

Minor Land Division **Application & Checklist**



Town of Cedarburg, Wisconsin
1293 Washington Avenue
Cedarburg, Wisconsin 52310-9304

| <i>Contact Type</i> | <i>Contact Information</i> |
|----------------------------|----------------------------|
| Town Hall Telephone Number | (262) 377-4509 |
| Town Hall Fax Number | (262) 377-0308 |
| Town Hall Email Contact | eryer@town.cedarburg.wi.us |

Revised July, 2021

Incomplete applications not accepted. To view the submittal deadline calendar, please visit the Town website, and view the Permits and Applications page.

Additional copies of this application and other information may be found at the Town of Cedarburg web site – www.town.cedarburg.wi.us

MINOR LAND DIVISION PROCESS & GUIDELINES

This checklist has been created to provide guidance through the minor land division process and preparing a Certified Survey Map (CSM). The checklist consists of State and Town requirements and is meant to expedite the process. It also references other jurisdictions (particularly Ozaukee County) as possible approving authorities. The minor land division process may take two to four months depending on the specific land division and the required meetings.

1. Pre-Application Meeting: Set up a Meeting with Town Staff at 262-377-4509

A pre-application meeting with Town staff shall be held to 1) acquaint Town Staff with the proposed project and 2) for staff to advise the applicant about Town Code and procedures and any obvious issues before the land division process begins. Applicants should note at this time that Ozaukee County may be an approving authority for the following reasons, depending upon the property in question:

- Ozaukee County Highway Department for access along County Highways
 - Contact them at 262-284-8331
- Ozaukee County Planning and Parks Department for County zoning related to land divisions
 - Contact them at 262-284-8257
- Ozaukee County Land & Water Management Department for Shoreland and Floodplain Zoning
 - Contact them at 262-284-8313

2. Plan Commission Process

Following the pre-application meeting, the applicant may choose to submit a Concept Plan and the accompanying \$100 fee. The Concept Plan can be as formal as a rough draft of a Certified Survey Map (CSM) or as informal as a hand-drawn layout of the proposed land division. Upon submission of the application materials and fee two weeks before the desired Plan Commission meeting, Town staff will perform an initial review to determine if there are any issues that should be addressed before the Concept Plan is seen by the Plan Commission.

2a. Plan Commission meeting #1 (optional Concept Plan Meeting): At this first meeting, the Commission shall review the Concept Plan and determine conformity and consistency with existing development and the Town Comprehensive Plan. The Commission will provide direction to the applicant; they may direct the applicant to move forward with the land division, or ask them to return with a revised Concept Plan before moving forward. There will be an additional \$100 fee for each additional Concept Plan meeting with the Plan Commission to be paid before the meeting). If you are directed to move forward with the creation of a formal CSM, move on to Step 2b.

2b. Plan Commission meeting #2: At this meeting, the Commission shall review the formal CSM, percolation tests and soil borings, private shared driveway agreement (if applicable), as well as pre-final construction plans if public improvements are required by the development. The Plan Commission will advise for changes/alterations, reject, or recommend the Town Board approve the minor land division, or approve with conditions. Three weeks before this meeting (check the Plan Commission Meetings and Deadlines on the following page), the applicant will need to submit the following:

- Completed Minor Land Division Application & CSM Checklist
- Electronic emailed copies of all applicable documents listed below, in addition to the paper copies.
- One (1) Paper Copy of the Certified Survey Map (8 1/2" x 14").
- One (1) Paper Copy of the Percolation tests and soil borings.
- One (1) Paper Copy of the Private Shared Drive Agreement (if applicable).
- One (1) Paper Copy of the pre-final construction plans shall also be submitted if public improvements are required as part of the development.
- \$250 fee (\$125 Minor Land Division Application fee & \$125 for base CSM Review fee). If the actual review cost is in excess of \$125, the applicant will be responsible for the balance to be paid upon completion of all applicable reviews.

Following Commission recommendation, move on to Step 3.

3. Town Board Process

The Town Board will then consider action by approving, approving with conditions, or rejecting the minor land division. If approved, the preparer of the CSM will then need to make all necessary engineering corrections and provide a final copy on paper for signature at Town Hall. The applicant is responsible for taking the final corrected CSM and private shared driveway agreement (if applicable) and recording it/them at the Ozaukee County Register of Deeds Office and providing Town Hall with a copy of the final recorded document(s).

Reviewing Bodies

- ✓ Town of Cedarburg
- ✓ Ozaukee County (different departments as previously noted)
- ✓ Town Plan Commission
- ✓ Town Board

NOTE: please see the additional potential reviewing jurisdictions below. It is recommended that applicants reach out to them before commencing applications with the Town to avoid unnecessary delays related to permitting through these potential additional reviewing jurisdictions. Professional land surveyors or engineering firms can assist with those efforts.

Potential Additional Reviewing Jurisdictions

- ✓ Cedarburg Fire Department (If applicable)
- ✓ Landmarks Commission (If applicable)
- ✓ Town Park & Recreation Committee (If applicable)
- ✓ WDNR (If applicable)
- ✓ WisDOT (If applicable)
- ✓ Army Corps of Engineers (If applicable)

Minor Land Division Application

| FEE TYPE | TOWN OF CEDARBURG | CONSULTANT |
|--|---|---------------------------|
| Land Division Concept Fee | \$100 | Actual Fee (if necessary) |
| Minor Land Division Application Fee | \$125 | N/A |
| Certified Survey Map Review Fee | \$125 (base fee) + additional review cost above base fee (if necessary) | Actual Fee (if necessary) |
| Rezoning (if applicable) | \$300 | Actual Fee (if necessary) |
| Impact Fee (due upon issuance of building permit) | \$3,790 | N/A |

APPLICANT INFORMATION

Name _____ Address _____ Zip _____

Telephone _____ Fax _____ E-mail Address _____

LANDOWNER OF RECORD INFORMATION (if different than applicant)

Name _____ Address _____ Zip _____

Telephone _____ Fax _____ E-mail Address _____

SURVEYOR INFORMATION

Name _____ Address _____ Zip _____

Telephone _____ Fax _____ E-mail Address _____

1. Appropriate Fees Paid to Town of Cedarburg Amount Paid _____ Date Paid _____
2. Applicant must provide the final shared driveway agreement (if applicable)
3. Original CSM enclosed Circle: YES/NO
4. I understand that the tax bill for the original parcel will not be apportioned until the next tax year.
5. I understand & agree to pay all review fees from the Town of Cedarburg and their consultant.

/

Applicant's Signature/Landowner Signature Date Town Initials (Office Use)

Certified Survey Map Checklist

Town of Cedarburg Requirements

On the checklist, mark “x” in the “OK” box to indicate compliance with the specific requirement; mark “x” in the “See Comments” box to indicate any item that is not applicable or if the submittal does not conform. **Applicants must provide a separate comments sheet explaining why the item(s) were not applicable or were not able to be completed.**

The Town has the right to refuse an improperly completed checklist. No map is considered properly submitted to the Town until the checklist has been properly completed (the date of Town receipt shall be noted as the date of a properly completed submittal to the Town).

OK See Comments

1. All bearings and distances shall be referenced to the Wisconsin Coordinate System.
2. All existing buildings, water, drainage and other features pertinent. Any building or structure and its location on the lot and setback lines shall be shown on the map and dimensioned to the nearest 0.1 foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements. The existing buildings and structures shall be dimensioned to the nearest boundary.
3. All lands reserved for future acquisition.
4. Revision list for all alterations or corrections, from initial CSM submittal up to and including the final submittal date, as necessary. The revision list may be included on the face of the document or in a cover letter attached with the CSM document(s), as necessary. Dates shall be included with the revision list.
5. Name, address, phone number, and fax number of the owner, sub-divider and surveyor.
6. Name and address of the site.
7. Name and address of adjacent parcels.
8. Show existing zoning and any proposed changes, with setbacks listed or drafted.
9. Designate zoning of the site per chapter 320 of the Town of Cedarburg Code of Ordinances. If zoned CR-A, CR-B, TR or TR-2, follow open space requirements.
10. Verify the existence of any wetlands within property. If present, designate the date it was identified, the locator and their credentials. Wetland area limits shall be drawn along with the geometric bearings and distances of these limits.
11. If an environmental corridor and/or floodplain is located within the property, it shall be located and denoted on CSM.
12. If a shoreline jurisdiction is located within the property, it shall be located and denoted on the CSM.

13. Show soil borings and soil absorption areas on the CSM. **Submit 20 copies of the percolation and borings performed by a certified tester.**
14. The Depth to Width ratio of each subdivided lot shall not exceed the ratio of 2.5:1 as stated in the Town of Cedarburg Subdivision Code section 184-13 D(2).
15. Record any easements of record if applicable.
16. Date of map shall be included.
17. A statement that the surveyor has fully complied with provisions set forth in the Town of Cedarburg's Subdivision Ordinance.
18. A statement that the surveyor has fully complied with provisions set forth in the Town of Cedarburg's Land Division Ordinance.
19. On the CSM, include the statement, "An impact fee for the new lot shall be paid per Town Code."
20. All proposed lots have required road frontage per section 320. If answer is yes proceed to Item 24.
21. If one or more lots does not have adequate road frontage, a shared driveway easement is indicated on the map.
22. The easement is wide enough for a 12 foot minimum driving width and required turn-outs every 250 feet, typically 25 to 30 feet in length.
23. A separate 'Shared Driveway Easement Agreement' has been prepared to be recorded with the final CSM.

Wisconsin Section 236 Requirements

s.236.34 (1) CERTIFIED SURVEY MAP OF NOT MORE THAN 4 PARCELS OF LAND

OK [See Comments](#)

24. A certified survey map required to divide land of no more than 4 parcels or building sites of one and one-half (1-1/2) acre or less or when no more than 4 parcels or building sites of one and one-half (1-1/2) acre or less of land consisting of lots or outlots may be recorded in the office of the register of deeds of the county in which the land is situated. A certified survey map may be used to change the boundaries of lots and outlots within a recorded plat, recorded assessor's plat under s. 70.27 or recorded, certified survey map if the reconfiguration does not result in a subdivision or violate a local subdivision regulation. A certified survey map may not alter areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement, or by any other manner. A certified survey map that crosses the exterior boundary of a recorded plat or assessor's plat shall apply to the reconfiguration of fewer than 5 parcels by a single owner, or if no additional parcels are created. Such a certified survey map must be approved in the same manner as a final plat of a subdivision must be approved under s. 236.10, must be monumented in accordance with s. 236.15 (1), and shall contain owners' and mortgagees' certificates that are in substantially the same form as required under s. 236.21 (2) (a)

s.236.34 (1) (a) THE SURVEY

25. The survey shall be performed and the map prepared by a land surveyor registered in this state. The error in the latitude and departure closure of the survey may not exceed the ratio of one in 3,000.

s.236.34 (1) (b) MONUMENTS (cross-referenced to s.236.15 Wis. Stats. Shown below.)

26. All corners shall be monumented in accordance with s. 236.15 (1) (c), (d), and (g).

s.236.15 (1) MONUMENTS

27. (c) All lot, outlot, park and public access corners and the corners of land dedicated to the public shall be monumented in the field by iron pipes at least 18 inches long and one inch in **outside** diameter, weighing not less than 1.13 pounds per lineal foot, or by round or square iron bars at least 18 inches long and weighing not less than 1.13 pounds per lineal foot.
28. (d) The lines of lots, outlots, parks and public access and land dedicated to the public that extend to lakes or streams shall be monumented in the field by iron pipes at least 18 inches long and one inch in **outside** diameter weighing not less than 1.13 pounds per lineal foot, or by round or square iron bars at least 18 inches long and weighing not less than 1.13 pounds per lineal foot. These monuments shall be placed at the point of intersection of the lake or stream lot line with a 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.
29. (g) In cases where strict compliance with this subsection would be unduly difficult or would not provide adequate monuments, the department may make other reasonable requirements.

(Existing accepted and archival monuments should not be removed or reset. They should be noted as existing or found and described by type, material, diameter, and shape.)

s.236.34 (1) (c) PREPARATION (cross-referenced to s.236.20 Wis. Stats. Shown below)

30. The map shall be prepared in accordance with s. 236.20 (2) (a), (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b), (d), and (e) and must be clearly legible.
31. At a graphic scale of not more than 500 feet to an inch, which shall be shown on each sheet showing layout features.
32. Binding margin 1.5" wide and a 0.5-inch margin on all other sides on durable white paper 8 1/2" wide by 14" long.
33. It must be in non-fading black image or reproduced with photographic silver haloid image on double matt polyester film of not less than 4 mil thickness.
34. When more than one sheet is used for any map, each sheet number shall be labeled as (Sheet 1 of 3 sheets).
35. Each sheet (single –sided) must be signed, sealed and dated by the Surveyor.

36. "CERTIFIED SURVEY MAP" shall be printed on the map in prominent letters with the location of the land government lot, recorded private claim, quarter-quarter section, section, township, range, and county noted.
37. Seals or signatures reproduced on images complying with this paragraph shall be given the force and effect of original signatures and seals.

s.236.20 (2) MAP AND ENGINEERING INFORMATION

38. (a) The exterior boundaries of the land surveyed and divided. (By a solid heavy line)
39. (b) All monuments erected, corners, and other points established in the field in their proper places.
40. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except lot, outlot, and meander corners need not be shown.
41. The legend for metal monuments shall indicate the kind of metal, the outside diameter of the monuments.
42. (c) The length and bearing of the exterior boundaries, the boundary lines of all blocks, public grounds, streets, and alleys, and 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 on one tier.
43. Easements not parallel to a boundary or lot line shall be shown by center line distance, bearing, and width or by easement boundary bearings and distances.
44. Where easement lines are parallel to boundary or lot lines, the boundary or lot line distances and bearings are controlling.
45. Where the exterior boundary lines show bearings or lengths that vary from those recorded in abutting plats or certified surveys there shall be the following note placed along the lines, "recorded as (show recorded bearing or length or both).
46. (e) All lots and outlots in each block consecutively numbered within blocks and the subdivision and throughout numbered additions to the subdivision.
47. (f) The exact width of all easements, streets and alleys.
48. (g) All lake or stream shore meander lines established by the surveyor in accordance with s. 236.15 (1) (d), 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.
49. (h) The center line of all streets.
50. (i) A north point properly located thereon identified as referenced to a magnetic, true or other identifiable direction and related to a boundary line of a quarter section, recorded private claim or federal reservation in which the subdivision is located.
51. (j) The area in square feet of each lot and outlot.

52. (k) When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places.
53. All curved lines shall show, either on the lines or in an adjoining table, the radius of the circle, the central angle subtended, the chord bearing, the chord length and the arc length for each segment.
54. The tangent bearing shall be shown for each end of the main chord for all circular lines.
55. When a circular curve of 30-foot radius or less is used to round off the intersection between 2 straight lines, it shall be tangent to both straight lines. It is 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.
56. (L) When strict compliance with a provision of this section will entail undue or unnecessary difficulty or tend to render the plat or certified survey map more difficult to read, and when the information on the plat or certified survey map is sufficient for the exact retracement of the measurements and bearings or other necessary dimensions, the department or, in 1st class cities, the city engineer may waive such strict compliance.

s.236.20 (3) NAME, LOCATION AND POSTION

57. (b) The location of the subdivision shall be indicated by bearing and distance from a boundary line of a quarter section, recorded private claim or federal reservation in which the subdivision is located.
58. The monumentation at the ends of the boundary line shall be described and the bearing and distance between them shown.
59. (d) The names of adjoining streets, state highways, subdivisions and bodies of water, if applicable, shown in their proper location underscored by a dotted or dashed line.
60. (e) Abutting street and state highway lines of adjoining plats shown in their proper location by dotted or dashed lines. The width of these streets and highways shall be given also.

s.236.34 (1) (d) SURVEYOR'S CERTIFICATE OF COMPLIANCE

The map shall include a certificate of the surveyor who surveyed, divided and mapped the land which has the same force and effect as an affidavit and which gives all of the following information:

61. 1. By whose direction the surveyor made the survey, division and map of the land described on the certified survey map.
62. 2. A clear and concise description of the land surveyed, divided, and mapped by government lot, recorded private claim, quarter-quarter section, section, township, range and county; and by metes and bounds
63. commencing with a monument at a section or quarter section corner of the quarter section that is not the center of a section, or

64. commencing with a monument at the end of a boundary line of a recorded private claim or federal reservation in which the land is located;
65. if the land is located in a recorded subdivision or recorded addition to a recorded subdivision, then by the number or other description of the lot, block or subdivision, which has previously been tied to a corner marked and established by the U.S. public land survey.
66. 3. A statement that the map is a correct representation of all of the exterior boundaries of the land surveyed and the division of that land.
67. 4. A statement that the surveyor has fully complied with the provisions of this section in surveying, dividing and mapping the land.

s.236.34 (1) (e) DEDICATIONS

68. A certified survey map may be used for dedication of streets and other public areas when owners' certificates and mortgagees' certificates which are in substantially the same form as required by s. 236.21 (2) (a) have been executed and the city council or village or town board involved have approved such dedication.
69. Approval and recording of such certified surveys shall have the force and effect provided by s. 236.29.

s.236.34 (1) (f) SUBMITTAL

70. Within 90 days of submitting a certified survey map for approval, the approving authority, or its agent authorized to approve certified survey maps, shall take action to approve, approve conditionally, or reject the certified survey map and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider.
71. Failure of the approving authority or its agent to act within the 90 days, or any extension of that period, constitutes an approval of the certified survey map and, upon demand, a certificate to that effect shall be made on the face of the map by the clerk of the authority that has failed to act.

s.236.34 (2) RECORDING

72. (a) Certified survey maps prepared in accordance with sub. (1) shall be numbered consecutively by the register of deeds and shall be recorded in a bound volume to be kept in the register of deeds' office, known as the "Certified Survey Maps of County".
73. (b) If the certified survey map is approved by a local unit of government, the register of deeds may not accept the certified survey map for record unless all of the following apply:
74. 1. The certified survey map is offered for record within 6 months after the date of the last approval of the map and within 24 months after the first approval of the map.
75. 2. The certified survey map shows on its face all of the certificates and affidavits required under sub. (1).

s.236.34 (3) USE IN CONVEYANCING

76. When a certified survey map has been recorded in accordance with this section, the parcels of land in the map shall be, for all purposes, including assessment, taxation, devise, descent and conveyance, as defined in s. 706.01 (4), described by reference to the number of the survey, lot or outlot number, the volume and page where recorded, and the name of the county.

ADDITIONAL REQUIREMENTS

77. Upon final approval, the preparer of the CSM shall provide the Town of Cedarburg with an electronic version (AutoCAD 2007 preferred) of the map.