

CHAPTER 18

LAND DIVISION
AND
DEVELOPMENT ORDINANCE

TOWN OF OTTAWA
WAUKESHA COUNTY, WISCONSIN

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Land Division and Development
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SECTION 1.00 INTRODUCTION

1.01 AUTHORITY. These regulations are adopted under the authority granted by Section 236.45 and Chapter 703 of the Wisconsin Statutes. Therefore, the Governing Body of the Municipality does ordain as follows:

1.02 PURPOSE. The purpose of this Ordinance is to regulate and control the division and development of land within the jurisdiction of the Municipality in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Municipality and its environs.

1.03 INTENT. It is the general intent of this Ordinance to regulate the division and development of land so as to:

- (A) Obtain the wise use, conservation, protection and proper development of the Municipality's soil, water, wetland, woodland and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;
- (B) Lessen congestion in the streets and highways;
- (C) Further the orderly layout and appropriate use of land;
- (D) Secure safety from fire, panic and other dangers;
- (E) Provide adequate light and air;
- (F) Facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds and other public facilities and services;
- (G) Secure safety from flooding, water pollution, disease and other hazards;
- (H) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (I) Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters;
- (J) Preserve natural vegetation and cover and promote the natural beauty of the Municipality;
- (K) Restrict building sites in areas covered by poor soils or in other areas poorly suited for development;

(L) Facilitate the further division of larger tracts into smaller parcels of land;

(M) Ensure adequate legal description and proper survey monumentation of subdivided land;

(N) Provide for the administration and enforcement of this Ordinance;

(O) Provide penalties for its violation; and

(P) Implement those municipal, county, watershed or regional comprehensive plans or their components adopted by the Municipality and in general to facilitate enforcement of Municipal development standards as set forth in the adopted regional, county and local comprehensive plans, adopted plan components, Zoning Ordinance and Building Ordinance of the Municipality.

1.04 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

1.05 INTERPRETATION. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Municipality and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.06 SEVERABILITY. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and not affect the validity of all other provisions, sections or portions thereof of the Ordinance which shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

1.07 REPEAL. All other ordinances or parts of ordinances of the Municipality inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.08 TITLE. This Ordinance shall be known as, referred to, or cited as the "LAND DIVISION AND DEVELOPMENT ORDINANCE".

SECTION 2.00 GENERAL PROVISIONS.

2.01 JURISDICTION. Jurisdiction of these regulations shall include all lands within the corporate limits of the Municipality. The provisions of this Ordinance as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:

(A) Transfers of interests in land by Will or pursuant to Court order, if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes and meet all specifications required by these regulations, the zoning ordinances, or other applicable laws or ordinances.

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

(C) 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 and meet all specifications required by these regulations, the Zoning Ordinances, or other applicable laws or ordinances.

(D) Cemetery plats made under Wisconsin Statutes 157.07.

2.02 COMPLIANCE. No person, firm, or corporation shall develop any land located within the jurisdictional limits of these regulations or divide any land located within the jurisdictional limits of these regulations so that such division results in a subdivision, minor land division, certified survey map, condominium plat, assessor's plat or replat as defined herein; no such subdivision, minor land division, certified survey map, condominium plat, assessor's plat or replat shall be entitled to recording; and no public street shall be laid out or public improvements made to land without compliance with all requirements of this Ordinance and the following documents:

(A) Chapter 236, Wisconsin Statutes.

(B) Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the street system, if the land owned or controlled by the subdivider abuts a state trunk highway or connecting street, and all provisions of Trans 233.

(C) Rules of the Wisconsin Department of Natural Resources, Division of Environmental Protection, setting water quality standards preventing and abating pollution and regulating development within floodland, wetland and shoreland areas, and regulating septic systems.

- (D) Duly Approved Comprehensive Land Use Plan or comprehensive plan component of the Municipality including zoning ordinances, sanitary codes, the Established Street and Highway Width Map of Waukesha County, the rules of the Waukesha County Department of Transportation establishing regulations for access to and work within County highway rights-of-way, Ordinance No. 146-56, and all other applicable County and Town Ordinances.
- (E) A Developer's Agreement, satisfactory to the Municipality, between the Municipality and the developer, subdivider and/or owner.
- (F) The Waukesha County Shoreland and Floodland Subdivision Control Ordinance and the Waukesha County Shoreland and Floodland Protection Ordinance.
- (G) Waukesha County Zoning Code.
- (H) The Waukesha County Construction Site Erosion Control and Stormwater Management Ordinance.
- (I) The Waukesha County Code of Ordinances Regarding Regulation of Private Sewage Systems, Ordinance No. 151-34, which regulates all land to be divided which is not served by public sewer and provisions for such services have not been made.
- (J) The Town of Ottawa Land Division Review Checklist, as adopted by the Town Board of the Town of Ottawa by separate Resolution, including any amendments that may be made thereto from time to time.
- (K) A soil test must be submitted for every lot in every land division.

2.03 DEDICATION AND RESERVATION OF LANDS.

- (A) Streets, Highways, Drainageways and Floodplain: Whenever a tract of land to be divided or developed within the jurisdiction of this Ordinance encompasses all or any part of a street, drainageway, floodplain or other public way which has been designated on a duly adopted Municipal or regional comprehensive plan or

comprehensive plan component, or is in any way determined to be such by the Plan Commission or Governing Body, said public way shall be dedicated or reserved by the owner in the locations and dimensions indicated on said plan or component and as set forth in Section 7.00 of this Ordinance.

- (B) Parks, Playgrounds and Public Sites: Whenever a tract of land to be divided or developed within the Municipality encompasses all or any part of a park, playground or public site which has been designated on a duly adopted Municipal or regional comprehensive plan or comprehensive plan component, or is in any way determined to be such by the Plan Commission or Governing Body, and said park, playground or public site shall be dedicated or reserved by the owner in the locations and dimensions indicated on said plan and in accordance with the procedures set forth in Section 7.09 of this Ordinance.

- 2.04 IMPROVEMENTS. Before final approval of any land division or development located within the jurisdictional limits of this Ordinance, the owner shall install improvements as hereinafter provided or provide guarantees for said installation. The owner shall, before commencing with any improvements, enter into a Developer's Agreement with the Municipality agreeing to install the required improvements and shall file with said agreement cash or a letter of credit meeting the approval of the Municipal Attorney in an amount equal to the estimated construction cost of the improvements and fees, plus an additional 15 percent of said cost and the fees, said estimate to be made by the Municipal Engineer, as a guarantee that such improvements will be completed by the owner or its subcontractors not later than the date or dates provided in the agreement and as a further guarantee that all obligations for work on the development are satisfied. In addition:

(A) Contracts and contract specifications for the construction of improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work shall be subject to the approval of the Municipal Engineer.

(B) Governmental units or utility companies to which these provisions apply may file, in lieu of said agreement and letter of credit, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Ordinance.

(C) Survey Monuments. Before final approval of any land division within the Municipality, the owner shall install survey monuments placed in accordance with requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Municipal Engineer.

2.05 VARIANCES. Where, in the judgment of the Plan Commission and Governing Body, it would be inappropriate to apply literally the provisions of this Ordinance because exceptional or undue hardship would result, the Plan Commission and Governing Body may waive or modify any requirement to the extent deemed just and proper. No variance to the provisions of this Ordinance shall be granted unless the Plan Commission and Governing Body finds by a greater weight of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

(A) Exceptional Circumstances: There are exceptional, extraordinary or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship. (Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the Land Division and Development Ordinance should be changed.)

(B) Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

(C) Absence of Detriment: That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

A majority vote of the entire membership of the Plan Commission and Governing Body shall be required to grant any modification of this Ordinance.

The Governing Body may waive the placing of monuments, required under Section 236.15(b), (c) and (d) for a reasonable time on condition that the owner execute cash or a letter of credit to

ensure the placing of such monuments within the required time limits established by the Municipality.

2.06 LAND SUITABILITY. No land shall be divided or developed which is determined to be unsuitable for the proposed use by the Plan Commission or Governing Body for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Municipality. In addition:

(A) Lots. Each lot shall have at last fifty (50) percent of its required area in the same zoning district as the zoning district where the building site is to be located.

(B) Floodlands. Each lot shall have at least fifty (50) percent of its required lot area above an elevation at least two (2) feet above the elevation of the 100-year reoccurrence interval flood, or where such data is not available, five (5) feet above the minimum flood of record.

(C) Lands made, altered or filled with nonearth materials within the preceding twenty (20) years shall not be divided into building sites which are to be served by soil absorption sewerage disposal systems.

(D) Lands made, altered or filled with earth within the preceding seven (7) years shall not be divided or developed into building sites which are to be served by on site soil absorption sewerage disposal systems.

(E) Lands having a slope of twelve (12) percent or more shall be maintained in permanent open space use. No lot shall have more than fifty (50) percent of its minimum required area in slopes of ten (10) percent or greater.

(F) Lands having bedrock within six (6) feet of the natural undisturbed surface shall not be divided or developed into building sites to be served by onsite soil absorption sewage disposal systems.

(G) Lands having groundwater within six (6) feet of the natural undisturbed surface shall not be divided or developed into building sites to be served by soil absorption sewage disposal systems.

(H) Lands drained by farm drainage tile or farm ditch systems shall not be divided or developed into building sites to be served by onsite soil absorption sewage disposal systems.

(I) Spite strips may not be created by any division of land.

(J) Remnants under twenty (20) acres must be a part of the plat or map. Any remnant twenty (20) acres or larger must be a part of the map or plat unless waived by the Plan Commission and Governing Body. The owner must provide proof that any remnant in excess of twenty (20) acres not shown on a plat or map is able to support a soil absorption sewer disposal system.

The Plan Commission or Governing Body, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for development or division and afford the owner an opportunity to present evidence in rebuttal to such finding of unsuitability if so desired. Thereafter the Plan Commission or Governing Body may affirm, modify or withdraw its determination of unsuitability.

2.07 COVENANTS. The Plan Commission or Governing Body may require submission of a draft of protective covenants whereby the owner intends to regulate land use in the proposed division or development and otherwise protect the proposed development. The Municipal Attorney shall review all covenants and shall approve covenants as to form.

2.08 VIOLATIONS. It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes; and no person, firm or corporation shall be issued a building permit by the Municipality authorizing the building on, or improvement of, any subdivision, minor land division, condominium plat, assessor's plat or replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Municipality may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

2.09 PENALTIES AND REMEDIES. Any person, firm or corporation who violates or fails to comply with the provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$1,000.00, plus the costs of prosecution for each offense, and the penalty for default of payment of such forfeiture and costs shall be imprisoned in County Jail. Each day a violation exists or continues shall constitute a separate offense until the person, firm or corporation comes into compliance with this Ordinance. Violations and concomitant penalties shall include and the same are hereby adopted:

(A) Recordation improperly made carries penalties as provided for in Section 236.30, Wisconsin Statutes.

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

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

An assessor's plat made under Section 70.27, Wisconsin Statutes, may be ordered as a remedy by the Municipality, at the expense of the owner, when a subdivision as defined herein is created by successive divisions.

All penalties provided for herein shall be in addition to any penalties imposed by any other governmental body.

Any penalties not paid shall be special charges against the real estate involved and may be so assessed and collected by the Municipality under Section 66.60, Wisconsin Statutes.

2.10 APPEALS. Any person aggrieved by an objection to a division or development or a failure to approve a division or development may appeal such objection or failure to approve as provided in Section 236.13(5), Wisconsin Statutes, within thirty (30) days of notification of the rejection of the division or development. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The Court shall remand the matter back to the Municipality for further review and action if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

SECTION 3.00 LAND DIVISION PROCEDURES.

3.01 PRE-FILING CONFERENCE. Prior to the filing of an application for the approval of a land division or development, the owner shall consult with the Plan Commission and its staff in order to obtain their advice and assistance. This consultation is not formal, but is intended to inform the owner of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, neighborhood plans and duly adopted plan implementation devices of the Municipality and to otherwise assist the owner in planning the development. In so doing, both the owner and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The owner will gain a better understanding of the subsequent required procedures.

3.02 SUBDIVISIONS.

(A) Preliminary Plat Filing. Before submitting a Final Plat for approval, the owner shall prepare a Preliminary Plat and a letter of application. The Preliminary Plat shall be

prepared and filed in accordance with this Ordinance and Chapter 236, Wisconsin Statutes.

(B) Preliminary Plat Review.

(1) The Plan Commission shall review the Preliminary Plat for conformance with:

(a) The provisions of Chapter 236, Wisconsin Statutes.

(b) This Ordinance.

(c) Any local Master Plan adopted under State Statutes.

(d) Any official map adopted under State Statutes.

(e) Any local rules and regulations.

(f) Any comprehensive plans or comprehensive plan components.

(g) Any neighborhood plans.

(2) The Plan Commission should, within 75 days of the date of filing of a Preliminary Plat, recommend approval, approval conditionally or rejection of such plat to the Governing Body unless the time is extended by agreement in writing with the owner.

(3) The Governing Body should within 90 days of the date of the filing of a Preliminary Plat approve, approve conditionally or reject such plat unless the time is extended by agreement in writing with the owner.

(4) Failure of the Governing Body to act within 90 days shall constitute an approval of the Preliminary Plat as filed.

(5) Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of the Preliminary Plat approval and conforms substantially to the Preliminary Plat layout as indicated in Section 236.11(1)(b), Wisconsin Statutes, and all conditions imposed as part of the Preliminary Plat approval have been satisfied, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to

further consideration by the Plan Commission and the Governing Body at the time of its submission.

(6) Objections must be satisfied. The Preliminary Plat shall not be finally approved or deemed finally approved until all objections of all objecting and approving authorities and all conditions of the Plan Commission and Governing Body have been satisfied.

(C) Final Plat Filing. The Final Plat shall be prepared and filed in accordance with this Ordinance and Chapter 236 of the Wisconsin Statutes.

(D) Final Plat Review.

(1) The Plan Commission shall review the Final Plat for conformance with:

- (a) The approved Preliminary Plat.
- (b) Any conditions of approval of the Preliminary Plat.
- (c) The provisions of Chapter 236, Wisconsin Statutes.
- (d) This Ordinance.
- (e) Any local Master Plan adopted under State Statutes.
- (f) Any official map adopted under State Statutes.
- (g) Any local rules and regulations.
- (h) Any comprehensive plans or comprehensive plan components.
- (i) Any neighborhood plans.

(2) The Plan Commission should within 30 days of the date of filing of a Final Plat recommend approval, approval conditionally or rejection of such plat to the Governing Body unless the time is extended by agreement in writing with the owners.

(3) The Governing Body should within 60 days of the date of filing of a Final Plat approve, approve conditionally or reject such Final Plat unless the time is extended by agreement in writing with the owner.

(4) Failure of the Governing Body to take action on the plat within 60 days, the time having not been extended and no unsatisfied objections having been filed and no unsatisfied conditions of the Preliminary Plat approval, the Final Plat shall be deemed approved.

(5) Miscellaneous Provisions.

- (a) Submission. If the Final Plat is not submitted within six (6) months of the last required approval of the Preliminary Plat, the Governing Body may refuse to approve the Final Plat unless otherwise provided for in the Developer's Agreement by means of a phase development timetable.
- (b) Partial Platting. If permitted by the Governing Body, the approved Preliminary Plat may be finally platted in phases with each phase encompassing only that portion of the approved Preliminary Plat which the owner proposes to record at one time, however, it is required that each such phase be final platted and be designated as a "phase" of the approved Preliminary Plat. Subsequent phases of the Final Plat shall be filed in accordance with the schedule set forth in the Developer's Agreement as adopted or amended by the Governing Body.
- (c) Recordation. After the Final Plat has been approved by the Governing Body and required improvements either installed or a contract and sureties insuring their installation is filed, the Clerk shall cause the certificate inscribed upon the Final Plat attesting that such approval to be duly executed and the Final Plat recorded with the County Register of Deeds.
- (d) Duplicate Plat. An identical reproducible copy of the plat (on stable drafting film at least four mils thick) along with the recording data shall be placed on file with the Town Clerk.
- (e) Final Plats submitted for approval before all improvements are ready to be accepted by the Municipality will only receive conditional approval from the Governing Body and said approval will be conditioned upon all improvements being completed and accepted by the Municipality.

(6) Objections must be satisfied. The Final Plat shall not be finally approved or deemed finally approved until all objections of all objecting and approving authorities and all conditions of the Plan Commission and Governing Body have been satisfied.

3.03 MINOR LAND DIVISION (CERTIFIED SURVEY MAP).

(A) Certified Survey Map Filing.

(1) Any division of land other than a subdivision, condominium plat, replat or assessor's plat as defined in this Ordinance shall be divided by the owner by use of a Certified Survey Map. The Certified Survey Map shall be prepared and filed in accordance with this Ordinance and Chapter 236, Wisconsin Statutes.

(2) The owner shall file 20 copies of the Certified Survey Map and the letter of application with the Town Clerk at least 20 days prior to the meeting of the Plan Commission at which action is desired.

(3) The Clerk shall, as soon as practicable, transmit the copies of the Certified Survey Map and the letter of application to the Plan Commission and Governing Body.

(4) The Clerk shall transmit a copy of the Certified Survey Map to all affected boards, commissions or departments for their review and recommendation concerning matters within their jurisdiction. Their recommendation shall be transmitted to the Plan Commission as soon as practicable from the date the map is filed.

(B) Certified Survey Map Review.

(1) The Plan Commission shall review the Certified Survey Map for conformance with:

- (a) The provisions of Chapter 236, Wisconsin Statutes.
- (b) This Ordinance.
- (c) Any local Master Plan adopted under State Statutes.
- (d) Any official map adopted under State Statute.
- (e) Any local rules and regulations.
- (f) Any comprehensive plans or comprehensive plan components.

(g) Any neighborhood plans.

(2) The Plan Commission should within 45 days of the date of filing a Certified Survey Map recommend approval, approval conditionally or rejection of such Certified Survey Map to the Governing Body unless the time is extended by agreement with the owner.

(3) The Governing Body should within 60 days of the date of the filing of a Certified Survey Map approve, approve conditionally or reject such Certified Survey Map unless the time is extended by agreement with the owner.

(4) If the Certified Survey Map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the owner.

(5) If the Certified Survey Map is approved, the Board should cause the Clerk to so certify on the face of the original map and return the map to the owner at such time as all conditions are satisfied.

(6) The owner shall record the map with the County Register of Deeds within ninety (90) days of its approval by the Governing Body. If the owner fails to record the map within ninety (90) days, the previously approved map is hereby rejected and the owner must recommence the entire procedure in this Ordinance unless an extension of time to file has been granted by the Governing Body.

(7) Duplicate Certified Survey Map. An identical reproduction copy of the Certified Survey Map (on stable drafting film at least four mils thick) along with the recording data shall be placed on file with the Clerk.

3.04 Replat. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the owner or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44, Wisconsin Statutes. The owner, or person wishing to replat, shall then proceed as specified in Section 3.02 above. The Clerk shall schedule a public hearing before the Plan Commission when a Preliminary Plat of a replat of lands within the Municipality or its extraterritorial jurisdictional limits is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

SECTION 4.00 PRELIMINARY PLAT.

4.01 GENERAL. A Preliminary Plat shall be required for all subdivisions, shall be based upon a survey by a registered land surveyor, shall comply in all respects with the requirements of Chapter 236, Wisconsin Statutes, shall comply with the design standards and improvement requirements set forth in Sections 7.00 and 8.00 of this Ordinance and the plat prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

(A) Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat in Waukesha County, unless it is an addition by the same owner to a previously recorded plat and is so stated on the plat;

(B) Property location of the proposed subdivision by: Government lot, quarter section, township, range, county and state;

(C) General location sketch showing the location of the subdivision within the U.S. Public Land Survey section oriented on the sheet in the same direction as the main drawing;

(D) Date, graphic scale and north arrow;

(E) Names and addresses of the owner, subdivider and land surveyor preparing the plat;

(F) Entire area contiguous to the proposed plat owned or controlled by the subdivider and/or owner shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and severe hardship would result from strict application thereof.

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

(A) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;

(B) Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of not more than five (5) feet where the slope of the ground surface is ten (10)

percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level);

(C) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum;

(D) Floodplain limits and the contour line lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record;

(E) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto;

(F) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1929) datum;

(G) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands;

(H) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size, and invert elevations;

(I) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, drainage easements, natural drainage areas, landfills and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto;

(J) Location, width and names of all proposed streets and public rights-of-way such as alleys and easements;

(K) Approximate dimensions of all lots together with proposed lot and block numbers;

(L) Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring platting;

(M) Approximate radii of all curves;

(N) Existing zoning on and adjacent to the proposed subdivision;

(O) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access;

(P) Any proposed lake and stream improvement or relocation;

(Q) Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service;

(R) Location of soil boring tests, where required by Section H65.06(2) of the Wisconsin Administrative Code, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the Preliminary Plat;

(S) Location of soil percolation tests where required by Section H65.06(3) of the Wisconsin Administrative Code, conducted in accordance with Section H65.07(4) of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the Preliminary Plat. Where mound systems are proposed, information required by the Wisconsin Administrative Code shall be submitted and may be required to be shown on the plat.

(T) Additional information as requested by the Plan Commission or Governing Body to verify ownership, clarify questions raised during the approval procedure, address concerns raised by neighbors or members of the Plan Commission or Governmental Body and any other information the Plan Commission

or Governing Body deems necessary to reach a decision on the Preliminary Plat. Failure to provide the requested additional information may be grounds for denial of the Preliminary Plat.

4.03 STREET PLANS AND PROFILES. The Plan Commission, upon recommendation of the Municipal Engineer, may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, storm sewer plans and profiles showing the location, grades, sizes, cross-sections, elevations and materials of required facilities, where applicable, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon mean sea level (1929) datum, and plans and profiles shall meet the approval of the Municipal Engineer.

4.04 TESTING. The Plan Commission, upon recommendation of the Municipal Engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table. Where the subdivision will not be served by public sanitary sewer service, the provisions of the Wisconsin Administrative Code shall be complied with; and the appropriate data submitted with the Preliminary Plat.

4.05 SOIL AND WATER CONSERVATION. The Plan Commission, upon determining from a review of the Preliminary Plat by the Municipal Engineer that the soil, slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in any and all ordinances, rules, regulations and publications adopted by separate resolution by the Governing Body.

4.06 AFFIDAVIT. The surveyor preparing the Preliminary Plat shall certify on the face of the Plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Ordinance.

SECTION 5.00 FINAL PLAT.

5.01 GENERAL. A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Chapter 236, Wisconsin Statutes.

5.02 ADDITIONAL INFORMATION. The Plat shall show correctly on its face, in addition to the information required by Chapter 236, Wisconsin Statutes, and Sections 4.01, 4.02, 7.00 and 8.00 of this Ordinance, the following:

- (A) Exact length and bearing of the centerline of all streets;
- (B) Exact street width along the line of any obliquely intersecting street;
- (C) Railroad rights-of-way within and abutting the plat;
- (D) Setbacks or building lines greater than those required by the municipal ordinances, if deemed necessary by the Plan Commission or Governing Body;
- (E) Utility and/or drainage easements;
- (F) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat;
- (G) Special restrictions required by the Plan Commission or Governing Body relating to access control along public ways, delineation of floodland limits or to the provision of planting strips.
- (H) Blocks, if designated, shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively through the several additions. The exact length and bearing of the boundary lines of all blocks shall be shown.
- (I) Lots in each block shall be consecutively numbered. Outlots, if approved, shall be numbered within each block. The square footage of each lot and outlot shall be shown on the plat and in addition thereto the plat shall show the exact acreage for each lot or outlot to the nearest 1/100th acre, such indicator to be located within the boundary of each lot or outlot on the plat.
- (J) Meander lines by distance and bearings shall be shown with the distance the point of intersection of such meander lines with lot lines and ordinary high water mark also shown.
- (K) Septic systems and driveways with preplanned location shall be shown on the plat.
- (L) Lots to be served by joint wells, along with the easements providing for said service, shall be shown on the plat. A joint well agreement shall be recorded.

5.03 DEED RESTRICTIONS. The Plan Commission or Governing Body may require that deed restrictions be filed with the Final Plat.

5.04 SURVEY ACCURACY. The Municipal Engineer shall examine all Final Plats within the Municipality and may make, or cause to be made by a registered land surveyor under the supervision or direction of the Municipal Engineer, field checks for the accuracy and closure of survey, the proper kind and location of monuments and the legibility and completeness of the drawing. In addition:

(A) Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one (1) part in 10,000, or in azimuth, four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

(B) All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one (1) part in 5,000, or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.

(C) The Governing Body shall receive the results of the Municipal Engineer's examination prior to approving the Final Plat.

5.05 SURVEYING AND MONUMENTING. All Final Plats shall meet the surveying and monumenting requirements of Chapter 236, Wisconsin Statutes.

5.06 STATE PLANE COORDINATE SYSTEM. Where the Plat is located within a U.S. Public Land Survey quarter section, the corners of which have been relocated, monumented and coordinated by the Municipality, Waukesha County or the Southeastern Wisconsin Regional Planning Commission, the Plat shall be tied directly to one or more of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane

coordinates of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Municipality's control survey.

5.07 CERTIFICATES. All Final Plats shall provide all the certificates required by Chapter 236, Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance.

5.08 RECORDATION. The Final Plat shall only be recorded with the County Register of Deeds after the certificates of the Wisconsin Department of Development, of the Governing Body, of the surveyor, and those certificates required by Chapter 236, Wisconsin Statutes, are placed on the face of the Plat. The Plat shall be recorded within thirty (30) days of its approval by the Governing Body. Failure to record said Final Plat within thirty (30) days of the date of the last required approval or within six (6) months of the date of the first approval, may require the subdivider to have to recommence the entire procedure in this Ordinance at the option of the Governing Body.

5.09 DUPLICATE PLAT TO BE FILED. An identical reproducible copy (on stable drafting film at least four mils thick) along with the recording data shall be placed on file with the Municipal Engineer.

5.10 HOUSE NUMBERS ASSIGNED. The Municipal Engineer shall place upon a copy of the Final Plat on each lot shown on said plat the correct legal house number assigned to that lot in conformity with the grid system in effect in Waukesha County and any local ordinances.

SECTION 6.00 CERTIFIED SURVEY MAP.

6.01 GENERAL. A certified Survey Map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34, Wisconsin Statutes. The minor subdivision shall comply with the design standards and improvement requirements set forth in Sections 7.00 and 8.00 of this Ordinance.

6.02 ADDITIONAL INFORMATION. The map shall show correctly on its face, in addition to the information required by Section 236.34, Wisconsin Statutes, all information required by Sections 4.01, 4.02 and 5.02 of this Ordinance and the following:

(A) All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division.

(B) Deed restrictions as required by the Plan Commission and/or the Governing Body.

6.03 STATE PLANE COORDINATE SYSTEM. Where the map is located within a U.S. Public Land Survey quarter section, the corners of which have been relocated, monumented and coordinated by the Municipality, Waukesha County or the Southeastern Wisconsin Regional Planning Commission, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distance and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Municipality's control survey.

6.04 CERTIFICATES. The surveyor shall certify on the face of the map that he or she has fully complied with all the provisions of this Ordinance. The Governing Body, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

In addition, dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a), Wisconsin Statutes.

6.05 RECORDATION. The Certified Survey Map shall only be recorded with the County Register of Deeds after the certificates of the Governing Body and the surveyor are placed on the face of the map.

6.06 DUPLICATE PLAT TO BE FILED. An identical reproducible copy (on stable drafting film at least four mils thick) along with recording data shall be placed on file with the Municipal Engineer.

6.07 HOUSE NUMBERS ASSIGNED. The Municipal Engineer shall place upon a copy of the map on each lot shown on said map the correct legal house number assigned to that lot in conformity with the grid system in effect in Waukesha County and any local ordinances.

SECTION 7.00 DESIGN STANDARDS.

7.01 STREET ARRANGEMENT. In any division or development of land, the street layout shall conform to the arrangement, width and location indicated on the official map, County jurisdictional highway system plan, comprehensive plan or plan component, or precise neighborhood unit development plan of the Municipality. In areas for which such plans have not been

completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The division or development shall be designed so as to provide each lot with satisfactory access to a public street. In addition:

(A) Arterial streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

(B) Collector streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets to which they connect.

(C) Minor streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide for safe and convenient access to abutting property.

(D) Proposed streets shall extend to the boundary lines of the tract being divided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission and Governing Body, such extension is not necessary or desirable for the coordination of the layout of the development or for the advantageous development of the adjacent tracts.

(E) Arterial Street and Highway Protection. Whenever the proposed development contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.

(F) Frontage streets shall be designed in relation to the street which it serves and to the existing topography to provide for safe traffic flow and property value presentation.

(G) Stream or lake shores shall have minimum of sixty (60) feet of public access platted to the low watermark at intervals of not more than one-half mile as required by Section 236.16(3), Wisconsin Statutes.

(H) Reserve strips shall not be provided on any division to control access to streets or alleys, and shall be prohibited except where the access control of such strips is placed with the Municipality under conditions approved by the Plan Commission and accepted by the Governing Body.

(I) Street names shall not duplicate or be similar to existing street names elsewhere in the Municipality. Street names and numbers shall comply with the Municipal Code of the Municipality.

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

(A) When lots within the proposed division or development back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon is prohibited."

(B) When lots within the proposed division or development front upon the right-of-way of an existing or proposed limited access highway or a railroad, said lots should be platted with extra depth to permit generous distances between the buildings and such traffic ways.

(C) Commercial and industrial properties shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.

(D) Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or

highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(E) Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

7.03 STREET AND PEDESTRIAN WAY DESIGN STANDARDS. The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map, neighborhood development study; or jurisdictional highway system plan; or if no width is specified therein, the minimum widths shall be as set by the Governing Body. Street sections are for standard arterial streets only. Cross-sections for freeways, expressways and parkways should be based upon detailed engineering studies. In addition:

(A) All streets or system of streets designed to have one end of any street in the system closed, whether temporarily or permanently, shall not exceed in any manner 1,200 feet in length. All streets designed to have one end closed shall terminate in a circular turn-around having a minimum right-of-way radius of sixty (60) feet.

(B) Temporary termination of streets shown on the official map intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by construction of a temporary "T" intersection 33 feet in width and 33 feet in length abutting the right-of-way lines of the access street on each side. All such streets must be approved by the Governing Body.

(C) Roadway Elevations. Elevations of roadways passing through floodplain areas shall be designed in the following manner:

(1) Arterial highways shall be designed so they will not be overtopped by the 50-year recurrence interval flood.

(2) Collectors and local streets shall be designed so they will not be overtopped by the 10-year recurrence interval flood.

(D) New and Replacement Bridges and Culverts. All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to

meeting other applicable requirements, shall be designed so as to accommodate the 100-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.1 foot above the peak stage for the 100-year recurrence interval flood, as established in the adopted comprehensive watershed plan or flood insurance study prepared by the Federal Emergency Management Agency. Larger permissible flood stage increases may be acceptable for areas having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice floes and other debris. All new and replacement bridges shall be constructed in accordance with all applicable State Statutes and Codes and shall be submitted to the Department of Natural Resources to assure compliance therewith.

(E) Street Grades. Unless necessitated by exceptional topography subject to the approval of the Plan Commission the maximum centerline grade of any street or public way shall not exceed the following:

- (1) Arterial streets: Six (6) percent.
- (2) Collector streets: Eight (8) percent.
- (3) Minor streets, alleys and frontage roads: Ten (1) percent.
- (4) The grade of any street shall in no case exceed ten (10) percent or be less than one-half (0.50) of one percent.

Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical parabolic curves of a minimum length equivalent in feet to thirty (30) times the algebraic difference in the rates of grade for streets, provided that no curve less than sixty (60) feet in length need be used.

(F) Radii of Curvature. When a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

- (1) Arterial streets and highways: 500 feet.
- (2) Collector streets: 300 feet.

(3) Minor streets: 100 feet.

A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

(G) Half-Streets. Where an existing dedicated or platted half-street is adjacent to the tract being divided or developed, the other half of the street shall be dedicated by the owner. The platting of new half-streets shall not be permitted.

7.04 STREET INTERSECTIONS. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

(A) The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two (2).

(B) The number of intersections along major streets and highways shall be held to a minimum. Whenever practicable the distance between such intersections shall not be less than 1,200 feet.

(C) Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the Plan Commission and Governing Body, or shall be cut off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.

(D) Minor streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within 250 feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the juncture across the major or collector street is continuous; and a jog is avoided.

7.05 BLOCKS. The widths, lengths and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access; control and safety of street traffic; and the limitations and opportunities of topography. In addition:

(A) The length of blocks in residential areas shall not as a general rule be less than 400 feet nor more than 2,000 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

(B) Pedestrian ways of not less than fifteen (15) feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Plan Commission and Governing Body to provide adequate pedestrian

circulation or access to schools, parks, shopping centers, churches or transportation facilities.

(C) The width of blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

(D) Utility easements for electric power and telephone service shall, where practical, be placed on mid-block easements along rear lot lines.

7.06 LOTS. The size, shape and orientation of lots shall be appropriate for the location of the division or development and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

(A) Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(B) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography or orientation.

(C) Access. Every lot shall front or abut for a distance of at least 40 feet on a public street. Lots with access only to private drives shall be permitted only with Governing Body approval and subject to the conditions of said approval.

(D) Area and dimensions of all lots shall conform to the requirements of the Municipal Zoning Ordinance within the Municipality and to the applicable town or County zoning ordinance within the Municipality's extraterritorial jurisdictional limits. Those building sites not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of an onsite soil absorption sewage disposal system designed in accordance with the Wisconsin Administrative Code. The width and area of lots located on soils suitable for the use of an onsite soil absorption sewage disposal system shall not be less than 150 feet in width and 40,000 square feet in area.

(E) Depth of lots shall be a minimum of 125 feet. Excessive depth in relation to width shall be avoided. Depth

of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated. Lots shall be designed so the depth to width ratio does not exceed 2-1/2 to 1 unless a variance is granted by the Plan Commission and Governing Body.

(F) Width of lots shall conform to the requirements of the Zoning Ordinance, or other applicable ordinance, and in no case shall a lot be less than 60 feet in width at the building setback line. The width of lots on curves shall be measured at a point of tangency of the setback arc at the mid-point of the curve for the lot.

(G) Corner lots shall have an extra width of ten (10) feet to permit adequate building setbacks from side streets.

(H) Lands lying between the meander line and the water's edge and any other lands not suitable for platting which lie between a proposed division or development and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.

(I) Oversized lots are allowed but where lots are created of a size larger than normal for the area, the Governing Body may require that the division or development be so designed as to allow for the possible future redivision of such lots into normal sizes compatible with the immediate area.

7.07 BUILDING AND SETBACK LINES. Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the Plan Commission and/or Governing Body.

7.08 EASEMENTS. The Plan Commission and/or Governing Body may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power, communication and cable television lines, wires, conduits, storm and sanitary sewers and gas, water and other utility lines. All easements for municipal utilities shall be dedicated to the Municipality unless otherwise provided. Where a division or development is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be provided as may be required by the Plan Commission and/or Governing Body. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission and Governing Body; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size

and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Municipal Engineer.

7.09 PUBLIC SITES AND OPEN SPACES. In order that adequate land for public uses may be properly located, preserved, developed and improved as the Municipality develops; and in order that the cost of providing park, playground or public sites and facilities necessary to serve the additional individuals brought into the Municipality may be most equitably apportioned on the basis of the additional need created by the individual development of land, the following provisions are established:

(A) Dedication of Land.

(1) Where it is determined by the Municipal Park and Recreation Board, Plan Commission and Governing Body that a portion of the land is required for public use, the owner shall provide and dedicate to the Municipality such land prior to the time the final land division is approved or, if no land division is proposed, prior to final approval of the development.

(2) The amount of land to be provided shall be determined on the basis of an amount of land equal in value to Four Hundred and Twenty Five (\$425.00) Dollars per lot created by the division or by the number of residential living units approved in a residential development.

(3) In the event the owner and Municipality cannot agree as to the price to be paid for such land, the value shall then be determined by the Municipal Assessor on the basis of full and fair market value of the land prior to division, or, if no division, development. If the owner is not satisfied with the Municipality's Assessor's value, an appraisal board shall be created, consisting of one appraiser selected by the Municipality at its expense and that person may be the Town Assessor; one appraiser selected by the owner at his expense and a third selected by the two other appraisers with the expense divided equally between the owner and the Municipality. The determination of the appraisal board as to the value of the land should determine the valuation of the land. The test of the value of the land to be dedicated shall be in its undeveloped condition immediately before sale to the developer, division or, if no division, development based on fair market value and not as improved.

(4) Any lands dedicated under this provision shall be used for public purpose including the non-limited public sites, park lands, recreation lands or open spaces.

(B) Proportionate Payment in Lieu of Dedication.

(1) Where the Governing Body determines that such dedication is not feasible or compatible with development of the Municipality, the owner shall, in lieu thereof, pay to the Municipality a total fee equivalent to Four Hundred Twenty Five (\$425.00) Dollars per lot created by the land division or per residential living unit approved in residential developments, to be placed in separate non-lapsing funds for:

Park and recreation land acquisition, development, preservation and improvement - \$300.00.

Public land acquisition, development, preservation and improvement - \$125.00.

Any fee paid in lieu of dedication may be used by the Municipality for land acquisitions, construction of public buildings, garages, storage buildings and any capital improvement on the public lands, including capital equipment acquisition.

(2) Payment of the above fee shall be a condition of final approval of any development and be made in a lump sum. The required payment shall be made before the certification of approval may be affixed to the document.

(3) Whenever the owner presents development plans whereby separate parcels are not in fact created, such as planned unit developments, apartment houses or condominiums, each unit shall be subject to the above fee.

SECTION 8.00 REQUIRED IMPROVEMENTS.

8.01 SURVEY MONUMENTS. The owner shall install survey monuments placed in accordance with the requirements of the Wisconsin Statutes and as may be required by the Municipal Engineer.

8.02 GRADING. After the installation of temporary block corner monuments by the owner and establishment of street grades by the Municipal Engineer, the owner shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Municipal Engineer. The owner shall grade the roadbeds in the street rights-of-way to subgrade.

Cut and filled lands shall be graded to a maximum slope of one to three or the soils angle of repose, whichever is the lesser, and covered with permanent vegetation.

8.03 STREET AND STORM SEWER CONSTRUCTION. The owner shall petition the Municipality for the installation of storm sewer, road base, curb and gutter and road surfacing, pursuant to the provisions of Section 66.60, Wisconsin Statutes, by special assessment. The petition shall include a waiver of public hearing as provided in Section 66.60(18), Wisconsin Statutes. The special assessments levied under this section shall be due and payable in one payment. No installment payments shall be allowed. The amount of said payment shall be included in the letter of credit for improvements required in this Ordinance.

8.04 RURAL STREET SECTIONS. When permanent rural street sections have been approved by the Plan Commission and Governing Body for land divisions outside the Municipality's limits, the owner shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Municipal Engineer and as set forth in this Ordinance.

8.05 SIDEWALKS. The Plan Commission and/or Governing Body may require the owner to construct a concrete sidewalk on both sides of all arterial and collector streets and may require the construction of sidewalks on one or both sides of all other streets. The Plan Commission and/or Governing Body may also require the owner to construct a concrete sidewalk on one side of all frontage streets and on both sides of all other through, and/or continuous streets within the subdivision. The Plan Commission and/or Governing Body may also require the owner to construct concrete sidewalks on one or both sides of all dead end or cul-de-sac streets which are in excess of 600 feet in length or which serve two-family or multiple-family developments. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Municipal Engineer.

In addition, wider than standard sidewalks may be required by the Plan Commission and/or Governing Body in the vicinity of schools, commercial areas and other places of public assemblage, and the Plan Commission and/or Governing Body may require the construction of sidewalks in locations other than required under the preceding provisions of this code, if such walks are necessary in their opinion for safe and adequate pedestrian circulation.

8.06 PUBLIC SANITARY SEWERAGE. When public sanitary sewerage facilities are available to the division or development, the owner shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:

(A) The Plan Commission and/or Governing Body may require the installation of sewer laterals to the street lot line.

(B) The size, type and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and standard specifications approved by the Municipal Engineer and the Master Sanitary Sewer Plan of the Municipality.

(C) The owner shall assume the cost of installing all sanitary sewers, sewer laterals and sewer appurtenances within the proposed division or development, except for the added cost of installing sewers greater than ten (10) inches in diameter which are necessary to serve tributary drainage areas lying outside the proposed division or development.

(D) Reserve Capacity for Sewage Treatment Dedication Fee. The owner of all subdivisions, Certified Survey maps and assessor's plats shall pay to the Municipality a fee of One Thousand (\$1,000.00) Dollars for each residential, commercial or industrial unit legally established by said division or development as and for a reserve capacity assessment for the proportionate share of the total cost of the sewer facilities' total reserve capacity available for new uses. In the case of multi-family units, the reserve capacity assessment will be based at the rate of 75 percent of the unit assessment established herein.

The dedication fee for reserve capacity will increase by eight (8) percent per year commencing with the adoption of this ordinance and yearly thereafter. The said eight (8) percent yearly increase is to compensate the Municipality for additional costs of handling administrative expenses and interest. Said increase of eight (8) percent will not be compounded, but is to be recalculated every year on the original assessment. The reserve capacity dedication fee established herein shall be paid before final approval of the plat. Said reserve capacity assessment, when paid, shall be placed by the Municipal Treasurer in a nonlapsing account to be applied against the expenses of the Municipality for the reserve capacity created.

8.07 STORM WATER DRAINAGE FACILITIES. The owner shall construct storm water drainage facilities, adequate to serve the division or development which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. In addition:

(A) Drainage facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Municipal Engineer and the Master Storm Water Drainage Plan of the Municipality. The design storm intervals shall be as set by separate resolution of the Governing Body.

(B) The owner shall assume the cost of installing all storm sewers within the proposed division or development, except for the added cost of installing storm sewers greater than those which are necessary to serve tributary drainage areas lying outside the proposed division or development.

8.08 WATER SUPPLY FACILITIES. When public water supply and distribution facilities are available or when it is proposed to establish a private water supply and distribution system to serve two (2) or more lots, the owners shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot. The owner shall make provision for adequate private water systems as required by the Municipality in accordance with the standards of the Wisconsin Department of Industry, Labor and Human Relations. In addition:

(A) The Plan Commission and/or Governing Body may require the installation of water laterals to the street lot line.

(B) The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Municipal Engineer and the Master Water System Plan of the Municipality.

(C) The owner shall assume the cost of installing all water mains, water laterals and appurtenances within the proposed division or development, except for the added cost of installing water mains greater than six (6) inches in diameter in areas zoned single family or two-family residential and greater than eight (8) inches in diameter in areas zoned multiple-family residential, business or industrial.

(D) Reserve Capacity for Water Distribution. A reserve capacity fee for water distribution shall be collected as required by the Municipal Code.

8.09 OTHER UTILITIES. The owner shall cause appropriate utilities such as gas, electrical power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot. No such electrical, cable television or telephone service shall be located on overhead poles unless approved by the Plan Commission and Governing Body. In addition, plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Municipal Engineer.

8.10 STREET LAMPS. The Plan Commission and/or Governing Body shall require the owner to pay for the installation of street lamps, if they are required, along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Plan Commission and/or Governing Body.

8.11 STREET SIGNS. The owner shall pay the cost of the acquisition and installation of street signs of a design as approved by the Municipal Engineer at the intersections of all streets proposed to be dedicated and other necessary locations.

8.12 STREET TREES. In all urban subdivisions, the owner shall plant at least one (1) tree of an approved species each 60 feet of frontage on all streets proposed to be dedicated. The tree shall be at least six (6) feet in height and one and one-half (1-1/2) inches in diameter at breast height (dbh). Tree planting shall be completed in accordance with plans and specifications approved by and at such time as directed by the Governing Body. The placement and selection of street trees, however, should not hamper or interfere with solar access to natural light and air for nearby lots. Such tree planting may be deferred until after construction of the building on each parcel or lot.

8.13 SEDIMENT CONTROL. The owner shall plant those grasses, trees and vines, a species and size specified by the Plan Commission or Governing Body, necessary to prevent soil erosion and sedimentation. In addition:

(A) The Plan Commission or Governing Body may require the owner to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures.

(B) Tree cutting and shrubbery clearing shall not exceed 30 percent of the lot or tract and shall be conducted as to prevent erosion and sedimentation; preserve and improve scenic

qualities; and, during foliation, substantially screen any development from stream or lake users.

(C) Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Plan Commission or Governing Body, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.

(D) Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging and lagooning shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography. (See Sections 9.04 and 9.05 of this Ordinance.) No topsoil may be removed from the site without permission of the Plan Commission.

(E) Review of the conduct of such cutting, clearing and moving may be requested by the County Soil and Water Conservation District Supervisors, the State District Fish and Game managers and the State District Forester by the Municipal Engineer, Plan Commission or Governing Body, as they deem appropriate.

SECTION 9.00 CONSTRUCTION.

9.01 COMMENCEMENT. No construction or installation of improvements shall commence in a proposed division or development until the Preliminary Plat or Certified Survey Map has been approved and the Municipal Engineer has given written authorization. All fees shall be required as specified in Section 10.00 of this Ordinance and a Letter of Credit or cash deposit will be required along with all additional fees at Final Plat approval.

9.02 BUILDING PERMITS. No building, zoning or sanitary permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Ordinance have been met unless otherwise provided for in the Developer's Agreement.

9.03 PLANS. The following plans and accompanying construction specifications may be required by the Municipal Engineer before authorization of construction or installation of improvements:

(A) Grading plans for the entire division or development and such areas surrounding the division or development showing

existing and proposed grades at no less than a two-foot interval contour.

(B) Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.

(C) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities, when located within the existing or proposed sanitary sewer service area.

(D) Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.

(E) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities, when located within the existing or proposed sanitary sewer service area.

(F) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation, the time span that soil will be exposed, plans to protect existing vegetation (fences, tree wells, etc.) shall be prepared and such plans shall generally follow the guidelines and standards set forth in any and all ordinances, rules, regulations and publications adopted by separate resolution by the Governing Body.

(G) Planting plans showing the locations, age, caliber and species of any required grasses, vines, shrubs and trees.

(H) Plans for curbs, sidewalks, gutters and street sewers, if required by the Plan Commission and/or Governing Body.

(I) Additional special plans or information as required.

9.04 EROSION CONTROL. The owner shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be so mulched, seeded, sodded or otherwise protected that erosion, siltation, sedimentation and washing are prevented, in accordance with the plans and specifications approved by the Municipal Engineer. In addition:

(A) Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.

(B) Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.

(C) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.

(D) Sediment basins shall be installed and maintained at all drainageways to trap, remove and prevent sediment and debris from being washed outside the area being developed.

(E) Construction practices shall follow the guidelines outlined in any and all ordinances, rules, regulations and publications adopted by separate resolution by the Governing Body.

9.05 EXISTING FLORA. The owner shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails. Such flora are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered. The Plan Commission and/or Governing Body may require mapping, as it deems necessary, of the existing flora.

9.06 INSPECTION. The owner, prior to commencing any work within the division or development, shall make arrangements with the Municipal Engineer to provide for adequate inspection. The Municipal Engineer shall inspect and approve all completed work prior to approval of the Final Plat or release of the sureties.

9.07 INSTALLATION OF IMPROVEMENTS. All improvements in divisions or developments shall be installed by the owner according to the following procedure:

(A) The owner shall cause all construction plans, specifications and cost estimates to be prepared. The plans shall be prepared by a professional engineer registered in Wisconsin.

(B) The Municipal Engineer shall review or have reviewed the construction plans, specifications and cost estimates for conformance with the requirements of the Municipality, and shall approve, reject or conditionally approve in writing the proposed construction plans, specifications and cost estimates for conformance with the requirements of the Municipality.

(C) The owner shall supply the Municipality with cash, or an irrevocable letter of credit approved by the Municipal Attorney and the Governing Body in the amount of estimated cost of improvements and other fees as approved by the Municipal Engineer. The Municipal Engineer may from time to time raise the amount of the estimated costs of said improvements. Within thirty (30) days of written notice of said change, the owner shall increase the financial security by that amount or any other amount acceptable to the Governing Body. Reduction of the financial security for any purpose shall be made only after written approval of the Municipal Engineer and the Governing Body. As the required improvements are installed and accepted, the Governing Body may authorize reduction of the financial security in the amount deemed appropriate. No surety bonds will be accepted as financial security.

(D) The owner shall supply the Municipality with a list of contractors from whom the owner proposes to solicit proposals for the installation of the improvements. The list shall include prequalification statements from each proposed contractor. The Governing Body shall have the right to review said information and discuss it with the owner.

(E) The owner shall enter into a contract with those contractors it may wish after submitting the information required in paragraph (D) above in a form satisfactory to the Municipal Engineer and after discussion of said information with the Governing Body.

(F) After completion of all public improvements and prior to final acceptance of said improvements, the owner shall make or cause to be made a map showing the actual location of all valves, manholes, stubs, catch basins, sanitary sewer mains, storm sewer mains, water mains and such other facilities as the Municipal Engineer shall require. This map shall be prepared in black ink on reproducible drafting film .007 inch thick and shall bear the signature and seal of a professional engineer registered in Wisconsin. In addition to the above described map, the owner shall provide the Municipality with "valve cards" showing the locations of water main valves and hydrants and as-built working drawings of sewage lift stations, water pump house facilities and such other facilities as the Municipal Engineer may require. Manufacturers guarantees on equipment shall be furnished where in force. The presentation of the map, other as-built drawings, operating and maintenance manuals, and manufacturers guarantees shall be a condition of final acceptance of the improvements and release of the final payment.

9.08 STREET AND STORM SEWER INSTALLATION. Streets and storm sewers may be installed by special assessment as provided in Section 8.03 of this Ordinance.

9.09 FINAL INSPECTION AND ACCEPTANCE. Prior to the final road inspection, the owner shall provide the Municipal Engineer with a written certification from the owner's engineer or surveyor to the effect that the improvements conform to all municipal specifications and all plans previously filed and approved. Final inspection of road improvements shall be made a minimum of seven (7) days after the surface course has been applied. Final acceptance of the improvements will be made only between May 1st and December 15th of any year.

SECTION 10.00 FEES.

10.01 GENERAL. The owner shall pay the Municipality all fees as hereinafter required and at the times specified.

10.02 PRELIMINARY REVIEW FEE. The owner shall pay a fee amounting to \$30.00 plus \$5.00 for each lot or parcel within the Preliminary Plat, replat or Certified Survey Map to the Municipal Clerk at the time of first application for approval of any Preliminary Plat, replat or Certified Survey Maps to assist in defraying the cost of review by the Plan Commission and Governing Body. Reapplication fee amounting to \$25.00 shall be paid to the Municipal Clerk at the time of reapplication for approval of any Preliminary Plat, replat or Certified Survey Map which has previously been reviewed.

10.03 FINAL PLAT REVIEW FEE. The owner shall pay a fee amounting to \$5.00 plus \$1.00 for each lot or parcel within the Final Plat to the Municipal Clerk at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review by the Plan Commission and Governing Body. Reapplication fee amounting to \$5.00 shall be paid to the Municipal Clerk at the time of a reapplication for approval of any Final Plat which has previously been reviewed.

10.04 PUBLIC SITE FEE. If the Plat or Certified Survey Map does not contain lands to be dedicated, as required by Sections 2.03 and 7.09, the Municipality shall require a fee for the acquisition and development of public sites to serve the future owners of the proposed land division and/or development. Said fee shall be paid to the Municipal Clerk at the time of the approval of the land division and/or development in the amount as outlined in Section 7.09. Public site fees shall be placed in a separate nonlapsing special fund by the Municipal Clerk to be used only for the acquisition and development of public sites.

10.05 ENGINEERING FEE. The owner shall pay a fee equal to the actual cost to the Municipality in connection with a Plat, replat, Certified Survey Map or development including but not limited to all costs incurred by the Municipality for review of plans and documents, inspections, field surveys, etc., within

thirty (30) days of notice of the same, prior to being entitled to recording of a Plat, replat or Certified Survey Map or acceptance of any improvement or final approval of a development, whichever is earliest.

10.06 ADMINISTRATIVE FEE. The owner shall pay a fee equal to the actual cost of any legal, planning, administrative or fiscal work which may be undertaken by the Municipality in connection with the Plat, replat, Certified Survey Map or development. In the event any special meetings are called, either by the Governing Body or the Plan Commission, for the benefit of the Plat, replat, Certified Survey Map or development, the owner may be required to pay to the Municipality all expenses for such a special meeting, including any extra salaries paid to Municipal Officials. All such fees shall be paid by the owner within thirty (30) days of notice of the same.

10.07 STREET LAMPS AND STREET SIGNS. The owner shall pay the actual cost of acquiring and installing street lamps and street signs pursuant to the policy set forth in Sections 8.10 and 8.11 of this Ordinance within thirty (30) days of notice of the same.

10.08 DRAINAGE EASEMENT FEES. The owner shall pay a drainage easement fee prior to the recording of a Final Plat or Certified Survey Map as follows:

\$2.00 per linear foot for easements up to 50 feet wide.

\$0.04 per square foot for easements over 50 feet wide and irregular shaped areas.

SECTION 11.00 DEFINITIONS.

11.01 GENERAL DEFINITIONS. For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "person" includes associations, co-partnerships or corporations. The word "shall" is mandatory and not directory. The word "may" is permissive. All terms used which are defined in Chapter 236 of the Wisconsin Statutes shall have the same meaning as ascribed thereto in the chapter, and as the chapter may hereafter be amended, unless otherwise defined in this Ordinance or unless the context and subject matter clearly indicates otherwise.

11.02 SPECIFIC WORDS AND PHRASES.

ALLEY. A special public way affording only secondary access to abutting properties.

ARTERIAL STREETS. A street used, or intended to be used primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways, as well as standard arterial streets, highways and parkways.

ASSESSOR'S PLAT. Plats developed under Section 70.27, Wisconsin Statutes.

BLOCK. A tract of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines or navigable waters and municipal boundaries.

BUILDING LINE. A line parallel to a lot line and at a distance from the lot line to comply with the terms of this Ordinance and the Zoning Ordinance. A building line may also be referred to as a setback line, street yard line, side yard line, a rear yard line or an offset line.

CERTIFIED SURVEY MAP. Any division of land other than a subdivision, assessor's plat, condominium plat or replat.

COLLECTOR STREET. A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.

COMMUNITY. A town, municipality or a group of adjacent towns and/or municipalities having common social, economic or physical interests.

COMPREHENSIVE PLAN. The extensively developed plan, also called a Master Plan, adopted by the Plan Commission and certified pursuant to Sections 61.35 and 62.23, Wisconsin Statutes, including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

CONDOMINIUM PLAT. Any development proposal presented to the Municipality designed under Chapter 703, Wisconsin Statutes.

COUNTY. Waukesha County, Wisconsin.

COUNTY PARK AND PLANNING AGENCY. Waukesha County Park and Planning Agency.

CUL-DE-SAC. Any street with one end closed either permanently or temporarily.

DEVELOPMENT (URBAN). Residential, commercial, industrial, governmental and institutional development in sufficient concentrations or densities to require consideration, whether available or not, of a variety and level of traditional urban services and facilities including, but not limited to: Full, part-time or contracted municipal police and fire protection, additional public streets and highways; neighborhood parks and playgrounds; sanitary sewer facilities, water supply facilities and solid waste removal; storm sewers; continual street maintenance; curbs, gutters and sidewalks; and street lighting. Such development may be expected to alter or require the altering of land and land cover and have detrimental impact on the ground and surface waters. Urban development is deemed to occur when residential development is concentrated in densities in excess of one dwelling unit per five acres.

DEVELOPMENT (RURAL). Agricultural, residential, recreational and other open space development at such concentrations and densities not requiring traditional urban services and facilities. Such rural development may be expected to result in minimum disturbance of the land and land cover and, therefore, less impact on the natural environment. Rural development is deemed to occur when residential development is concentrated in densities not in excess of one dwelling unit per five acres.

DRAINAGE EASEMENT. Any area lying outside of a public street right-of-way which through design may require construction for the channeling, swaling, restricting or controlling of the movement, disbursement or collection of surface water.

FINAL PLAT. A map of a subdivision which has been accurately surveyed, clearly and definitely showing the streets, alleys, blocks, lots and other divisions thereof, in such manner that the same can be clearly and distinctly identified.

FLOODLANDS. Those lands, including the floodplains, floodways and channels, subject to inundation by the 100-year recurrence interval flood or, where such data is not available, the maximum flood of record.

FRONTAGE STREET. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

HIGH WATER ELEVATION (SURFACE WATER). The average annual high water level of a pond, stream, lake flowage or wetland referred to on an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of,

vegetation or other easily recognized topographic, geologic or vegetative characteristic.

HIGH GROUNDWATER ELEVATION. The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red and brown colors are intermingled giving a multicolored effect.

IMPROVEMENTS. Any modification to the land which could ultimately result in streets, or effects a drainageway, floodplain or wetlands or systems intended to be dedicated to the Municipality.

LETTER OF CREDIT. An irrevocable letter from a chartered federal or state lending institution addressed to the Municipality, guaranteeing to the municipality payment of legal money if certain conditions required by the Municipality are not met.

LOT. A parcel of land of at least sufficient size to meet minimum zoning requirements for use, width and area as set forth in the Zoning Ordinance.

LOT, BUTT. A lot with the rear lot line abutting the side lot line of another lot platted in the same block and not separated by an alley or other space.

LOT, CORNER. A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

LOT, DOUBLE FRONTAGE. A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have two (2) front yards and two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways are often used to restrict direct access to an arterial highway by means of a planting buffer or some other acceptable access buffering measure.

LOT WIDTH, MINIMUM AVERAGE. The mean horizontal distance measured between side lot lines, perpendicular to the lot depth and at a point in relation to the depth where the product of the two would produce the minimum required lot area.

MINOR STREET. A street used, or intended to be used, primarily for access to abutting properties.

MINOR LAND DIVISION. Any division of land not defined as a subdivision, condominium plat, assessor's plat or replat.

MUNICIPALITY. The town, village or city adopting this Ordinance.

NATIONAL MAP ACCURACY STANDARDS. Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities.

These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in Southeastern Wisconsin and any additions, corrections or modifications thereto.

NATURAL DRAINAGE EASEMENT. Any area lying outside of the public street right-of-way which in its natural undisturbed state, channels, swales, restricts or controls the movement, disbursement or collection of surface water. A natural drainage area is essentially an area which utilizes the natural contours and once established will, if allowed to remain undisturbed, require little or no upkeep.

NAVIGABLE STREAM. Any watercourse so delineated by the Department of Natural Resources or meeting the standards for the same as set by the Department of Natural Resources.

OFFICIAL MAP. The map indicating the location and size of existing and proposed streets, highways, pathways, parks and playgrounds as adopted and amended by the Municipality.

OUTLOT. A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions or minor land divisions in the future for the purpose of creating buildable lots. No outlot shall be permitted unless the ultimate disposition is delineated in advance, documented in the records and approved by the Municipality.

OWNER. The record title owner or owners of the subject property or properties or his or her authorized designee, the developer of the property, the subdivider of the property, or anyone having control over the property.

PLAT. A map of a subdivision or condominium development.

PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

PUBLIC WAY. Any public road, street, highway, walkway, drainageway or part thereof.

RECORDING A PLAT. The filing of the original of a Final Plat with the Register of Deeds for recordation.

REMNANT. The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, Certified Survey Map, or part thereof. The division of a large block, redivision of a lot or outlot without changing the exterior boundaries of said block, lot or outlot is not a replat.

REGISTER OF DEEDS. The Register of Deeds for Waukesha County.

SOIL MAPPING UNIT. Soil type, slope and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service.

SPITE STRIP. Any land which would prohibit or interfere with the orderly extension of streets, roads, pedestrian ways, sanitary sewer, water mains, storm water facilities or other utilities or other improvements between two abutting properties.

STREET. An improvement or area which serves as vehicular and pedestrian access to abutting lands or to other streets other than an alley.

SUBDIVIDER. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision, condominium plat or replat or proposing to develop land.

SUBDIVISION. The division of a lot, parcel or tract of land by the owners thereof, or their agents:

A. Where the act of division creates five (5) or more parcels or building sites, inclusive of the original remnant parcel, the size of which is controlled by the Zoning Ordinance; or

B. Where the act of division creates five (5) or more parcels or building sites, inclusive of the original remnant parcel by successive division in a period of five (5) years, the size of which is controlled by the Zoning Ordinance; or

C. Where the act of division necessitates the construction of an improvement as defined in the Land Division and Development Ordinance.

WETLANDS. An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

WISCONSIN ADMINISTRATIVE CODE. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Section 35.93 and Chapter 227, Wisconsin Statutes, including subsequent amendments to those rules.

SECTION 12.00 ADOPTION AND EFFECTIVE DATE.

12.01 PLAN COMMISSION RECOMMENDATION. The Plan Commission recommended the adoption of this Land Division and Development Ordinance at a meeting held on the 2nd day of May, 1994.

12.02 PUBLIC HEARING. The Governing Body held a public hearing on this proposed Land Division and Development Ordinance on the 9th day of May, 1994.

12.03 GOVERNING BODY APPROVAL. The Governing Body concurred with the recommendations of the Plan Commission and proceeded to adopt the Land Division and Development Ordinance.

12.04 EFFECTIVE DATE. This Land Division and Development Ordinance shall be in full force and effect from and after its passage and publication, as provided by law.

THIS ORDINANCE PASSED and adopted this 9th day of May, 1994.

TOWN BOARD, TOWN OF OTTAWA


Vytautas Janusonis
Town Chairman

ATTEST:


Melissa M. Klein, Town Clerk