

TITLE 12

SUBDIVISION AND PLATTING

Chapter 1

Subdivision and Platting

CHAPTER 1

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SEC. 12-1-1 DEFINITIONS

(a) For the purpose of this chapter, the following terms and words are defined as follows and shall have these meanings unless it shall be apparent from the context that different meanings are intended:

- (1) Council. The Council of the City of Two Rivers.
- (2) Land Division. Any change, re-division or rearrangement in the boundary or division lines of a parcel of land or public thoroughfare.
- (3) Subdivision. The division of a lot, parcel or tract by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of five (5) acres or less in area or where the act of division creates five (5) or more parcels or building sites of five (5) acres each or less in area by successive division within a five (5) year period.
- (4) Sub-divider. Any person laying out or making a land division for the purpose of first sale, offering for first sale or first selling for himself or others, a subdivision or any part thereof.
- (5) Preliminary Plat. A map or chart of a proposed land division made prior to the preparation of a final plat and in conformity with the requirements therefore in these regulations.
- (6) Final Plat. A map or chart of a land division made in conformity with the requirements of Chapter 236, Wis. Stats., and which has been accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.
- (7) Platting Act. Chapter 236, Wis. Stats., and amendments thereto.
- (8) Certified Survey Map. Required on all divisions of land, other than subdivisions or division of land in subdivisions, which divide land into parcels of ten (10) acres or less. Such map shall not contain more than four (4) parcels which are five (5) acres each or less.
- (9) Survey Map. Required where re-division of land in a subdivision takes place provided that no new exterior boundary corners are created.

(b) When not inconsistent with the text, words used in the present tense include the future, words in the singular number include the plural, words in the plural number include the singular, and the word "shall" is mandatory, not directory.

SEC. 12-1-2 REQUIREMENT TO CONFORM

Hereinafter, all land divisions made within the City and outside the City within three (3) miles of the limits thereof, except any within another incorporated City or within an incorporated village, shall conform to this chapter and to the requirements of the Platting Act. Said land divisions and all future subdivisions shall conform to any official map and to any plan of proposed future development of Two Rivers and environs adopted by the Council.

SEC. 12-1-3 STANDARDS AND PROCEDURES FOR LAND DIVISIONS REQUIRING A CERTIFIED SURVEY

(a) **MINIMUM LOT SIZE.** Minimum area for sewered lots shall be 7,200 square feet. Unsewered lots shall meet the minimum area requirements of Chapters SPS 383 and 385 of the Wisconsin Administrative Code.

(b) **ACCESS AND FRONTAGE.** All lots shall front on a public road for a distance of at least sixty (60) feet and shall have vehicular access thereto. Access or frontage by means of easement is not acceptable.

(c) **STREETS.** Cul-de-sacs exceeding six hundred (600) feet in length shall be extended by easement to the property line connecting with existing or proposed roads whenever possible. All streets shall have a minimum of sixty (60) feet of right-of-way. The right-of-way diameter of a cul-de-sac shall not be less than one hundred (100) feet. All streets shall meet the requirements of Section 12-1-5(b), paragraphs 6 through 13.

(d) **DEVELOPMENT PLAN.** Should the proposed division create two or more parcels of five (5) acres or less within a five (5) year period, a development plan for the entire property shall be submitted showing all future land uses on all future roads along with their connection or future connection with adjacent existing or planned roads or streets.

(e) **PRELIMINARY REVIEW.** The applicant shall present a preliminary Certified Survey Map to the Plan Commission, which Commission shall:

- (1) Review it for overall consistency with the provisions of the ordinance and the plans and policies of the City of Two Rivers.
- (2) For divisions outside the City, a copy shall be presented to the Board of the Town in which the property is located for their comments. If no comment is received or no request for an extension is received by the Plan Commission within ten (10) days, the Plan Commission may assume the Town Board has no comment. Upon such request, an extension of up to thirty (30) days may be granted.

- (3) The Plan Commission shall make a determination whether the preliminary Certified Survey Map meets with the requirements of this Chapter, and after so determining, then a letter approving or denying the Certified Survey Map shall be forwarded to the part originally submitting said preliminary Certified Survey Map to the agency.

(f) **ADDITIONAL INFORMATION.** The Map shall show correctly on its face, in addition to the information required by Section 236.64 of the Wisconsin Statutes, the following:

- (1) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
- (2) Location of access to public road, approved by agency having jurisdiction over road.
- (3) All lands reserved for future public acquisition.
- (4) Date of the Map.
- (5) Graphic Scale.
- (6) Name and address of the owner, Sub-divider and surveyor.

(g) **CERTIFICATES.**

- (1) The surveyor shall certify on the face of the Map that he has fully complied with all the provisions of this Chapter.
- (2) Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

SEC. 12-1-4 PLATTING PROCEDURE

(a) **PRELIMINARY CONSULTATION.** A Sub-divider proposing to make a land division within the City or within three (3) miles of the limits thereof shall first obtain the information referred to below:

- (1) Requirements and procedure according to Chapter 236, Wis. Stats.
- (2) Requirements and procedure according to this Chapter.

- (3) Requirements and procedure according to other applicable state or local regulations.
- (4) Location, width and alignment of planned future streets on the Official Map or on any official plan and according to the Zoning Code.
- (5) Policy of the City and any requirements as to street grades, widths and improvement, and grades and sizes of walks, curb and gutter, sewer and water lines, storm drains, driveways and other features to be installed. The Sub-divider shall then confer informally with the City Plan Commission and with the City Manager or such other official as the City Manager may designate, discussing the ideas of both with respect to the layout of the proposed land division and resolving any question on requirements and procedure. Conferences should continue until mutual agreement on layout is achieved.

(b) **SUBSEQUENT PROCEDURE.** After preliminary consultation, the Sub-divider shall then proceed as follows:

- (1) Before causing a survey and land division to be made, prepare a preliminary plat according to the requirements herein and file same with required copies and accompanying data with the City Clerk.
- (2) Receive the results of action by the Council which will be tentative approval, disapproval, or tentative approval conditioned upon certain modifications. In such actions, the Council may specify what improvements shall be installed by the Sub-divider. Council action will follow receipt of report by the City Plan Commission.
- (3) Make any required modifications in the preliminary plat and cause the survey and land division to be made in conformity thereto and in accordance with the requirements of the Platting Act.
- (4) Install such improvements as may be required, or in lieu thereof with Council approval, post a surety bond insuring the performance as required within a specific period of time in the future.
- (5) Prepare the final plat in accordance with the requirements of the Platting Act and this Chapter and submit to the Council and to other approving agencies designated in said act.

SEC. 12-1-5 DESIGN STANDARDS

(a) A preliminary plat and a final plat shall be designed with reference to the standards hereinafter established, said standards being for the purpose of guiding and accomplishing coordinated, adjusted and harmonious development of the City which will, in accordance with existing and future needs, best promote public health, safety, order, convenience and the general welfare, as well as efficiency and economy in the process of development.

(b) The following design standards are hereby established.

- (1) The design shall conform to the Official Map and to any applicable plan for future development or redevelopment of the City and its environs within three (3) miles of the limits thereof.
- (2) Natural topographic and scenic features and ground cover of considerable value shall be preserved. Surface drainage shall be provided for by the Subdivider by adequate storm drains or by maintenance of natural stream channels.
- (3) The location, width and alignment of trunk highways and major thoroughfares shall conform to the Official Map, to the major thoroughfare plan and to any other applicable plan.
- (4) The street pattern shall be adequate to serve platted lots when developed and to provide good circulation throughout the subdivision, shall intersect existing or planned trunk highways and major thoroughfares at infrequent intervals only, shall be suited to the topography, and shall not be such as to obstruct the development of adjoining unsubdivided lands in conformity with these design standards. The street pattern shall be such as to discourage through traffic from using minor streets in the subdivision.
- (5) Minor streets for typical residential development when of a length of 1,600 feet or more shall be not less than sixty (6) feet in width. No cul-de-sac shall be more than 600 feet long. For streets having continuous lengths less than these, a lesser width, but not less than fifty (50) feet, may be provided. The roadway diameter of the cul-de-sac shall be not less than one hundred (100) feet. A central island of planting provided in a cul-de-sac, in which case the roadway around the island shall be not less than thirty-six (36) feet in width.
- (6) Streets shall intersect or intercept each other at right angles with variations of not more than ten (10) degrees.
- (7) Grades along major thoroughfares shall be not greater than five (5%) percent. Grades along other streets shall be the minimum consistent with good design

and topographic conditions. Grades of all streets, walks and alleys shall be approved by the City Engineer.

- (8) Desirable radii of curvature along center lines should be eight hundred (800) feet or more for major thoroughfares with five hundred (500) feet the minimum acceptable and should be three hundred (300) feet for other streets with one hundred (100) feet the minimum acceptable.
- (9) At residential street corners, the street lines (property lines) at each corner shall be connected by circular arcs each having a radius of not less than ten (10) feet. The curb lines (or lines designating outside edges of roadways) shall be connected by circular arcs each having a radius of not less than twenty (20) feet. At business and industrial street corners, these lines shall be similarly connected or shall be connected by equivalent chords of the specified arcs.
- (10) Alleys shall be not less than twenty (20) feet in width and may be required at the rear of lots to be used for multiple dwelling, commercial and industrial purposes, lots fronting trunk highways and major thoroughfares, and other lots needing a secondary means of access. Alleys need not be provided elsewhere, and it is usually definitely preferable that they be omitted.
- (11) Boundary streets may be employed where the full street width is already decided or will be completed by the platting under way, but otherwise boundary streets should be employed only where they are needed for an adequate street pattern or the development of adjoining land.
- (12) The relation of the street pattern to railroads, trunk highways and major thoroughfares including all limited-access traffic ways shall be such that unlimited access to and from such facilities be not provided. Achievement of this condition requires the provision of local service streets parallel to any such facility or the rearing or lots upon its right-of-way line and providing intersections at infrequent intervals.
- (13) Street names for streets which are extensions of existing streets shall be the same. Street names for these and for other streets shall be subject to Council approval.
- (14) Residential blocks shall normally be of sufficient width for two (2) tiers of lots. Block lengths shall be determined by circulation and other needs. A pedestrian way not less than ten (10) feet in width shall be required approximately midway in a block that is more than seven hundred (700) feet

in length. Where residential blocks with lots deeper than two hundred (200) feet are proposed, a reservation for a future street through the middle of the block, longitudinally, may be required.

- (15) Every lot shall front on a street. Lot areas and width, yards around buildings and proposed uses shall be indicated. Corner lots shall have sufficient width to provide required building lines or yards on all street sides in addition to the width required for a building. In the absence of applicable zoning regulations, no residential lot shall contain less than 7,200 square feet of area, have a width of less than sixty (60) feet at the building line, have an average depth of less than one hundred twenty (120) feet, or have a building line or front yard depth of less than thirty (30) feet. Lots running through a block from street to street shall not be approved unless proposed rear lots are along a trunk highway or major thoroughfare where limitation of access is a desired condition. The minimum width for lots fronting on corners or curves the angle of which is greater than 70° or on the curved portion of cul-de-sacs, shall be forty (40) feet providing the width at the building setback line is not less than seventy (70) feet.
- (16) Ordinarily side lot lines shall be at right angles to street lines and radial to curved street lines.
- (17) Lines of proposed easements for utility installation, use and maintenance shall ordinarily be shown across the rear of lots and the width of a single easement shall be not less than ten (10) feet and the width of two parallel, adjoining easements shall be not less than sixteen (16) feet.
- (18) The Council shall require that when land to be subdivided embraces all or part of an arterial street, drainage way or public way which has been designated in the comprehensive plan or component, or on the official map, that the public way shall be made a part of the plat and dedicated or reserved by the Sub-divider in the locations and dimensions indicated on the plan or map, as set forth in Section 12-1-7 of this Code.
- (19) Prior to sale of any lot, the Sub-divider shall have provided electric service to that lot.

SEC. 12-1-6 PUBLIC SITES AND OPEN SPACES

In order that adequate space and sites for public uses may be properly located and preserved as the community develops; and in order that the cost of providing the park and recreation sites and facilities necessary to serve the additional families brought into the community, by subdivision

development, may be more equitably apportioned on the basis of the additional need created by the individual subdivision development, the following provisions are established:

(a) Wherever a proposed playground, park, school site or other public land, other than streets or drainage-ways, designated in a comprehensive plan, component part thereof, or on an "official" map of the City 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 plan and/or Certified Survey Map and may be dedicated but in any case, shall be reserved, for acquisition at undeveloped land costs, by the agency having jurisdiction prior to preliminary plat approval, unless extended by mutual agreement.

(b) In the design of a subdivision, consideration shall be given to the adequate provision of and correlation with public sites or open spaces, where it is determined by the City Plan Commission that a portion of the area is required for such public sites or open spaces, the Sub-divider may be required to reserve such area for acquisition of undeveloped land costs by the agency having jurisdiction prior to preliminary plat approval, 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 Sub-divider, at the option of the Plan Commission, shall provide an access thoroughfare at least sixty (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) Within the corporate limits, where feasible and compatible with the comprehensive plan for development of the community, the Sub-divider shall dedicate to the public adequate land to provide of the park and recreation and other public facility needs of the subdivision at such locations approved by the City. Normally a neighborhood park shall be at least five (5) acres.

(1) The amount of land to be provided shall be determined on the basis of an amount of land equal in value to eighty (\$80.00) dollars per residential housing unit created by a subdivision if utilized to the maximum allowable density under the City Zoning Ordinance, to be used for park and recreation purposes, and one hundred (\$100.00) dollars per residential housing unit created in the same manner, to be used for school purposes. The dedication of land for public purposes such as parks, rights-of-way, school sites, easements, becomes effective at the time of approval and recording of the Certified Survey Map or the final plat.

(2) (a) Where such dedication is not feasible or compatible with the comprehensive plan, as determined by the City, the Sub-divider shall in lieu thereof pay to the City a fee equivalent to the value of the required dedication. Such fee shall be determined as follows:

- (1) One hundred (\$100.00) dollars per residential housing unit created by a subdivision if utilized to the maximum allowable density under the City Zoning Ordinance, to be held in a non-lapsing fund for the benefit of the school district in which the plat lies.
 - (2) Eighty (\$80.00) dollars per residential housing unit created by a subdivision if utilized to the maximum allowable density under the City Zoning Ordinance, to be placed in a non-lapsing fund to be used for park and recreation area development.
- (b) Such fee shall be used exclusively for immediate or future site acquisition or capital improvement.
 - (c) No payment shall be required for a lot, created by a subdivision of land under this ordinance, on which a residential structure already exists, or which is a residual parcel in excess of five (5) acres and not intended for immediate sale or conveyance.
 - (d) Payment may be in a lump sum or fifty (50%) percent paid at the time of certified survey map or final plat approval and the balance to be paid within one year, such deferred payment to be guaranteed by surety bond or other satisfactory financial guarantee to the City. Payment may also be made on each lot as it is sold provided owners execute a plat agreement providing for such payment which agreement shall be in recordable form and constitute a lien upon each lot to the extent of the required payment. The required payment shall be made before the certification of approval may be affixed to the final plat. After the final plat has been recorded no lot or parcel may be further divided by replat, certificate of survey or conveyance as defined in Wisconsin Stats. Section 706.01(3), and no building permit may be issued therefore, unless:
 - (1) Such further division has been approved by the Plan Commission as being in accordance with the purpose of this chapter and with the purposes of Chapter 236 of the Wisconsin Statutes; and,
 - (2) Payment of the fee of one hundred (\$100.00) dollars for school purposes and eighty (\$80.00) dollars for park and recreation purposes for each additional residential housing

unit created by the division if utilized to the maximum allowable density under the City Zoning Ordinance. A re-division that results in a lower overall density shall not entitle the owner to a refund. This section shall apply to all plats approved after the date of adoption of this ordinance. This section shall not apply to:

- (a) Re-division creating less than three (3) parcels within five (5) years succeeding the re-division.
 - (b) Transfers of interest in land by will or pursuant to court order.
 - (c) Leases for a term not to exceed ten (10) years, mortgages or easements.
- (3) 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 this chapter and by Chapter 236 of Wisconsin Statutes.
- (e) The proportional payment in lieu of dedication as set forth in subsections a, b, and c above shall be paid for all certified survey maps and the register of deeds of the county in which the land is located shall not accept a certified survey map for record unless the map has been approved by the City.
 - (f) Land values set forth in this section shall be determined by the City Assessor on the basis of full and fair market value of the land as unimproved and unsubdivided residential property. If the owner is not satisfied with any such appraisal of value, he may appeal such determination in which case an appraisal board consisting of one appraiser selected by the City at its own expense, one selected by the owner at his own expense, and a third selected by the other two appraisers at City expense, shall determine the value.

(e) Reservation of areas for the exclusive use of the occupants of a subdivision may be agreed to by the Council when not contrary to the public health, safety, morals or the general welfare, and such shall be clearly marked "Private _____" on the final plat.

SEC. 12-1-7 PRELIMINARY PLAT REQUIREMENTS

(a) A preliminary plat shall be clear and legibly drawn on tracing paper or tracing cloth of good quality and all prints or copies thereof shall be clear and legible. The size of the tracing shall be 22 by 30 inches. It shall be on a scale of not more than 100' = 1" to show clearly all detail thereof.

(b) A preliminary plat together with accompanying sheets of data and other materials as are needed for the purpose shall contain the following data:

- (1) Proposed name of the subdivision.
- (2) North point arrow, the map scale, preferably a scale of 1" = 100' and date of preparation.
- (3) Names and addresses of the owners, lien holder, Sub-divider, surveyor or engineer and designer.
- (4) Sufficient description to define the location of and boundary of the land to be divided and the location and names of all existing subdivisions, streets (and street widths) and unsubdivided property adjoining the proposed land division between it and the nearest existing streets, and for a distance of not less than 600 feet beyond the boundaries of the subdivision. A small scale vicinity plan shall be submitted when necessary to define the location of the land to be divided.
- (5) A sketch approximately to scale clearly indicating an ultimate street and block layout for the entire ownership when only a portion is proposed to be divided.
- (6) Locations, names, widths and existing and proposed finished grades of all streets, highways, major thoroughfares, alleys and ways in the subdivision.
- (7) Locations and widths of all easements and rights-of-way for drainage, sewerage, public utilities or railroads, or easements for other purpose.
- (8) Lot lines with approximate dimensions.

- (9) The water elevations of adjoining lakes or streams at the date of the survey and approximate high and low water elevations of such lake or stream, all references to U.S. G. S. datum.
- (10) Designation of areas which, before improvement, are subject to inundation or storm water overflow, and location of all water courses and drainage ditches.
- (11) Clear designation of any reservations and their proposed uses, and of proposed public streets easements and other areas proposed to be dedicated for public purposes.
- (12) The location and types of existing structures, the location of large trees and other ground cover and contour lines at vertical intervals of two (2) feet or less, referenced to U.S.G.S. datum.
- (13) Location and approximate sizes and grades of existing and proposed water, sewer, gas, telephone and electric lines, sidewalks, curbs, gutters, roadways, paving, tree planting and other landscaping.
- (14) Standard street cross sections and all variations from standard, each showing location of property lines, location and sizes of sidewalks, curbs, roadways, pavements, tree planting, landscaping, sewer, gas, water, electric and telephone lines.
- (15) A profile showing existing and proposed centerline grades of streets and sidewalks, gutters and sewers, and containing notations as to gradient and vertical curvature.
- (16) Approximate radii of all curves.
- (17) Statement of the improvements proposed to be made or installed and of the time of completion of improvements.
- (18) 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 Sub-divider shall cause such grading or other improvements to be installed at his expense at the same time the subdivision improvements are being installed. 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 Two Rivers.

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.

SEC. 12-1-8 FILING AND DISTRIBUTION OF PRELIMINARY PLAT

(a) The tracing and four (4) dark line prints of the preliminary plat and the original and four (4) copies of sheets of data accompanying said plat shall be filed with the City Clerk who shall collect a filing fee as set forth in Section 1-2-1, said fee being to defray a portion of the cost of time of City officials in checking the adequacy of the preliminary plat.

(b) Under each of the following conditions one additional print and copy of sheets of data shall be required in filing and shall be referred by the City Clerk to the City Plan Commission with a request that recommendations, if any, be transmitted to the Council:

- (1) When the lands to be divided abut on a state trunk highway.
- (2) When the lands lie in any subdivision adjoining any lake or stream or where access is provided to any such lake or stream.
- (3) When the lands lie in any town.

SEC. 12-1-9 DISTRIBUTION BY CLERK

Additional distribution of the prints and copies of data sheets by the City Clerk shall be: one copy of each to the City Engineer and copies to other approving or reviewing agencies as required by Section 236.12, Wisc. Stats. One print and one copy of sheets of data shall be retained until after action thereon by the Council, and immediately thereafter shall be returned to the Sub-divider with notations on approval by the Council, disapproval or approval with modifications, and with required modifications indicated or explained.

SEC. 12-1-10 ACTION ON PRELIMINARY PLAT

The City Engineer shall check the preliminary plat with reference to the requirements of this chapter and in the Platting Act. He shall note any requirements not fulfilled, any modifications

deemed necessary and improvements that should be installed with specifications therefor, and give such findings and conclusions as recommendations to the City Plan Commission. Such agency shall then give its conclusions and recommendations to the Council in a verbal or written report.

SEC. 12-1-11 ACTION BY COUNCIL

Within forty (40) days after the date of filing the preliminary plat, the Council shall be given the report by the City Plan Commission and shall consider this together with the preliminary plat, and shall act to tentatively approve said plat, disapprove it, or tentatively approve it with modifications. Within three (3) days after such actions, the City Clerk shall give to the Sub-divider, or mail to him at his last known address, a print of the preliminary plat and a copy of the accompanying sheets of data, together with notification of the Council's action thereon.

SEC. 12-1-12 IMPROVEMENTS

At the time of taking action on the preliminary plat, the Council shall indicate what improvement of streets, alleys, electric service and public places, the latter including curbs, gutters, walks, sewers, water lines and drainage facilities, shall be installed and when, as a condition precedent to plat approval, provided that in lieu of installation prior to plat approval a surety bond running to the City to insure the performance of such installation with a required time may be required. The Council may also, as a condition precedent to the approval of the final plat, require the owner to enter into an agreement providing for additional improvements proposed to be shown on the plat such as lagoons, slips, waterways, lakes, bays or canals not then in existence and may require a surety bond running to the City to insure such performance.

SEC. 12-1-13 SURVEY AND FINAL PLAT REQUIREMENTS

The Sub-divider or owner shall cause the survey and the land division to be made in conformity with the preliminary plat as tentatively approved with the requirements of the Platting Act. When the survey and land division is completed, the Sub-divider or owner may then cause a final plat thereof to be made in accordance with the requirements of the Platting Act. Accompanying the final plat shall be a final plan of all the improvements to be installed by the owner or Sub-divider with final grades and profiles for those improvements, grades and profiles of which were required with the preliminary plat. The affidavits and certificates appearing on the final plat shall be at least all those required in the Platting Act.

SEC. 12-1-14 TIME LIMIT FOR FILING

Unless the filing of a final plat is within one year from the date of action by the Council on the preliminary plat, the Sub-divider shall again file the original preliminary plat of a new preliminary plat unless a variation from this requirement following a written request therefor, with reasons, is permitted by the Council.

SEC. 12-1-15 FILING OF FINAL PLAT

The final plat and all accompanying data required by this chapter and by the Platting Act, and a tracing thereof, shall be filed with the City Clerk who shall present same to the Council at its next meeting. If no meeting is to be held within two (2) weeks the City Clerk shall notify the members of the Council of the receipt of the plat and a meeting to consider it shall be held within two (2) weeks after such receipt. Within one day after receipt, the City Clerk shall deliver one copy of the final plat and all accompanying data to the City Engineer and shall delivery one copy thereof to the City Plan Commission with a notification of the date of the Council meeting for consideration of the final plat. The City Clerk shall require the Sub-divider to file sufficient copies of the final plat to enable him to comply with Section 236.12 Wis. Stats., and he shall do so.

SEC. 12-1-16 ACTION ON FINAL PLAT

The City Engineer shall check the final plat and accompanying data for conformity with the requirements of this chapter and of the Platting Act and shall give a verbal or written report thereon to the City Plan Commission. Such agency shall then give its conclusions and recommendations as to the adequacy of the final plat to the Council at said meeting. The Council shall approve or reject the final plat within forty (40) days after it is received by the City Clerk.

SEC. 12-1-17 VARIATION FROM REQUIREMENTS OF THIS CHAPTER

When the Council finds that the application of this Chapter to a proposed land division or to a preliminary or final plat thereof would cause unnecessary hardship or practical difficulty, it may permit such variations therefrom as are not contrary to the intent and purpose of this Chapter or the master plan or the Official Map or other plans, and as are not in violation of the Platting Act or other applicable law. The Council may adopt such variations as may be recommended by the City Engineer or by the advisory agency. The nature of such shall be recorded in the proceedings of the Council.

SEC. 12-1-18 TENTATIVE PLAT OPTIONAL

The preparation and submission of a tentative plat, as provided for in the Platting Act, instead of a preliminary plat as required herein, shall be optional with any Sub-divider, but such tentative plat shall satisfy the requirements herein for a preliminary plat unless variations therefrom are permitted by the Council and shall conform to the requirements of the Platting Act.

SEC. 12-1-19 APPROVAL OF LAND DIVISIONS

Any change, re-division, or rearrangement in the boundary or division lines of any parcel of land which does not create a subdivision, or otherwise require Plan Commission action, must be approved by the Zoning Administrator. Any person desiring to make such a land division shall make a written application to the Zoning Administrator accompanied by two preliminary maps showing the existing parcel and the changes desired. If the proposed land division is in compliance with all applicable city ordinances and applicable laws, and the plans and policies of the City of Two Rivers, the Zoning Administrator shall approve the proposed division, in writing. If the Zoning Administrator does not approve the proposed land division, such determination shall also be made in writing.

Appeals from a decision of the Zoning Administrator hereunder may be filed in accordance with Section 2-5-2 of this Code for consideration by the Board of Appeals, which is hereby granted the authority to review such decisions. Such appeal must be made within thirty (30) days of receipt of the decision from which appeal is made.

Upon approval of a land division by the Zoning Administrator or the Board of Appeals, the applicant shall record a certified copy of such approval, together with the survey map of the land division required by the City, in the Office of the Register of Deeds for Manitowoc County, and within thirty (30) days after such recording a copy of the approval and survey map as recorded shall be filed with the City Assessor, who shall enter such changes on the Assessment Roll. The description so entered on the Assessment Roll shall be considered the official record of all lands in the city for purposes of interpreting provisions under this Title. No land division shall be effective until filed with the City Assessor. No building permit shall be issued for the construction of any structure on any parcel of land in the city which has been divided or rearranged in violation of this section.

If the Zoning Administrator is unable for any reason to determine whether any application made under this section should be approved, he/she may refer the application to the Board of Appeals for determination.

SEC. 12-1-20 ESTABLISHMENT OF BENCH MARKS

(a) A new City bench mark is established at the flat surface chiseled out of the extreme southwest corner of the base of the monument in East Central Park.

(b) The datum plane, as now established, is 20.59 feet below such new bench mark.

(c) Such new bench mark is 1.81 feet above the water table of the Police Department Building (formerly the City Hall building) of the City such water table being the bench mark heretofore used for reference to the established datum plane.

SEC. 12-1-21 PENALTY

Any person who shall violate any provision of this chapter shall be subject to the general penalty as provided in Section 1-1-17 of this Code.