangents of all streets wherever practical. Plans shall show points of curvature and points of tangents and their station locations. When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as a dotted line in its proper place; and either on it, or in an adjoining table, shall be noted its bearing and length, the radius of the circle of which the curve is a part, the central angle subtended and the tangent bearing at the point of curve or the point of tangency. The lot lines on the street sides may be shown in the same manner or by bearings and distances. When a circular curve of a thirty (30) foot radius or less is used to round off the intersection between two straight lines, it shall be tangent to both straight lines, it shall be sufficient to show on the plat the radius of the curve and the tangent distances from the points of curvature to the point of intersection of the straight lines.

5. The name of each road or street shall be printed thereon in prominent letters and shall be in conformance with the street designations of the City of Manitowoc.

6. The names of adjoining streets, state highways and subdivisions shown in their proper location underscored by a dotted line.

7. Abutting street and highway lines of adjoining plats shown in their proper location by dotted lines. The width of streets and highway shall also be given.

8. Where provisions are made for access from any subdivision to any lake or stream, the plat shall show the area over which the access is provided to the lake or stream together with a small scale drawing clearly indicating the location of the subdivision in relation to the lake or stream and the location of the area to which access is provided.

9. The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the datum used by the City of Manitowoc.

(c) Other Items. Pertaining to the Final Plat. All descriptions, affidavits, certificates and resolutions as required in Chapter 236.21 of the Wisconsin State Statutes and if the land mortgaged, consent by the mortgagee, shall be lettered or typed on the face of the plat as indicated in the appendix of the ordinance.

(d) Development Improvements Prerequisite to Approval of the Final Plat. The following minimum improvements shall be installed in accordance with plans and specifications approved by the Director of Public Works prior to approval of the final plat of any subdivision ten acres in area or less. Where a plat is in excess of ten acres in area, the subdivider may, at the option of the subdivider, present a staged plan for development of the subdivision with each stage being no less than ten acres in area. No Building Permits will be issued for construction on platted lots of future stages which do not have full improvements. The subdivider or the subdivider's agent shall notify the Director of Public Works in writing before July 1, of the year prior to the year in which the subdivider plans to make necessary improvement to any ten acre stage of the subdivision.

1. Grade the full width of the right-of-way of all streets to the subgrades of the roadbed and sidewalk areas, all alleys the full width of their right-of-ways and to the subgrade of the roadway, all pedestrian ways.

2. Surface all roadbeds of streets and alleys with gravel and apply dust laying palliatives according to plans and specifications of Director of Public Works.

3. Install all water mains and install laterals to the lot lines.

4. Install all sanitary sewer mains and install laterals to the lot lines. Laterals shall be installed at the direction of the City Engineer so that at least one lateral will serve each lot of record.

5. Install storm sewer mains and laterals to the lot lines. Laterals shall be installed at the direction of the City Engineer so that at least one lateral will serve each lot of record. The subdivider shall be responsible for a portion of the storm sewer main costs and for all of the storm lateral costs. The portion of the storm sewer main costs to be paid by the subdivider shall be determined in accordance with Section 7.276 utilizing data from recent years installation costs on similar projects with costs adjusted for inflation.

Inflation herein is defined as the most current annual inflation index as determined by the "Consumer Price Index for all Urban Consumers US City Average for All Items" (CPI-U). The storm sewer main cost to be paid by the subdivider shall not exceed a maximum of 120% of the previous years rate for a similar sewer installation project. However, the amount for the storm sewer main and the total cost of the laterals shall be paid to the City Treasurer prior to the final plat approval or at the time when the City takes bids for the storm sewer work, whichever comes first. In order for the City to budget for the necessary storm drainage facilities, the subdivider shall submit the preliminary plat for review before July 1, as outlined in Section 21.04(1)(b).

a. Televisе sanitary and storm sewer mains within the boundaries of the planned subdivision. Subdivider to provide a televised inspection video tape and written report to the City Engineer.

6. Rough grading of all land areas and installation of necessary drainage structures within the subdivision including blocks, to insure initial overall positive surface drainage to existing or planned streets, storm sewers or natural drainage courses. The subdivider shall be responsible for the provisions of continuous positive surface drainage of water to the existing storm sewers and/or drainage courses until all lots within the subdivision are fully developed.

7. Sign a petition requesting permanent street paving and sidewalk installation on all streets within the subdivision to take place within three years from the date of the final plat approval or when the City of Manitowoc deems appropriate. The installation of sidewalks shall occur concurrent with the installation of permanent street paving, unless this requirement is waived or modified by the City Engineer.

8. Performance of all other improvements deemed necessary by the City Plan Commission of the City of Manitowoc. Such improvements shall include, but shall not be limited to the construction of lift stations and appurtenances thereto which shall be deemed necessary by the City Plan Commission. In the event a new lift station is deemed necessary by the City for the subdivision, the Plan Commission shall require the subdivider to pay for part or all of the cost of such lift station in proportion to the benefits to be derived therefrom by the proposed subdivision. In the event the particular subdivision shall derive a benefit from a lift station which was previously constructed, the City Plan Commission shall require the subdivider to pay a share of the original cost proportionate to the benefits to be derived therefrom by the proposed subdivision.

In instances where the subdivider requests the City to install any or all development improvements under §21.06(2)(d) of this ordinance, and the City approves the subdivider's request, the subdivider shall pay to the City Treasurer the fee or assessment amount required to implement the improvements. Said fee or assessment shall be determined by the City Engineer, and shall be due and payable to the City prior to awarding the contract for such work. The City may charge inspection fees for all required development improvements required under this chapter, at rates as established by the City Engineer.

9. The subdivider's engineer shall certify in writing that all required improvements have been made according to the approved plans and specifications. In lieu of making the improvements specified, when certain facilities are not available or when extraordinary circumstances such as winter ground freezing merit later installation, the subdivider may, subject to the approval of the City Attorney and Plan Commission, file with the City of Manitowoc a letter of credit or an escrow account in a recognized financial institution in Manitowoc County, or other security acceptable to the City, covering the total cost of all improvements, in the amount to be established by the Director of Public Works, to insure the installation and construction of all necessary improvements within nine months after final approval of the plat. Said surety bond, escrow account or letter of credit shall provide that the City of Manitowoc or any officials or Board of the City of Manitowoc as designated by the City Council has the right to contract for the installation of all required improvements not completed following said nine month period and shall guarantee the transfer of sufficient funds to the City of Manitowoc to pay for said improvements. The amount guaranteed by the letter of credit, surety bond, or escrow account shall be sufficient to pay the estimated total cost of the improvements as determined by the Director of Public Works. A statement to the effect that such a surety bond has been filed or an escrow account established or that a letter of credit has been filed with the City of Manitowoc and has been accepted by the Common Council of the City of Manitowoc and that no Occupancy Permits will be issued until all improvements required in this section are fulfilled shall be placed on the final plat and incorporated in each deed. However, storm sewer mains and laterals shall be installed prior to street graveling. Sanitary sewer mains must be installed prior to the establishment of a surety bond, escrow account or letter of credit.

(3) Certified Surveys.

(a) Requirements.

1. The division creating new lots or building sites shall comply with the provisions of this ordinance relating to general requirements, design standards, improvement requirements, drainage plan requirements, and street dedication and street paving petition requirements where there is an official map street upon or adjacent to the lot being created.

2. The survey shall be performed and the map prepared by a surveyor registered by the State of Wisconsin.

3. All corners shall be monumented as herein required for subdivision lots and in accordance with Chapter 236.15 (1) (c) (d) of the Wisconsin State Statutes.

4. All existing buildings located on the land within the area covered by the required certified survey map shall be accurately shown thereon.

5. The map shall be prepared in accordance with all applicable sections of this ordinance and in such a manner to supply sufficient information for the exact

identification of the land-subdivision in reference to some corner established by the U.S. Public Land Survey and Manitowoc County Coordinate System in accordance with Section 21.03(2m), or if such land is located in a recorded subdivision or recorded addition thereto, then by the number or a description of the block or subdivision thereof, which has been previously tied to a corner marked and established by the U.S. Public Land Survey and Manitowoc County Coordinate System. Also the map shall be prepared either on durable white paper 8 ½ inches wide by 14 inches long with non-fading black ink at a scale of not less than 500 feet to the inch or on tracing cloth or paper, and a true scale photostat copy thereof may be used for recording purposes.

6. The certified survey map prepared according to the requirements of this ordinance may be used for the dedication of lands to the public when it complies with the provisions of Chapter 236.34 (1) (e) of the Wisconsin State Statutes.

(b) Certificates and Affidavits.

1. The map shall include the affidavit of the Registered Surveyor who surveyed, divided and mapped the parcel, typed, lettered or reproduced legibly with non-fading black ink, giving a clear concise metes and bounds description of the land surveyed by distances and bearings in accordance with Section 21.03(2m), commencing with some corner marked and established by the U.S. Public Land Survey and Manitowoc County Coordinate System. Such affidavit shall include the certificate of the surveyor to the effect that he has fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the requirements of this section.

2. The certificate of approval of the City Plan Commission shall be typed, lettered, or reproduced legibly with non-fading ink on the face of the map.

3. A certificate by the owner of the land shall appear on the map in substantially the following form: " As owner I hereby certify that I caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map." This certificate shall be signed by the owner, his wife and all persons holding an interest in the fee or record or by being in possession and if the land is mortgaged, by the mortgagee of record.

4. The map as herein specified shall be filed by the divider for record with the Register of Deeds of Manitowoc County and four (4) prints filed with the City Plan Commission of the City of Manitowoc within thirty (30) days, including evidence regarding such recording.

5. The basis for the approval of these land divisions shall be the same, as those pertaining to subdivisions, in purpose and intent.

21.07 MONUMENTS.

For every subdivision there shall be monuments placed as herein specified by a Registered Land Surveyor. These monuments shall be placed flush with the ground wherever practicable.

The City Plan Commission and the Common Council may waive the placing of monuments under pars. (2), (3) and (4), for a reasonable time on condition that the subdivider executes a surety bond to insure that he will place the monuments within the time required.

(1) The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete, not less than 30 inches in length, nor less than 4 inches square or 5 inches in diameter, marked on the top with a cross, brass plug, iron rod, or other durable material securely embedded; or by iron rods or pipes at least 30 inches long and 2 inches in diameter, weighing not less than 3.65 pounds per lineal foot. Solid round or square iron bars of equal or greater length or weight per foot may be used in lieu of pipes wherever pipes are specified in this section.

These monuments shall be placed not more than 1,400 feet apart on any straight lines, at all corners, at each end of all curves, at the point where a curve changes its radius, except that where such corners or points fall within a street or a proposed street, the monuments shall be placed in the side line of the street.

(2) All internal boundaries shall be monumented with like monuments as defined in Par. (1). These monuments shall be placed at all block corners, at each end of all curves, at the point where a curve changes its radius and at all angle points in any line.

(3) All lot corners shall be monumented with iron pipes at least 24 inches long and one (1) inch in diameter, weighing not less than 1.13 pound per lineal foot, or by round or square iron bars at least 24 inches long and weighing not less than 1.13 pounds per lineal foot.

(4) The lines of lots that extend to lakes or streams shall be monumented by iron pipes at least 30 inches long and one (1) inch in diameter weighing not less than 1.13 pounds per lineal foot, or by round or square iron bars at least 30 inches long and weighing not less than 1.13 pounds per lineal foot.

These monuments shall be placed at all angle points along the meander line and at the point of intersection of the lake or stream lot line with the meander line established not less than 20 feet back from the ordinary high water mark of the lake or from the bank of the stream.