

**CITY OF EDGERTON
EDGERTON CITY HALL
12 ALBION STREET
EDGERTON, WI**

PLANNING COMMISSION

Monday, April 25, 2022 at 6:30 P.M.

NOTICE: The meeting noticed above will also be live streamed on a Zoom platform: To view the meeting, please select the link to the meeting listed on the **calendar events** on the City website's home page at www.cityofedgerton.com. Due to occasional technical difficulties, citizen participation via Zoom may not be possible.

1. Call to Order; Roll Call.
2. Confirmation of appropriate meeting notice posted Friday, April 22, 2022.
3. Consider approval of a preliminary and final 2 lot CSM on Ladd Lane and Thronson Drive for Keinbaum.
4. Consider approval of a preliminary and final 1 lot CSM to combine two lots at 110 West Meadows Drive for Braun.
5. Consider Subdivision ordinance amendments.
6. Set next meeting date and future agenda items.
7. Adjourn.

cc: Commission Members All Council Members Department Heads
City Engineer Newspapers

NOTICE: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Administrator's office at least 6 hours prior to the meeting to request adequate accommodations. Telephone: 884-3341.

Notice is hereby given that a majority of the Common Council is expected to be present at the above scheduled noticed meeting to gather information about a subject over which they have decision-making responsibility. The only action to be taken at this meeting will be action by the Planning Commission."

TO: Edgerton Plan Commission

FROM: Staff

MEETING DATE: April 25, 2022

GENERAL DESCRIPTION

Description of Request: Petition for approval of a preliminary and final 2 lot certified survey map

Location: Parcel east of Dean Street (6-26-955A)

Applicant: Keinbaum

Current Zoning/Land Use: A-1 / agriculture

Proposed Lot sizes: 3.2 and 24.6 acres

STAFF DISCUSSION

The attached CSM is identical to the CSM recently approved except the lot line between the lots was moved 15 feet to the south.

STAFF REVIEW COMMENTS

Staff has reviewed the petition for planning issues in accordance with the Edgerton Zoning and Land Division Ordinances and has the following comments:

1. The petitioner proposes to create two lots with the intention of selling lot 2.
2. The lots complies with the lot bulk standards

STAFF RECOMMENDATION

Staff recommends the Plan Commission recommend approval of the proposed preliminary and final 2 lot CSM located on Thronson Drive and east of Ladd Lane subject to the following conditions:

1. The final CSM indicates all easements.
2. The petitioner pays the \$10 platting fee for the creation of a new lot.

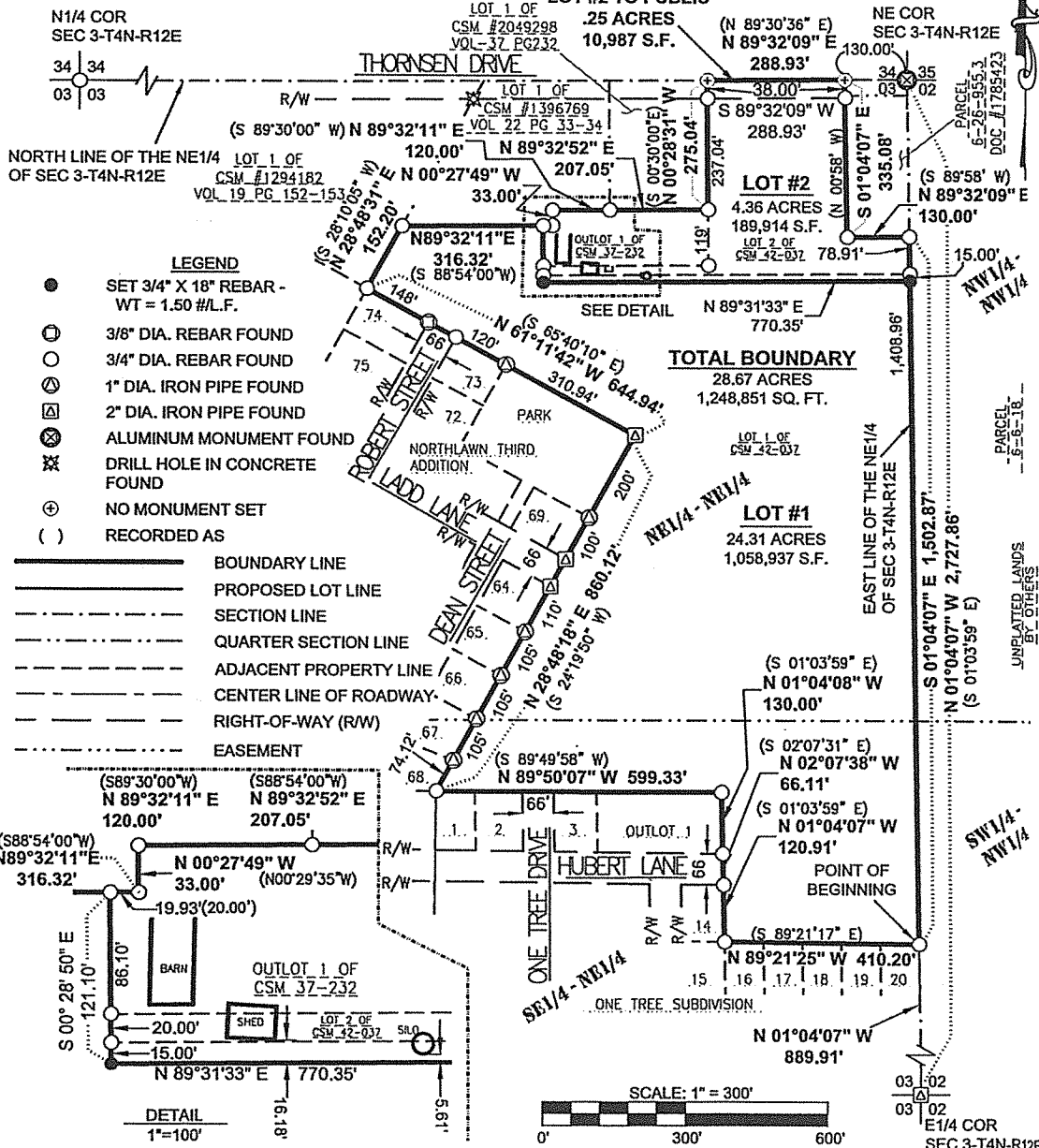
COUNTY SURVEY MAP NO. _____
CERTIFIED SURVEY MAP

A REPLAT OF CSM 42-037 AND OUTLOT 1 OF CSM 37-232, BEING LOCATED IN PART OF OUTLOT 47 OF ASSESSOR'S PLAT TO THE CITY OF EDGERTON BEING LOCATED IN THE NE1/4 OF THE NE1/4 AND THE SE1/4 OF THE NE1/4 OF SECTION 3, T4N, R12E OF THE 4TH P.M., CITY OF EDGERTON, ROCK COUNTY, WISCONSIN

FOR RECORDING PURPOSES

BEARINGS ARE REFERENCED TO THE EAST LINE OF THE NE1/4 OF SECTION 3-T4N-R12E, WHICH BEARS S 01°04'07" E IN THE ROCK COUNTY COORDINATE SYSTEM (NAD 83(2011)).

DEDICATE 38' OF LOT #2 TO PUBLIC



- LEGEND**
- SET 3/4" X 18" REBAR - WT = 1.50 #/L.F.
 - ⊙ 3/8" DIA. REBAR FOUND
 - 3/4" DIA. REBAR FOUND
 - ⊙ 1" DIA. IRON PIPE FOUND
 - ⊙ 2" DIA. IRON PIPE FOUND
 - ⊙ ALUMINUM MONUMENT FOUND
 - ⊙ DRILL HOLE IN CONCRETE FOUND
 - ⊙ NO MONUMENT SET
 - () RECORDED AS

- BOUNDARY LINE
- PROPOSED LOT LINE
- SECTION LINE
- QUARTER SECTION LINE
- ADJACENT PROPERTY LINE
- CENTER LINE OF ROADWAY
- RIGHT-OF-WAY (RW)
- EASEMENT

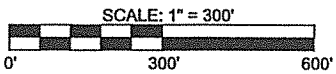
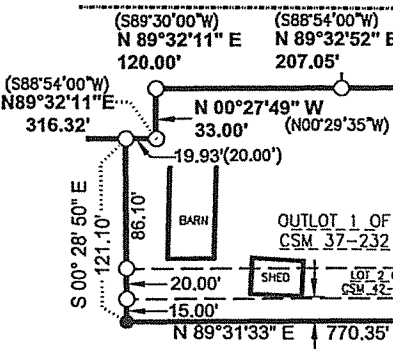
TOTAL BOUNDARY
 28.67 ACRES
 1,248,851 SQ. FT.

LOT #1
 24.31 ACRES
 1,058,937 S.F.

LOT #2
 4.36 ACRES
 189,914 S.F.

LOT 1 OF CSM #2049298 VOL-37 PG232
 .25 ACRES
 10,987 S.F.

NORTH LINE OF THE NE1/4 OF SEC 3-T4N-R12E
 LOT 1 OF CSM #1294182 VOL 19 PG. 152-153



DELTA 3
 PROFESSIONAL CIVIL & STRUCTURAL ENGINEERING • ARCHITECTURE
 GRANT WRITING • LAND DEVELOPMENT • PLANNING & CADD SERVICES
 875 SOUTH CHESTNUT STREET PLATEVILLE, WISCONSIN 53818
 PHONE: (608) 348-5355

FOR: NORTHWARD DEVELOPMENT, LLC
 P.O. BOX 1376,
 BOULDER, CO 80306

DATE(S) OF FIELDWORK: 1-17-2022
 FIELD CREW: G. BONN, S.STIMART
 DRAWN BY: C. COYIER
 REVIEWED BY: S.KING

TO: Edgerton Plan Commission

FROM: Staff

MEETING DATE: April 25, 2022

GENERAL DESCRIPTION

Description of Request: Petition for approval of a preliminary and final 1 lot certified survey map to combine 2 lots

Location: 110 West Meadows Drive (6-26-860.37)

Applicant: Braun

Current Zoning/Land Use: R-1 / single family home

Proposed Lot sizes: 32,561 sf

STAFF REVIEW COMMENTS

Staff has reviewed the petition for planning issues in accordance with the Edgerton Zoning and Land Division Ordinances and has the following comments:

1. The petitioner proposes to combine two lots.
2. The lot complies with the lot bulk standards.

STAFF RECOMMENDATION

Staff recommends the Plan Commission recommend approval of the proposed preliminary and final 1 lot CSM located at 110 West Meadows Drive subject to the following conditions:

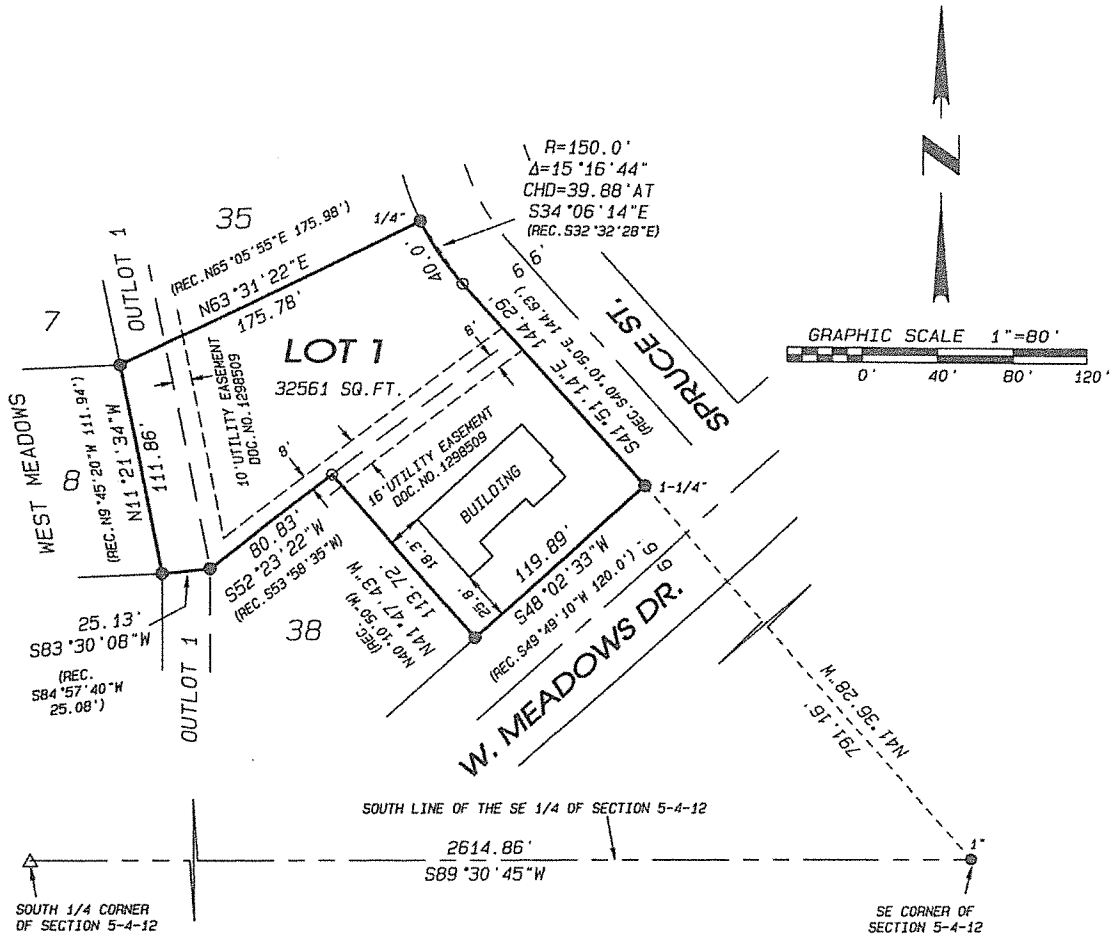
1. The final CSM indicates all easements.
2. The petitioner pays the \$10 platting fee for the creation of a new lot.

CERTIFIED SURVEY MAP

LOTS 36 AND 37 AND PART OF OUTLOT 1, WEST MEADOWS FIRST ADDITION
AND BEING LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION 5, T.4N.,
R. 12E. OF THE 4TH P.M., CITY OF EDGERTON, ROCK COUNTY, WISCONSIN.

LEGEND:

- SET IRON PIN, 3/4"x 24", 1.5 LBS./LIN.FT.
- FOUND IRON PIN - 3/4" DIA. UNLESS OTHERWISE SHOWN
- △ FOUND STEEL SURVEY SPIKE



NOTES:

FIELDWORK COMPLETED _____

ASSUMED S89°30'45"W ALONG THE SOUTH LINE OF THE SE 1/4 OF SECTION 5-4-12.



- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

Memo

To: Plan Commission
From: Staff
Date: 4/22/2022
Re: April 25, 2022 Meeting

Subdivision Ordinance Rewrite: Included in your packet is the proposed update to the subdivision regulations. Normally, staff would provide a marked-up version of the current code to indicate the changes. This process would not be useful in this case because this is an entirely new code. While any provision of the new code can be discussed, staff has highlighted text in the new code for items that are either policy changes or new policies.

Also included in your packet is the current code with new code reference numbers so you can more easily compare the two versions.

The approval process requires the Plan Commission to recommend the amended code to the Council and either the Council or the Plan Commission hold a public hearing before adoption.

Please note the code is not in a final format since it will be entirely renumbered as part of the city's recodification process.

CITY OF EDGERTON MUNICIPAL CODE
CHAPTER 23

LAND DIVISIONS

NEW CODE
COMPARISON

SECTION 23.01 INTENT AND PURPOSE.

This Land Division Code is intended to guide the development of land within the corporate limits and extraterritorial plat approval jurisdiction of the City of Edgerton in order to promote the public health, safety and general welfare, to encourage the most appropriate use of land, to provide the best possible living environment for people, and to conserve prime agricultural land and the value of buildings placed upon land by:

- (1) Furthering the orderly layout and use of land;
- (2) Ensuring proper legal description and proper monumenting of land;
- (3) Preventing overcrowding of land and avoiding undue concentration of population;
- (4) Lessening congestion in the streets and highways;
- (5) Securing safety from fire, panic and other dangers;
- (6) Providing adequate light and air;
- (7) Facilitating adequate provision for transportation, water, sewage, schools, parks, playgrounds, open space, storm water drainage, the conservation of land, natural resources, scenic and historic sites, energy and other public requirements;
- (8) Facilitating further resubdivision of larger parcels into appropriate smaller parcels of land;
- (9) Ensuring enforcement of the development concepts and standards delineated in the City's Master Plan, Official Map, Zoning and Building Codes;
- (10) Minimizing the public costs of providing necessary services to the people who will live or work in the new development;
- (11) Insuring erosion control; and
- (12) Managing development in a cost effective manner.

SECTION
1.03

SECTION 23.02 DEFINITIONS.

The following terms, whenever they occur in this Code, are defined as follows:

- (1) **CERTIFIED SURVEY MAP (MAP)** is a division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or building development where the act of division created not more than 4 parcels of land in any five-year period.
- (2) **CONDOMINIUM PLAT** is a plat of a condominium as defined in ss.703.11, Wisconsin Statutes.
- (3) **DEVELOPER OR DIVIDER** is any person, firm, partnership, corporation, association, estate, trust or other legal entity requesting review or approval of a proposed certified survey map or subdivision plat, or a condominium plat.
- (4) **EXTRATERRITORIAL JURISDICTION** is the jurisdiction of the City beyond its corporate limits as defined in ss.236.02(2), Wisconsin Statutes. As of the date of enactment of this ordinance such jurisdiction extended 1 1/2 miles from the City limits.
- (5) **FINAL PLAT** is a map or plan of a subdivision prepared for recording, and any accompanying material, as required by Ch. 236, Wisconsin Statutes, or a map or plan of a condominium and any accompanying material as required by Ch. 703, Wisconsin Statutes.
- (6) **LAND DIVISION** is the division, of a lot, parcel, tract or interest in land by the owner or owner's agent for the purpose of transfer of ownership or building development or which creates the need for a public dedication or reservation of land for public facilities or improvements. For purposes of compliance with this Code other than survey requirements, land division includes condominium plat.
- (7) **MAJOR STREET** is any street designated as an arterial or collector on the City Master Plan.
- (8) **PARCEL** is a contiguous area of land separately owned or intended to be separately owned.
- (9) **PLAT** is a map of a subdivision or a condominium.
- (10) **PRELIMINARY PLAT OR MAP** is a map delineating the topographic features of a proposed land division submitted to the City Administrator for preliminary consideration and review by the Plan Commission and City Council.

SECTION
11

- (11) **REDIVIDE, REPLAT AND RESUBDIVIDE** is the process of changing the boundaries of a recorded certified survey map, plat, lot or outlot within a recorded plat or certified survey map. The legal division of a larger block, lot or outlot within a recorded plat, without changing the exterior boundaries of said block, lot or outlot is not a replat or resubdivision but is a land division, subdivision or condominium plat if it falls within the definitions of subs. (2), (6), or (13).
- (12) **STREET** is a public way for vehicular and pedestrian traffic however designated and includes, without limitation because of enumeration, a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or court.
- (13) **SUBDIVISION** is a land division which creates five or more parcels or building sites, or successive land divisions which create five or more parcels or building sites within a period of five years.

SECTION 23.03 COMPLIANCE REQUIRED.

SECTION
2.03

- (1) **GENERALLY.** Except as specifically provided in this Code, no person shall divide, redivide, subdivide, file or record a plat or replat, or resubdivide land of thirty-five acres or less within the City or its extraterritorial jurisdiction, without complying with the applicable provisions of Chs. 236 and 703, Wisconsin Statutes, which are incorporated in this Code as if fully set forth; all applicable City ordinances including the City Master Plan, Official Map, Zoning and Building Codes and; all applicable ordinances of other municipalities having jurisdiction over the area and the applicable rules and regulations of the Wisconsin Departments of Transportation, Natural Resources and Industry, Labor and Human Relations relating to safety of access to State trunk highways and connecting streets, plumbing or sanitary sewerage facilities, and land divisions adjacent to public waters.

SECTIONS
5.05
6.05
& others

- (2) **SURVEY REQUIREMENTS.**

- (a) Except when a variance is granted under 23.17, land divisions, other than subdivisions as defined in 23.02, shall comply with the survey requirements of ss.236.34, Wisconsin Statutes, relating to condominium plats, as applicable. Subdivision plats shall comply with all of the requirements of Ch. 236, Wisconsin Statutes including survey requirements.
- (b) All land divisions within the corporate limits and the extraterritorial jurisdiction shall be related by bearing and distance to one of the coordinated section or quarter section lines and the corners forming the ends of the coordinated lines. The distance may be either State Plane distances or ground distances, but in either case, it must be noted which system is used. Bearings shall be related to the State Plane Grid System.

The coordinated lines are on file in the form of topographic and planimetric mapping in the offices of the City Administrator. The coordinated section line information is also available in the County Surveyor's Office.

- (3) **BUILDING DEVELOPMENTS ON UNDIVIDED LAND; CONDOMINIUMS.** No person shall construct more than one principal structure on residential lots except condominiums as permitted under Section 22.214 and 22.302(1) of the Zoning Code. No person shall record a condominium plat or an amendment to a condominium plat or a declaration of condominium as defined in Ch. 703, Wisconsin Statutes, without first complying with the provisions of this chapter. It shall not be necessary to file or record a separate certified survey map or subdivision plat for a condominium development which complies with this Code, Ch. 703, Wisconsin Statutes, and the City Zoning and Building Codes, if such condominium development does not involve the division of a lot, parcel or tract of land. Condominiums are subject to preliminary and final plat requirements. (Ord. 97-29)

SECTION
2.02C

- (4) **WAIVER OF LAND DIVISION REQUIREMENTS.**

- (a) Transfers by will or pursuant to court order.
- (b) Leases for a term of 10 years or less, mortgages and easements.
- (c) Cemetery plats or assessor's plats.
- (d) Technical correction to: plats, certified survey maps or lots of record.
- (e) 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 sized required by Ch. 236, Wisconsin Statutes, this Code, or the City Zoning or Building Codes.

SECTION
2.02D

SECTION 23.04 ADEQUATE PUBLIC FACILITIES.

SECTION 8
A preliminary or final plat or certified survey map shall not be approved unless adequate public facilities as described in Section 23.06 are available to meet the needs of the proposed development or sufficient funds are provided in the current municipal budget to meet such needs. Where one or more public facilities or services are not adequate for the proposed development but a portion of the area can be served adequately by careful phasing, only such portions as will be adequately served shall be approved.

SECTION 23.05 DEDICATIONS AND RESERVATION OF LAND.

- SECTIONS 2.05 7.11**
- (1) **STREETS AND EASEMENTS.** All or part of a street, highway, greenway, parkway, watercourse or drainage or utility easement designed in the Master Plan or Official Map, or as required by the City Council, shall be platted or mapped and dedicated in the location and width indicated.
 - (2) **DEDICATION OF LANDS OR PAYMENT IN-LIEU-OF DEDICATION.** General Standards.
 - (a) When required by the City Council or shown on the Master Plan or Official Map, recreational areas, open space or public ground located in whole or in part within a proposed land division shall be dedicated or reserved for public use.
 - (b) Where lands are required to be dedicated, for purposes other than streets, a minimum of 1,300 square feet for each of the following shall be dedicated without agreement of the developer and City Council: each single family unit and each housing unit within a multi-family development or condominium. If the number of multiple family units is unknown at the time the plat is signed, the maximum number of units allowed as a permitted use by the zoning district shall be used. (Ord. 95-11)
 - (c) Where the land division is classified as having commercial or industrial zoning, land to be dedicated for park or recreational purposes is not required.
 - (d) Where it is determined by recommendation of the Plan Commission that the land division contains no land suitable for park or recreational lands, the Developer shall pay an impact fee in accordance with Section 4.21 of the City of Edgerton Code of General Ordinances.
 - (e) The requirements of this section shall apply to rezoning and conditional use approvals where additional dwelling units are authorized.
 - (3) **ALTERATIONS AFTER APPROVAL.** Once a final plat or certified survey map is approved, land purposes for public use shall not be altered without approval of the City Council.

SECTION 23.06 PUBLIC IMPROVEMENTS.

- SECTIONS 7 8**
- (1) **STREETS AND UTILITIES.** The following public facilities and improvements to City standards and specifications are required for all land divisions located within the City to be provided by the developer or landowner.
 - (a) Sanitary sewer collector lines, lateral to lot lines, manholes, force mains, life stations at the discretion of the City if required, and appurtenances;
 - (b) Water mains, valves, hydrants, water services and appurtenances;
 - (c) Storm sewer lines, manholes, catch basins, storm water retention facilities, catch basin leads, appurtenances, and erosion control facilities, and open waterways;
 - (d) Streets, as shown on the functional classification established by the City Master Plan, to serve all usable parcels in the plat are fully constructed and surfaced;
 - (e) Sidewalks when determined by Council to be needed to service the pedestrian traffic on local streets, but no exceptions along arterial or collector streets; and
 - (f) Other public improvements when deemed necessary by the City Council upon recommendation of the Plan Commission.
 - (2) **MONUMENTING.** All subdivision plats shall be monumented as required by ss.236.15, Wisconsin Statutes. All certified survey maps shall comply with ss.236.34, Wisconsin Statutes.
 - (3) **COMPLETION AND MAINTENANCE OF PUBLIC IMPROVEMENTS.**
 - (a) **CONSTRUCTION OF IMPROVEMENTS.** Improvements shall be constructed in accordance with the approved time schedule and construction plans prior to receiving final approval.
 - (b) **FINANCIAL GUARANTEES.** Financial guarantees shall be provided and approved by the City for all proposed improvements required for the final plat prior to approval of said final plat that are not constructed at the time of final approval.
 - (c) Road pavement may be deferred for up to 1 year when the applicant provides a financial guarantee satisfactory to the City for the cost of construction.
- SECTION 8.02**
- SECTION 2.07**

- (d) The applicant shall provide one of the following types of financial guarantees in a sum sufficient to pay the costs of improvements, engineering and administration:
 - 1. **Performance Bond.** An insurance contract by which a bonding agency guarantees that they will pay for the construction of certain public or quasi-public improvements if the developer fails to complete the improvements.
 - 2. **Irrevocable Letter of Credit.** A written document from a recognized financial institution stating that a sufficient sum is available to the approving agency for the completion of certain improvements if the developer fails to complete these improvements; or
 - 3. **Escrow Account.** An account in a recognized financial institution with an approved sum of money available to the approving agency for the completion of certain improvements if the developer fails to complete these improvements.
- (e) **TIME PERIOD.** The improvements must be completely installed within a maximum period of eighteen (18) months from the date of final approval of the land division. Extensions may be applied for and may be granted at the discretion of the City upon findings that delays are beyond the control of the developer and that no material change in standards or in conditions has occurred. Road pavement surface course shall not be constructed until one year after binder course.

SECTION 23.07 DESIGN AND LAYOUT STANDARDS.

The design and layout standards set forth in this section shall apply to all land divisions whether accomplished by plat or certified survey map.

(1) STREETS.

- (a) **GENERAL CONSIDERATIONS.** Streets shall be designed and located in relation to existing and planned streets; to topographical conditions and natural terrain features such as streams and existing tree growth; to public convenience and safety, and shall be appropriate for the proposed uses of land to be served.
- (b) **WIDTH.** All streets shall be dedicated as shown on the Official Map. Existing public roads shall be considered as local streets with a street right-of-way of 66 feet and a half width of 33 feet. Half width dedication shall only be used when a land division abuts an existing public street that is not indicated as a collector or arterial. The following are minimum street right-of-way width:

	<u>Arterial</u>	<u>Collector</u>	<u>Local</u>
Full Width	100	80	66
Half Width	50	40	33

- (c) **GRADES.** The grade of streets shall not exceed 9% or less than .5% necessitated by topography and approved by the City Council upon recommendation of the City Engineer.
- (d) **ALIGNMENT AND VISIBILITY.** There shall be a minimum sight distance with clear visibility of not less than 160 feet along the centerline of all major streets (arterials or collectors) and of not less than 125 feet along the centerline of local streets.
- (e) **DEAD END STREETS.** Cul-de-sacs, or streets designed to have one end permanently closed, shall not exceed 600 feet in length and shall terminate with a turn-a-round of not less than 120 feet in diameter unless otherwise recommended by the City Engineer and Plan Commission, and approved by the City Council. Curb diameters shall be a minimum of 100 feet in cul-de-sacs. (Ord. 96-10)

(2) INTERSECTION.

- (a) **CONTINUOUS ALIGNMENT.** Streets shall have continuous alignment at intersections, and street jogs or off-center intersections shall be avoided.
- (b) **RIGHT ANGLES.** Streets shall intersect as nearly as possible at right angles.
- (c) **TWO STREET MAXIMUM.** Not more than 2 streets shall intersect at one point unless approved by the City Council.
- (d) **MAJOR STREET JOGS.** Intersection jogs shall not be less than 150 feet with the exception of major streets, which may be greater.

- (3) **ALLEYS.** Alleys shall be continuous through blocks. Alleys shall not be used in residential areas unless approved by the City Council.

SECTION
7

SECTION 7.05

SECTION 7.09 (4) **EASEMENTS.** When necessary, easements for the installation of utilities shall be provided across lots or centered on rear or side lot lines. Easement shall be continuous from block to block. When an easement is centered on a rear or side lot line, the width of the easement in each lot shall be a minimum of 8 feet. Easements across lots shall have a minimum width of 10 feet.

SECTION 7.06 (5) **BLOCKS.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated. Block lengths in residential areas shall not be more than 1,500 feet nor less than 240 feet between the nearest street right-of-way lines. Pedestrian crosswalks may be required by the City Council through the center of blocks more than 900 feet in length, where deemed essential to provide circulation and access to community facilities, including schools.

SECTION 7.07 (6) **LOTS.**
(a) **GENERAL REQUIREMENTS.** The size, shape and facing of lots and the minimum building setback lines shall be appropriate for the topography and for the type of development and use contemplated.
(b) **LOT DIMENSION.** Residential lots shall be in accordance with the City Zoning Ordinance.
(c) **CORNER LOTS.** Corner lots shall provide a front yard building setback from both streets.
(d) **ACCESS TO PUBLIC STREET.** Every lot shall front or abut on a public street for at least 40 feet as required by the zoning ordinance.
(e) **LOT LINES.** Side lot lines shall be substantially at right angles or radial to street lines.
(f) **LARGE LOTS.** A parcel divided into lots or parcels containing one or more acres shall be arranged to allow the redivision or resubdivision of any such parcels into normal lots in accordance with these standards.
(g) **MUNICIPAL BOUNDARIES.** Lots shall follow, rather than cross, municipal boundary lines wherever practicable.-

SECTION 8.18 (7) **COORDINATION OF LAYOUT.** Proposed streets shall be extended to the boundary lines of the tract to be platted or mapped. The arrangement of right-of-ways shall provide for the continuation of existing and proposed streets in adjoining tracts. Temporary cul-de-sacs may be utilized if recommended by the Plan Commission and approved by the City Council.

(8) **EROSION CONTROL AND STORM WATER RUN OFF.** Storm water and erosion control regulations for land development in the are found in Chapter 30 of the Code of General Ordinances.

SECTION 23.08 PRE-APPLICATION CONFERENCE.

Prior to filing of an application for approval of a preliminary plat or certified survey map, the land divider may consult with the Plan Commission for advice and assistance. A preliminary plat or map is not required for review at a pre-application conference, but the developer should present a general development plan of the total undeveloped land area which he/she owns or controls for development purposes, showing approximate lot sizes on a topographical map drawn to the scale of one inch equals 100' with contour intervals of two feet. If the proposed development was included on a previously submitted general subdivision plat or certified survey map, the development map shall designate the areas so approved and identify any changes in street or lot sizes or locations made necessary or desirable by such changes. This step does not require formal application, fee or filing of a plat or map, but is intended to inform the subdivider of objectives of this chapter and the Master Plan and Official Map and to assist the City and the land divider to informally reach mutually satisfactory conclusions regarding the general program and objectives of development for the entire area owned or controlled by the applicant.

SECTION 3

SECTION 23.09 PRELIMINARY APPLICATION.

Before filing an application for approval of final subdivision plat or certified survey map, the owner or owner's agent shall file with the City Administrator an application clearly marked "Preliminary Certified Survey Map" or "Preliminary Plat". The application shall be made on official forms available at the City's Administrator's office and shall include all land which the applicant proposed to divide and the name and address of the owner. The application shall be accompanied by a minimum of 10 copies of the proposed preliminary plat or map prepared by a licensed land surveyor at a convenient scale of not more than 1 inch equals 100 feet. Plats or maps shall be numbered in sequence if more than one sheet is used.

SECTION 3

SECTION 23.10 PRELIMINARY MAP OR PLAT.

SECTION
4

- (1) **FEATURES AND ENGINEERING INFORMATION.** The preliminary certified survey map or subdivision plat shall show the following:
- (a) Location of property and adjacent properties with street addresses;
 - (b) Names and approximate location and width of all existing adjoining streets;
 - (c) Location and dimension of all boundary lines of the property expressed in feet;
 - (d) Two foot contour intervals (subdivision plats);
 - (e) Existing easements, water bodies, regional flood plain, wetlands, railroads, cemeteries, drainage ditches, bridges, rock outcroppings, areas in excess of 20% slope, and other information required by the Plan Commission;
 - (f) Approximate location and width of all proposed streets, alleys and other public ways, and proposed street right-of-ways including proposed names;
 - (g) Approximate location of existing buildings to be removed and exact locations for buildings to remain;
 - (h) Approximate location, dimensions and areas of all proposed or existing lots and outlots (all lots shall be consecutively numbered for reference);
 - (i) Approximate location and dimensions and areas of all property proposed to be set aside for park or playground use, or other public or private reservation;
 - ~~(j) The location of proposed easements for utilities drainage ways, pedestrian ways, etc.;~~
 - (k) Name and address of the owner or owners of land to be divided, the name and address of the developer if other than the owner, and the name, address and telephone number of the land surveyor;
 - (l) Proposed name of land division and signature of owner or agent;
 - (m) Date of the map or preliminary plat, scale and north arrow;
 - (n) Name and location of any existing or proposed lake, pond or stream; and
 - (o) Proposed use of lots.
 - (p) Existing and proposed zoning plat and adjacent properties.

SECTION 23.11 PRELIMINARY REVIEW.

SECTION
3

- (1) **REFERRALS.** The Administrator shall immediately forward the preliminary application to the City Engineer, City Planner, and other appropriate City departments, officers and agents for technical review.
- (2) **COMMENTS FILED WITH CITY ADMINISTRATOR.** The reviewing agencies and officials shall, within thirty days after receipt of the application materials, review the proposed development with the applicant and file recommendations with the City Administrator. The City Administrator shall provide the Plan Commission and the City Council with copies of the recommendations received during the thirty day review period. Preliminary approval shall be within statutory time limits.
- (3) **PLAN COMMISSION RECOMMENDATION TO COUNCIL.** The Plan Commission shall review the preliminary application and review comments and recommend approval, conditional approval or denial to the Council.

SECTION 23.12 COUNCIL ACTION ON PRELIMINARY PLAT OR MAP.

SECTION
3

After reviewing the recommendations of the Plan Commission and any negotiations with the developer on changes deemed advisable and the kind and extent of public improvements, facilities or dedications which will be required, the Council shall, within ninety days of the date the application was submitted, approve, approve conditionally or reject the plat or map. The applicant shall be notified in writing of any conditions of approval or the reasons for rejection.

SECTION 23.13 EFFECT OF APPROVAL OF PRELIMINARY PLAT OR MAP.

SECTION
3.03E

Preliminary plat or map approval shall entitle the developer to approval of the final plat or map if it conforms substantially to the approved preliminary plat or map or approved portion thereof, all conditions of approval have been met, and all applicable laws, ordinances and regulations are complied with.

SECTION 23.14 SUBMISSION OF FINAL PLAT OR MAP.

SECTION
3.03E

- (1) **TIME FOR SUSPENSION.** The final plat or certified survey map, and such copies as shall be required, shall be submitted to the City Administrator within six months or approval of the preliminary plat or map. However, if approval of the preliminary map or plat must be obtained from another approving authority

subsequent to preliminary approval by the City, the final map or plat shall be submitted within six months of such approval. The Council may waive failure to comply with this requirement. The City Administrator shall immediately refer the final plat or map to the Plan Commission.

- SECTION 3
- (2) **PLAN COMMISSION REVIEW.** The Plan Commission shall review the final plat or map and report its recommendations to the Council within forty days of its submission.
 - (3) **ACTION BY COUNCIL.** The Council shall approve or reject the final plat or map within sixty days of submission, unless the time is extended by agreement with the developer. Reasons for rejection shall be stated in the minutes of the Council meeting and a copy thereof or a written statement of such reasons shall be given to the divider.
 - (4) **FEES.**
 - (a) **PLAT FEES.** The applicant for final plat approval shall pay \$10.00 for each lot created prior to the City signing the final plat or certified survey map.
 - (b) **ENGINEERING COSTS.** The cost of special engineering work required by the committee to insure compliance of this ordinance shall be borne by the applicant.
 - (c) **FEES FOR APPEALS.** The fee for appeals shall be \$25.00 and shall be paid on the filing of the appeal with the City Administrator before the appeal is heard by the Board of Zoning Appeals.

SECTION 23.15 CERTIFICATION OF FINAL APPROVAL ON PLAT OR MAP.

SECTION 3

If the original of the final subdivision plat or certified survey map has been filed with another approving authority, the divider may file a true copy of such land division in lieu of the original. However, before approval of the Council will be inscribed on the original of the final plat or map, the surveyor or the developer shall certify the respects in which the original of the final land division differs from the true copy and all modifications must be first approved by the City Council. Any additional security required by the Council shall be posted prior to inscribing of approval by the City Administrator. When the final plat or map has been approved by the Council and all conditions imposed under this chapter have been met, the City Administrator or City Clerk shall inscribe the City's approval on the final plat or map or true copy thereof. All other certifications required by State Statute 236.21 shall appear on the land division plat or map. For purposes of this ordinance, tax payments that are not yet due or are postponed as defined by the tax roll for a parcel affected by a CSM do not have to be paid at time of recording. This ordinance shall apply to CSM's approved by the City on or after May 7, 2008.

SECTION 23.16 EXCEPTIONS.

The following are not subject to the provisions of this Code.

- SECTION 2.02D
- (1) Transfers by will or pursuant to court order.
 - (2) Leases for a term of 10 years or less.
 - (3) Mortgages.
 - (4) Easements.
 - (5) The sale of 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 Ch. 236, Wisconsin Statutes, this Code, or the City Zoning or Building Codes.

SECTION 23.17 VARIANCES.

SECTION 2.9

As defined in Section 23.16 of the City of Edgerton Zoning Code. In addition, all variances or appeals to this Land Division Code shall also be reviewed by the Plan Commission for their input.

SECTION 23.18 LAND DIVISION CREATED BY SUCCESSIVE DIVISION.

SECTION 2.10

When it is not practicable to require that a final plat or map of a land division created by successive divisions be filed in accordance with this Code, the City Council may, in lieu thereof order an assessor's plat to be made under ss.70.27, Wisconsin Statutes, and may assess the cost thereof as provided in such section to the owners. Any such assessor's plat shall comply with all provisions of this Code, for parcels created after the effective date of this ordinance.

SECTION 23.19 PENALTY.

Any person who shall violate any provisions of this chapter shall be subject to Section 1.06 of this Municipal code.