

# LAND DIVISION ORDINANCE

Town of Saukville  
Ozaukee County, Wisconsin

Adopted: March 4, 1999

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## **DIVISION 1.0100 INTRODUCTION**

**SECTION 1.0101 AUTHORITY.** These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes and amendments thereto. Therefore, the town Board of the Town of Saukville does ordain as follows:

**SECTION 1.0102 PURPOSE.** The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of Saukville, Ozaukee County, Wisconsin, in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Town of Saukville.

**SECTION 1.0103 INTENT.** It is the general intent of this Ordinance to regulate the division of land so as to:

- A. Promote the wise use, conservation, protection and proper development of the town's soils, topography and steep slopes, water, shore lands, drainage ways, wetlands and shoreland wetlands, woodland and forests, and wildlife resource features and attain a proper adjustment of land division, land use and development to the supporting sustaining natural resource base;
- B. Provide safe streets and highways and lessen traffic congestion on 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, waste water disposal, schools, recreation, 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 properties 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 Town;
- K. Restrict building sites in areas covered by poor soils or in other areas poorly suited for development due to natural resource characteristics;
- L. Provide for 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 dedication and/or reservation of appropriately located sites for streets (including adequate right-of-way for anticipated future widening of streets), water supply, storm water and sewerage systems and facilities; schools, parks and playgrounds, and other desirable public facilities and services.
- N. Provide for administration and enforcement of this Ordinance;
- O. Provide penalties for its violation;
- P. Implement those municipal, County, watershed or regional comprehensive plans or their components adopted by the Town and in general facilitate enforcement of those development standards as set forth in the adopted regional, County and local comprehensive plans, neighborhood plans, adopted plan components, Town Zoning Code, and Building Code of the Town of Saukville, Wisconsin; and

Q. Avoid the harmful effects resulting from the premature division of land.

**SECTION 1.0104 ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, deed restrictions, protective covenants, agreements, rules, regulations, permits or approvals previously conveyed, imposed, entered into, adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

**SECTION 1.0105 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 Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**SECTION 1.0106 SEVERABILITY.** If any division, section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

**SECTION 1.0107 DISCLAIMER OF LIABILITY.** The Town does not guarantee, warrant or represent that only those areas delineated as flood lands on Certified Survey Maps, Subdivision Plats or condominiums will be subject to periodic inundation, nor does the Town guarantee, warrant or represent that the soils shown to be unsuited for a given land use from tests required by this Ordinance are the only unsuited soils within the jurisdiction of this Ordinance. Thereby, asserts that there is no liability on the part of the Town, Town Board, Plan Commission, its agencies or employees for flooding problems, sanitation problems or structural damages that may occur as a result of reliance upon and conformation with this Ordinance.

**SECTION 1.0108 REPEAL.** The Town of Saukville Land Division Ordinance and subsequent amendments thereto adopted prior to March 4, 1999 are hereby repealed.

**SECTION 1.0109 TITLE.** This Ordinance shall be known as, referred to or cited as, the *LAND DIVISION ORDINANCE, TOWN OF SAUKVILLE, WISCONSIN*.

## **DIVISION 1.0200 GENERAL PROVISIONS**

**SECTION 1.0201 JURISDICTION.** Jurisdiction of these regulations shall include all lands and waters within the jurisdictional limits of the Town of Saukville, Wisconsin. The provisions of this Ordinance as it applies to divisions of tracts of land into less than five parcels shall not apply to:

- A. Transfers of Interests in Land by Will or Court Order. Transfers of interests in land by will or pursuant to court order.
- B. Leases. Leases for a term not to exceed ten years, mortgages or easements.
- C. Sale or Exchange of Parcels of Land Between Owners of Adjoining Property. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the zoning ordinances, or other applicable laws or ordinances.
- D. Cemetery Plats. Cemetery plats made under Wisconsin Statutes 157.07.
- E. Assessors' Plats. Assessors' plats made under Wisconsin Statutes 70.27, but such assessors' plats shall comply with Wisconsin Statutes 236.15(1)(a) to (g), and 236.20(1) and (2)(a) to (e).

**SECTION 1.0202 COMPLIANCE.** No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations so that such division results in a subdivision, minor land division, condominium or replat as defined herein; no such subdivision, minor land division, condominium or replat shall be laid out or improvements made to land without compliance with all requirements of this Ordinance and the following documents:

- A. Wisconsin Statutes. Chapters 236 and 703, and Section 80.08 of the Wisconsin Statutes and any subsequent amendments thereto.
- B. Wisconsin Department of Commerce. Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
- C. Wisconsin Department of Transportation. Rules of the Wisconsin Department of Transportation, as contained in Chapter Trans 233 title "*Land Subdivision Plats Abutting State Trunk Highways and Connecting Streets*" of the Wisconsin Administrative Code, relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the Subdivider and Condominium Developer (as applicable) abuts on a state trunk highway or connecting street.
- D. Wisconsin Department of Natural Resources. Rules of the Wisconsin Department of Natural Resources, Division of Environmental Protection setting water quality standards for preventing and abating pollution and for regulating development within floodland, wetland, and shoreland areas.
- E. Comprehensive Plans or Master Plans. Comprehensive or master plans, plans prepared by state, regional, county or municipal agencies duly adopted by the Plan Commission or components of such plans.



- F. Town of Saukville Zoning Code and Other Applicable Ordinances. The Town of Saukville Zoning Code and all other applicable local and county ordinances and codes.
- G. Wisconsin Administrative Code. All applicable rules contained in the Wisconsin Administrative Code not listed in this Section.
- H. U.S. Army Corps of Engineers and U.S. Environmental Protection Agency. Rules of the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.
- I. Americans with Disabilities Act (ADA) Accessibility Guidelines. The requirements of the Americans with Disabilities Act Guidelines for buildings and Facilities as documented in the Federal Register, Vol. 56, No. 144, July 26, 1991.
- J. Other Applicable Federal and State Laws and Regulations. All other applicable federal and state laws and regulations.

**SECTION 1.0203 DEDICATION AND RESERVATION OF LANDS.** In order that adequate public lands and open space sites may be properly located and preserved as the Town of Saukville develops, the following provisions are established.

- A. Dedication of Lands. Whenever any Subdivision or Certified Survey Map is certified, signed, acknowledged, and recorded as prescribed in Section 236.29 of the Wisconsin Statutes or Condominium under the provisions prescribed in Chapter 703 of the Wisconsin Statutes, every donation of land to the public intended for the streets, alleys, ways, commons, or other public use as designated on said Subdivision, Certified Survey Map or Condominium shall be deemed sufficient conveyance to vest the fee simple title with the Town of Saukville for the public benefit.
- B. Suitability of Land for Public Use. Whenever a Certified Survey Map, Subdivision Plat, condominium or multiple-family dwelling development includes a proposed dedication of land to public use and it is found that such land is not required or not suitable for public use, the Plan Commission may either refuse to approve such dedication or require the rearrangement of lots in the proposed Certified Survey Map, Subdivision Plat, Condominium or multiple-family dwelling development. (Also see Section 1.1010 of this Ordinance.)
- C. Size of Land for Public Use. The area of each parcel of land proposed as a dedication of land for public use shall be of such minimum dimensions as determined by the Plan Commission, so as to be functionally usable.
- D. Location. Whenever a Certified Survey Map, Subdivision Plat, Condominium or multiple-family dwelling development includes a proposed dedication of land to public use said location of the proposed dedication shall be so located and sited with sensitivity to surrounding development and existing and planned land uses.
- E. Drainage ways, Storm water, Detention and Retention Basins and Other Public Ways or Public Access to Navigable Lakes or Streams.
  - 1. Whenever a tract of land to be subdivided as a Subdivision, divided by a Certified Survey Map or developed as a Condominium includes lands designated to be owned by the public to include drainage ways, storm water detention and retention basins, and other public ways or public access to navigable lakes or streams which have been designated or graphically

delineated on the adopted County Development Plan and/or local comprehensive plans or adopted plan components or as required by State of Wisconsin Department of Natural Resources under Chapter 236.16(3) or required by the Town of Saukville, or the appropriate municipality, said public way shall be made a part of the Subdivision Plat, Certified Survey Map or Condominium and dedicated by the Subdivider or Condominium Developer (as applicable) in the location and dimensions indicated on said plan or map and as set forth in this Ordinance.

2. Subdivisions of five or more parcels or building sites of 1.5 acres each or less in area abutting on a navigable lake or stream shall, according to the provisions of Section 236.16(3) of the Wisconsin Statutes, provide public access at least sixty feet wide connected to existing public roads at not more than one-half mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of Administration, and excluding shore areas where public parks or open space and streets or roads on either side of the stream are provided. Such access shall be dedicated to the town or county.

F. Parks or Playgrounds. Whenever a tract of land to be divided by either Certified Survey Map or Subdivision Plat or developed as a Condominium within the jurisdiction of this Ordinance encompasses all or any part of a park or playground that has been designated on a duly adopted Town of Saukville, Ozaukee County or regional comprehensive plan or comprehensive plan component pursuant to Chapter 62.23(6) of the Wisconsin Statutes, said park or playground shall be made a part of that Certified Survey Map, Subdivision Plat, or Condominium and dedicated or reserved by the Subdivider or Condominium Developer (as applicable) in the locations and dimensions indicated on said plan and based upon a public facilities needs assessment pursuant to the requirements of Section 66.55 of the Wisconsin state Statutes. (Also see Section 1.1010 of this Ordinance.)

G. Substitution of Private Recreation and Open Space Lands for Required Public Recreational and Open Space Land Reservations or Dedications Not Permitted. The substitution of private recreation and open space lands for required public recreational and open space land reservations or dedications under this Ordinance shall not be permitted.

H. Form of Dedication Documents. The form of the dedication documents shall be subject to approval by the Town Attorney.

#### **SECTION 1.0204 PRIVATE RECREATION AND OPEN SPACE LANDS**

A. Declaration of Covenants and Deed Restrictions Required for Lands Designated as Private Recreation and Open Space Lands. For lands designated by a Subdivision, Certified Survey Map or condominium to be set aside for private recreation and/or open space use and owned and maintained by a homeowner or condominium association, the Subdivider and Condominium Developer (as applicable) shall file a declaration of covenants and deed restrictions, pursuant to the requirements of Sections 1.0707 and 1.0803 of this Ordinance, that will govern said homeowner or condominium association with the Preliminary Plat or Certified Survey Map.

B. Minimum Required Provisions of Declaration of Covenants and Deed Restrictions for Private Recreation and Open Space Lands. The provisions of said declaration of covenants and deed restrictions shall incorporate the requirement that a Wisconsin non-profit membership corporation be formed for the purpose of maintaining, improving, policing and preserving property(s) in which its members shall have common rights of usage and enjoyment by virtue of their ownership of lots in the Subdivision, Certified Survey Map or Condominium, and shall further include the following requirements:

1. That the corporation is established before any lots, building sites or units are sold.
2. That membership in the corporation is mandatory and automatic upon the purchase of a lot, building site or unit.
3. The recreation and/or open space restrictions must be perpetual and not just for a period of years.
4. That title to the private recreational areas or facilities is transferred to the corporation.
5. That the corporation be responsible for liability insurance, property taxes and all maintenance and improvements of recreational and/or open space areas.
6. That the corporation has the powers granted under Sections 779.70(1) or 703.15(3) of the Wisconsin State Statutes as applicable and in particular, to levy assessments upon all properties in the Subdivision, certified Survey Map or Condominium for the purposes specified therein.
7. That in the event the Wisconsin non-profit membership corporation ceases to exist or fails to fulfill its obligations as stated herein or to pay the real estate taxes assessed against its properties within the Subdivision, Certified Survey Map or Condominium the Town may cause such maintenance to be performed and levy the cost thereof as a special assessment against all of the properties within the Subdivision, Certified Survey Map or Condominium under the provisions of Section 66.60(16) of the Wisconsin Statutes. Similarly, any real estate taxes remaining unpaid, together with any penalties and interest thereon, may be collected by the Town as a special assessment against all of the properties in the Subdivision, Certified Survey Map or Condominium which border the properties or the Town may seek a mandatory injunction requiring the Wisconsin non-profit membership corporation to levy and collect assessments for such purpose.

#### **SECTION 1.0205 IMPROVEMENTS**

A. Subdivider's Agreement Required. Prior to the final approval and recording of any Certified Survey Map, Subdivision Final Plat or Condominium requiring improvements located within the jurisdictional limits of this Ordinance, and prior to the installation of any required improvements, and as a condition of said approval, the Subdivider or Condominium Developer (as applicable) shall enter into a contract (Subdivider's Agreement) with the Town of Saukville agreeing to furnish, construct and install the required improvements at the sole cost of the Subdivider or Condominium Developer (as applicable) and shall file with said contract a bond, irrevocable letter of credit or a certified check in the amount equal to one hundred and twenty-five percent of the Town Engineer's estimate as to the cost for the construction and installation of the improvements;

such estimate is to be made by the Town Board after review and recommendation by the Town Engineer. The purpose of the guarantee is to ensure that such improvements will be completed by the Subdivider or Condominium Developer (as applicable) or the Subdivider's or Condominium Developer's subcontractor (as applicable) and serves as a further guarantee that all obligations to subcontractors for work on the development are satisfied. Such improvements shall be completed by the Subdivider or Condominium Developer (as applicable) or the Subdivider's or Condominium Developer's subcontractors (as applicable) not later than two years from the date of recording of the Certified Survey Map, Subdivision Final Plat or Condominium Plat. In addition, the following requirements shall apply:

1. Contracts and contract specifications for the construction of street and utility improvements on dedicated street right-of-ways as well as the contractors and subcontractors providing such work shall be subject to the inspection of construction by the Town of its agent and approval by the Town. Unless otherwise authorized by the Town Engineer, said specifications shall follow those specified in the *"Town's Standards and Specifications for Development."*
2. The bond, irrevocable letter of credit, or certified check shall meet the approval of the Town Attorney. The amount of the bond, irrevocable letter of Credit or certified check shall be as determined by the Plan Commission based upon the Town Engineer's recommendation.
3. Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section subject to the approval of the Town Attorney.

B. Survey Monuments. Before final approval of any plat within the Town, the Subdivider or Condominium Developer (as applicable) shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer.

C. Approval of Subdivider's Agreement. The Subdivider's Agreement shall be drafted or approved as to form by the Town and shall be approved by the Town Board prior to the final approval of the Certified Survey Map, Subdivision Final Plat, or Condominium Plat.

**SECTION 1.0206 LAND SUITABILITY.** No land shall be subdivided for residential use which is determined to be unsuitable for such use by the Plan Commission 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 either current Town residents or the future residents of the proposed Subdivision, Certified Survey Map, Condominium or of the Town. In addition:

- A. Lot Area and Elevation of the 100Yer Recurrence Interval Floodplain. No lot served by public sanitary sewer facilities shall have less than 50 percent of its required lot area below an elevation at least two feet above the elevation of the 100-year recurrence interval floodplain.
- B. Lots One Acre or Less in Area Served by On-Site Sanitary Sewage System. No lot one acre or less in area served by an on-site sanitary sewage disposal system shall include flood lands.

- C. Lots More Than One Acre in Area Served by an On-Site Sanitary Sewage System. All lots more than one acre in area served by an on-site sanitary sewage disposal system shall contain not less than 40,000 square feet of land which is at least two feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the maximum flood of record.
- D. Steep Slopes. Each lot shall have a continuous area of at least 3,000 square feet which has ground slopes not exceeding fifteen percent.
- E. Must Meet On-Site Sewage Disposal System Requirements. Each lot or dwelling unit shall be capable of meeting the requirements of the Chapter Comm 83 titled "*Private Sewage Systems*" of the Wisconsin Administrative Code, Chapter Comm 85 titled "*Subdivisions Not Served by Public Sewers*" of the Wisconsin Administrative Code, and Chapter IX titled "*Sanitation and Health*" of the Ozaukee County Code regarding the construction of an on-site sewage disposal systems. The Subdivision Plat, Certified Survey Map or Condominium shall be approved in conformance with Chapters 83 and 85 of the Wisconsin Administrative Code, Chapter IX titled "*Sanitation and Health*" of the Ozaukee County Code and any other applicable agency regarding the construction of an on-site sewage disposal systems, by the Ozaukee County Director of Environmental Health before any lots or dwelling units are sold. In addition:
1. Soil tests shall be taken on each lot prior to the sale of said lot and must be approved by the Ozaukee County Director of Environmental Health pursuant to the requirements of Chapters Comm 83 and 85 of the Wisconsin Administrative Code and Chapter IX titled "*Sanitation and Health*" of the Ozaukee County Code regarding the construction of an on-site sewage disposal systems.
  2. Soil boring and percolation tests shall be made by or under the direction and control of a Wisconsin Department of Commerce certified soil tester:
    - a. The person supervising the tests shall certify as to the correctness of procedure and results.
    - b. Blank forms supplied by the Ozaukee County Director of Environmental Health shall be used for reporting results and providing certification.
  3. Sufficient borings shall be made by the Subdivider or Condominium Developer (as applicable) in each Subdivision, Certified Survey Map, or Condominium to portray adequately the character of the soil, ground water levels, and depths to bedrock.
    - a. The borings shall be distributed as uniformly as possible and their locations shall be shown on a Subdivision, Certified Survey Map or Condominium plat.
    - b. At least one test per two acres shall be made initially.
    - c. When borings show marked variation in soil, depth to water or depth to bedrock, at least one boring per acre of area shall be made.
    - d. All borings shall extend to a depth of five feet unless bedrock is at a lesser depth.
    - e. Where deep absorption systems are proposed bore holes shall extend three feet below the expected depth of the absorption system.

F. Plan Commission Determination of Unsuitability of Land. The Plan Commission, 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 to residential use and afford the Subdivider or Condominium Developer (as applicable) an opportunity to present evidence in rebuttal to such finding of unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

#### **SECTION 1.0207 UNLAWFUL ACTIVITY**

A. Unlawful Activity. It shall be unlawful to, and no person shall:

1. Record, with respect to any Certified Survey Map, Subdivision Final Plat, or Condominium Plat to which this Ordinance is applicable, any Certified Survey MAP, Subdivision Final Plat or Condominium Plat instrument after the effective date of this Ordinance unless and until such time as there has been full compliance with all applicable requirements of this Ordinance and all other applicable statutes, rules, regulations, ordinances, and documents enumerated in this Ordinance.
2. Convey any portion of a Certified Survey Map, Subdivision Final Plat or Condominium Plat created in violation of this Ordinance.
3. Construct, install, assemble or place any building, structure, or improvement upon any land subject to Certified Survey Map, Subdivision Final Plat or Condominium Plat recorded in violation of this Ordinance.
4. Fail to comply with any applicable provision of this Ordinance.

B. Zoning, Building or Occupancy Permit or Approval. No Town of Saukville zoning, building or occupancy permit or approval shall be granted or issued with respect to any Certified Survey Map, Subdivision Final Plat or Condominium Plat or Condominium unit created in violation of this Ordinance.

## DIVISION 1.0300 LAND DIVISION PROCEDURE

**SECTION 1.0301 PRE-APPLICATION CONFERENCE (MANDATORY).** Prior to the filing of an application for the approval of a Preliminary Plat, the Subdivider or Condominium Developer (as applicable) shall be required to file an application for a “Sketch Plan Review” and to consult with all affected utilities, the Town Zoning Administrator, Town Planner, Town Engineer, affected Town Departments, and Town Plan Commission in order to obtain their advice and assistance. This consultation is mandatory and is intended to inform the Subdivider or Condominium Developer (as applicable) of the purpose and objectives of these regulations; the Town comprehensive plan, comprehensive plan components; duly adopted plan implementation devices of the Town; the availability of sanitary sewer, public water supply, storm water management facilities and site grading requirements; and to otherwise assist the Subdivider or Condominium Developer (as applicable) in planning the development. In so doing, both the Subdivider or Condominium Developer (as applicable) and the Town of Saukville may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and surrounding area. The Subdivider or Condominium Developer (as applicable) will gain a better understanding of the subsequent required procedures. Prior to the submission of a Preliminary Plat to the Town, a Sketch Plan shall be prepared in accordance with Division 1.0600 of this Ordinance, and the Subdivider or Condominium Developer (as applicable) shall file at least twenty copies of the Sketch Plan and the “*Sketch Plan Review*” application with the Town Clerk (or other Town Board authorized agent), the Town Zoning Administrator, Town Planner, Town Engineer affected Town Departments and Town Plan Commission shall review the Sketch Plan and conduct the Pre-Application Conference with the applicant (see Section 1.0301). In addition:

- A. Copies of “Sketch Plan Review Application” and Sketch Plan to Plan Commission. The Town Clerk (or other Town Board authorized agent) shall, within two normal work days after filing of the “*Sketch Plan Review Application*” and Sketch Plan, transmit ten copies to the Plan Commission.
- B. Copies of “Sketch Plan Review Application” and Sketch Plan to Affected Town Commissions, Departments, Utilities, Incorporated Municipalities Having Extraterritorial Plat Jurisdiction, and Ozaukee County. The Town Clerk (or other Town Board authorized agent) shall within two days transmit a copy of the “*Sketch Plan Review Application*” and Sketch Plan to all affected Town Commissions or Departments, affected utilities, incorporated municipalities having extraterritorial plat jurisdiction, and Ozaukee County for its review and recommendations concerning matters within their jurisdiction.
  1. The recommendations of Town Commissions, Departments, Town Zoning Administrator, and the recommendations of affected local utilities, incorporated municipalities having extraterritorial plat jurisdiction, and County shall be transmitted to the Plan Commission within 20 days from the date the “*Sketch Plan Review Application*” and Sketch Plan are filed.

2. The “*Sketch Plan Review Application*” and Sketch Plan shall then be reviewed by the Plan Commission at the “*Pre-Application Conference*” for general conformance with this Ordinance and all other ordinances, rules, regulations, adopted regional or county development, Town master or comprehensive plans or adopted plan components which affect it.

### **SECTION 1.0303 PRELIMINARY PLAT REVIEW**

- A. When Required. When it is proposed to divide land into five or more parcels or building sites, any of which is thirty-five acres each or less in size, the Subdivider shall subdivide by use of a Subdivision Plat. The Subdivision Plat shall include all parcels of land 35 acres or less in size and may, at the owner’s discretion, include any other parcels containing more than 35 acres.
- B. Filing of a Preliminary Plat. Before submitting a Final Plat for approval, the Subdivider or Condominium Developer (as applicable) shall prepare a Preliminary Plat and an application. The Preliminary Plat shall be prepared in accordance with Division 1.0700 of this Ordinance, and the Subdivider or Condominium Developer (as applicable) shall file at least thirty copies of the Preliminary Plat, “*Natural Resource Protection Plan*” (if required, see Division 1.0400), “*Landscape Plan*” for any landscape easement area (see Division 1.0500) and the application with the Town Clerk (or other Town Board authorized agent) together with all necessary fees at least 45 days prior to the meeting of the Plan Commission at which first consideration is desired. **In addition:**<sup>[TN1]</sup>
- C. Copies of Preliminary Plat, Natural Resource Protection Plan, Landscape Plan, and Application to be Transmitted by Town Clerk. The Town Clerk (or other Town Board authorized agent) shall, within two normal work days after filing, transmit:
  1. Ten copies to the Plan Commission;
  2. Two copies to the Wisconsin Department of Administration;
  3. Additional copies to the Wisconsin Department of Administration for retransmission of two copies each to:
    - a. The Wisconsin Department of Transportation, if the subdivision abuts or adjoins a State Trunk Highway or a connecting street;
    - b. The Wisconsin Department of Commerce, if the subdivision is not served by a public sewer and provision for such service has not been made;
    - c. The Wisconsin Department of Natural Resources, if shore lands or flood lands are contained within the proposed subdivision;
  4. Three copies to the Town Board.
  5. Seven copies to the clerk of each adjoining city or village if the land division lies within the extraterritorial plat approval jurisdiction of a city or village;



6. One copy to each school board with jurisdiction;
  7. Four copies to Ozaukee County; and
  8. Copies as needed to affected Town Departments and Commissions.
  9. Additional copies that may be requested by approving authorities and objecting agencies.
- D. Fees Required by State Agencies to be Transmitted by Town Clerk. Any appropriate fees paid by the Subdivider or Condominium Developer (as applicable) for the required state agency reviews shall be forward by the Town Clerk (or other Town Board authorized agent) to the Wisconsin Department of Administration.
- E. Copies of Preliminary Plat to be Transmitted by Town Clerk to Affected Town Commissions or Departments. The Town Clerk (or other Town Board authorized agent) shall transmit a copy of the Preliminary Plat to all affected Town Commissions or Departments for their review and recommendations concerning matters within their jurisdiction.
1. The recommendations of the Town Commissions, Town Departments, and of affected local utilities shall be transmitted to the Plan Commission within 20 days from the date the plat is filed.
  2. The Preliminary Plat shall then be reviewed by the Plan Commission for conformance with this Ordinance and all other ordinances, rules, regulations, adopted regional or county development plans, Town master or comprehensive plans or adopted plan components which affect it.
- F. Plan Commission Review and Recommendation to Town Board.
1. Plan Commission Review. The Preliminary Plat (including Natural Resource Protection Plan and Landscape Plan, as applicable) shall then be reviewed by the Plan Commission for conformance with this Ordinance and all other ordinances, rules, regulations, adopted regional or county development plans, Town master or comprehensive plans or adopted plan components which affect it.
  2. Plan Commission Recommendation to Town Board. The Plan Commission shall within 60 days of the date of the filing of a Preliminary Plat (including Natural Resource Protection Plan and Landscape Plan, as applicable) with the Town Clerk (or other Town Board authorized agent), recommend to the Town Board approval, conditional approval, or rejection of the Preliminary Plat (including Natural Resource Protection Plan and Landscape Plan, as applicable) and shall transmit the Preliminary Plat and application, along with its recommendation to the Town Board.

#### **SECTION 1.0304 PRELIMINARY PLAT APPROVAL**

- A. Notification by Objecting Agencies. The objecting agencies shall, within 20 days of the date of receiving their copies of the Preliminary Plat, notify the Subdivider or Condominium Developer (as applicable) and all other approving and objecting agencies of any objections.

1. Certification of No Objections Required. If there are not objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Clerk (or other Town Board authorized agent).
  2. Failure of Objecting Agency to Act on Preliminary Plat. If an objecting agency fails to act within 20 days, it shall be deemed to have no objections to the Plat.
- B. Town Board Action. The Town Board within 90 days of the date of filing a Preliminary Plat with the Town Clerk (or other Town Board authorized agent) shall approve, approve conditionally, or reject such plat, unless the time is extended by agreement with the Subdivider or Condominium Developer (as applicable).
1. Notification to Subdivider or Condominium Developer (as applicable) of Town Board Action. One copy of the plat may thereupon be returned to the Subdivider or Condominium Developer (as applicable) with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat.
  2. Filing of Preliminary Plat in Town Board's Permanent File. One copy each of the plat and letter shall be placed in the Town Board's permanent file.
- C. Failure of Town Board to Act. Failure to the Town Board to act within 90 days of the date of filing or within the time extended by agreement with the Subdivider or Condominium Developer (as applicable) shall constitute an approval.
- D. Approval or Conditional Approval of a Preliminary Plat. 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 24 months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout as indicated in Section 236.11(1) (b) of the Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout.

## **SECTION 1.0305 FINAL PLAT REVIEW**

- A. Designation of Approving Authorities. The Town Board of the town wherein the plat is located, county planning agency (as defined by Section 236.02(s) of the Wisconsin Statutes) and each adjoining city or village in whose extraterritorial plat approval jurisdiction the subdivision lies (pursuant to Section 236.10(1)(b) of the Wisconsin Statutes) are designated approving authorities.
- B. Designation of Objecting Agencies. The Wisconsin department of Administration; Wisconsin Department of Commerce; Wisconsin Department of Transportation (if Subdivision, Certified Survey Map or Condominium abuts or adjoins a state trunk highway or connecting highway); and county planning agency (as defined by Section 236.02(s) of the Wisconsin Statutes) shall be hereinafter referred to as objecting agencies.
- C. Final Plat and Application Submittal. The Subdivider or Condominium Developer (as applicable) shall prepare a Final Plat and an application in accordance with Division 1.0800 of this Ordinance and shall file an adequate number of copies of the Final Plat and the application as set forth below:

1. Submittal of Final Plat to the Wisconsin Department of Administration. Before any approvals of the Final Plat are made, the Subdivider or Condominium Developer (as applicable) or Subdivider's or Condominium Developer's (as applicable) agent shall submit the original Final Plat to the Wisconsin Department of Administration which shall forward, at the Subdivider's or Condominium Developer's (as applicable) expense, the following:
  - a. Two copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a State Trunk Highway or a connecting street;
  - b. Two copies to the Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made; and
  - c. Two copies to the Wisconsin Department of Natural Resources if shore lands are contained within the proposed subdivision.

2. Submittal of Final Plat to the Town Clerk. After approval by the Department of Agriculture, Trade and Consumer Protection and other State Departments, the Subdivider or Condominium Developer (as applicable) shall file at least 30 copies of the Final Plat and an application with the Town Clerk (or other Town Board authorized agent) along with the proper fees in accordance with Division 1.1400 of this Ordinance, and the receipt of the proper filing fees of each of the other approving authorities and objecting agencies at least 15 days prior to the meeting of the Plan Commission at which consideration is desired.

3. Town Clerk Transmittal of Final Plat. The Town Clerk (or other Town Board authorized agent) shall, within two working days after the filing by the Subdivider or Condominium Developer (as applicable), transmit with a cover letter and copies of the Final Plat and application:
  - a. Ten copies to the Plan Commission;
  - b. Three copies to the Town Board;
  - c. Seven copies to the clerk of each adjoining city or village if the subdivision lies within the extraterritorial plat approval jurisdiction of the city or village;
  - d. Four copies to Ozaukee County;
  - e. One copy to the school board with jurisdiction;
  - f. Copies as needed to affected Town Departments and Commissions; and
  - g. Additional copies that may be requested by approving authorities and objecting agencies.

- D. Plan Commission Examination and Recommendation. The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat; any conditions of approval of the Preliminary Plat, this Ordinance, and all ordinances, rules, regulations, adopted regional and County development or local comprehensive plans and adopted plan components which may affect it and shall recommend approval, conditional approval or rejections of the Final Plat to the Town Board.

- E. Partial Platting.

1. Plat and Condominium Phasing. The Final Plat may, if permitted by the Plan Commission, be platted as a Final Plat in phases with each phase constituting only that portion of the approved Preliminary Plat which the Subdivider or Condominium Developer (as applicable) proposes to record at that time. It is required that each such phase be platted as a Final Plat and be designated as a “phase” of the approved Preliminary Plat.
2. Time Extension for Approval of a Final Plat for Portion of Preliminary Plat. The approval of Final Plats for only a portion of the Preliminary Plat may extend the approval for the remaining portion of the Preliminary Plat for six months from the date of such Final Plat approval but in no event shall such extension extend beyond the initial 24 months unless approved by the Town Board.
3. Expansion of a Condominium. Any expansion of a condominium permitted under Section 703.26 of Wisconsin Statutes shall be treated as a separate phase of the condominium.

F. Contract (“Subdivider’s Agreement”) Required. (See Section 1.0205 of this Ordinance).

#### **SECTION 1.0306 FINAL PLAT APPROVAL**

- A. Objecting Agencies. The objecting agencies shall, within 20 days of the date of receiving their copies of the Final Plat, notify the Subdivider or Condominium Developer (as applicable) and all other approving authorities and objecting agencies of any objections.
1. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Plan Commission.
  2. If any objection agency fails to act within 2 days, it shall be deemed to have no objections to the plat.
- B. Submission. If the Final Plat is not submitted within 24 months of the required approval of the Preliminary Plat, the approving authorities may refuse to approve the Final Plat. Extensions may be granted subject to the requirements set forth in Section 1.0305 (E) (2) of this Ordinance.
- C. Plan Commission Recommendation. The Plan Commission shall, within 40 days of the date of filing of the Final Plat with the Town Clerk (or other Town Board authorized agent), recommend approval, conditional approval or rejection of the plat and shall transmit the Final Plat and application along with its recommendations to the Town Board.
- D. Approval Rejection of Final Plat. The Town Board shall within 60 days of the date of filing the original Final Plat with the Town Clerk (or other Town Board authorized agent) approve or reject such Final Plat, unless the time is extended by agreement with the Subdivider or Condominium Developer (as applicable).
1. If the Final Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the Subdivider or Condominium Developer (as applicable) and the surveyor.

2. The Town Board may not inscribe its approval on the Final Plat unless the Department of Agriculture, Trade and Consumer Protection has certified on the face of the Final Plat that the copies were forwarded to the objecting agencies as required herein, the date thereof, and that no objections have been filed within 20 days, or, if filed, have been met.
3. Failure of the Town Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed the Final Plat shall be deemed approved.

E. Recordation.

1. After the Final Plat has been approved by the Town Board and improvements as shall be required by the Town either installed or a contract and sureties insuring their installation filed, the Town Clerk (or other Town Board authorized agent) shall cause the certificate inscribed upon the Final Plat attesting to such approval to be duly executed and the plat returned to Subdivider or Condominium Developer (as applicable) for recording with the Ozaukee County Register of Deeds.
2. The Register of Deeds cannot record the Final Plat unless it is offered within 30 days from the date of the last approval or 24 months from the last required approval of the Preliminary Plat and subject to any extensions which may have been granted by the Town under Section 1.0305(E)(2) of this Ordinance.

F. Copies of the Recorded Final Plat. The Subdivider or Condominium Developer (as applicable) shall file at least ten copies of the recorded Final Plat with the Town Clerk (or other Town Board authorized agent) and copies, as necessary, to other affected agencies for their files.

**SECTION 1.0307 PLATS WITHIN THE EXTRATERRITORIAL PLAT APPROVAL JURISDICTION.** When the land to be subdivided lies within one-and-a-half miles of the corporate limits of a fourth class city or village or within three miles of the corporate limits of a first, second or third class city, the Subdivider or Condominium Developer (as applicable) shall proceed as specified in Sections 1.0301 through 1.0305 except:

- A. Transmittal Responsibility. The Town Clerk (or other Town Board authorized agent) to whom the Certified Survey Map, Subdivision Plat, or Condominium is first submitted shall be responsible for transmitting copies of the Certified Survey Map, Subdivision Plat, or Condominium to designated objecting agencies unless the Subdivider or Condominium Developer (as applicable) has specifically requested that the Town assume the responsibility of transmitting all review copies. The Subdivider or Condominium Developer (as applicable) shall specify in the Subdivider's or Condominium Developer's application to whom the original application was submitted.
- B. Improvement and Design Requirements. If the extraterritorial Certified Survey Map, Subdivision Plat, or Condominium contains lands located within a Town of Saukville adopted sanitary sewer service area, the Subdivider or Condominium Developer (as applicable) shall comply with all of the improvement requirements of Division 1.1200 of this Ordinance and with all of the design requirements of Division 1.1000 of this Ordinance.

If the extraterritorial Certified Survey Map, Subdivision Plat or Condominium does not contain lands located within a Town of Saukville adopted sanitary sewer service area, the Subdivider or Condominium Developer (as applicable) shall comply with all of the design requirements set forth in Division 1.1000 of this Ordinance.

- C. Collection of Park Dedication and Public Site Fees. In extraterritorial plat approval jurisdiction areas of any incorporated municipality, the Subdivider or Condominium Developer (as applicable) shall not be required to dedicate park and open space land to said incorporated municipality or be required to pay a public site fee to said incorporated municipality.

**SECTION 1.0308 REPLAT.** Except as provided in Section 70.27(1) of the Wisconsin Statutes, when it is proposed to replat a recorded subdivision, or part thereof, the Subdivider or Condominium Developer (as applicable) or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The Subdivider or Condominium Developer (as applicable), or person wishing to replat, shall then proceed as specified in Sections 1.0301 through 1.0305 of this Ordinance.

#### **SECTION 1.0309 MINOR LAND DIVISION BY CERTIFIED SURVEY MAP**

- A. When Required. Any land division, regardless of the size of the parcel(s) being created, shall be accomplished only by a Certified Survey Map approved in accord with the following procedures. The Certified Survey Map shall include all contiguous parcels of land which are under the same ownership. The only land divisions exempt from this requirement are those listed in Section 1.0201 A through E.
- B. Filing of a Certified Survey Map and Plan Commission Review and Recommendation. The Subdivider shall prepare the Certified Survey Map in accordance with Division 1.0900 of this Ordinance.
1. The Subdivider shall file at least 20 copies of the Certified Survey Map, "Natural Resource Protection Plan" (if required, see Division 1.0400), "Landscape Plan" for any landscape easement areas (see Division 1.0500, and the application with the Town Clerk (or other Town Board authorized agent) at least 15 days prior to the meeting of the Plan Commission at which action is desired.
  2. The Town Clerk (or other Town Board authorized agent) shall, within two working days after filing, transmit copies of the map and application along with a cover letter to all approving authorities including extraterritorial plat review agencies if not waived in writing.
  3. The Town Clerk (or other Town Board authorized agent) shall, within two normal work days after filing, transmit the Certified Survey Map, Natural Resource Protection Plan, Landscape Plan and application as follows:
    - a. Ten copies to the Plan Commission.
    - b. Three copies to the Town Board.
    - c. Copies as needed to affected Town Commissions and Town Departments.
    - d. One copy to each school board with jurisdiction.

- e. Four copies to Ozaukee County.
- f. Additional copies as may be requested by the approving authorities and objecting agencies.

- 4. The recommendations of all approving authorities shall be transmitted to the Plan Commission within 20 days from the date the map is filed with the Town Clerk (or other Town Board authorized agent).
- 5. The Certified Survey Map shall be reviewed by the Plan Commission for conformance with this Ordinance and all other ordinances, rules, regulations, adopted regional, County or Town development or comprehensive plans or adopted plan components which affect it.
- 6. The Plan Commission shall within 40 days from the date of filing of the Certified Survey Map recommend approval, conditional approval or rejection of the map, and shall transmit the map along with its recommendations to the Town Board.

D. Town Board Approval. Where a Certified Survey Map has been transmitted by the Plan Commission to the Town Board, the Town Board shall approve, approve conditionally and thereby require resubmission of a corrected Certified Survey Map, or reject such Certified Survey Map within 60 days from the date of filing of the map unless the time is extended by agreement with the Subdivider.

- 1. If the map is approved, the Town Board shall cause the Town Clerk (or other Town Board authorized agent) to so certify on the face of the original map and return the map to the Subdivider.
- 2. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the Subdivider.

E. Natural Resource Protection Plan Required. For properties proposed to be divided by Certified Survey Map, and that contain natural resource features as described in this Ordinance, a "Natural Resource Protection Plan," as described in Division 1.0400, shall be submitted for review by the Town Zoning Administrator and Plan Commission.

F. Deed Restrictions and Conservation Easements. For properties proposed to be divided by Certified Survey Map and which contain natural resources required to be preserved under this Ordinance, the Plan Commission may require that deed restrictions and/or conservation easements to be filed with the Certified Survey Map.

G. Recordation.

- 1. All improvement requirements, specified by all approving agencies in matters over which they have jurisdiction, shall be met before recording the Certified Survey Map.
- 2. The Subdivider shall record the map with the Ozaukee County Register of Deeds within 30 days of its last approval.

H. Copies. The Subdivider shall file at least 30 copies of the Certified Survey Map and its accompanying "Natural Resource Protection Plan" with the Town Clerk (or other Town Board authorized agent) for distribution to the Plan Commission, various Town departments, and other affected agencies for their files as set forth under Section 1.0309(B).

## **DIVISION 1.0400 NATURAL RESOURCE PROTECTION PLAN**

**SECTION 1.0401 NATURAL RESOURCE PROTECTION PLAN REQUIREMENTS.** If natural resource features defined and described in Divisions 1.1100 and 1.1500 of this Ordinance are present on the property for which a Certified Survey Map, Subdivision Plat, or Condominium is requested, 20 full size copies of a “*Natural Resource Protection Plan*” drawn to the same scale as the Certified Survey Map, Preliminary Plat, or Condominium submission shall be submitted with the Certified Survey Map, Preliminary Plat, or Condominium. The “Natural Resource Protection Plan: shall be prepared on tracing cloth, reproducible drafting film or paper of good quality at a map scale as appropriate and shall show correctly the following information:

- A. Proposed Name. The proposed name of the Certified Survey Map, Subdivision Plat or Condominium.
- B. Location. The location of the proposed Certified Survey Map, Subdivision Plat or Condominium.
- C. Names, Addresses, and Telephone Numbers of the Owners, Subdividers, Lessee and/or Developer. The names, addresses, and telephone numbers of the owners, Subdividers, lessee and/or Developers) of the property and of the designer of the plan.
- D. Site Boundary. The boundary line of the site with dimensions, indicated by a solid line, and the total land area encompassed by the site.
- E. Lot Lines, Right-of-Way Lines, and Easements. The location of all proposed lot lines, right-of-way lines, and easements. In the case of condominiums, closing and non-over-lapping artificial lot lines shall be placed around the site of each proposed principal building of the Condominium to demonstrate that the spirit of the dimensional requirements of this Section is satisfied.
- F. Existing Streets. The location, ownership, widths, and names (if available) of all existing and previously platted streets, rights-of-way, parks and other public or open spaces located within or adjacent to the subject property.
- G. Easements and Neighboring Property Boundaries. The location and dimensions of all permanent easements on the subject property and boundary lines adjacent to the site.
- H. Location and Extent of Existing Natural Resource Features. The location and extent of any existing natural resource features defined and described in Divisions 1.1100 and 1.1500 of this Ordinance. Each individual resource area on the site shall be graphically and numerically shown on the “*Natural Resource Protection Plan*.”
- I. Disturbed and Preserved Natural Resource Features. Graphic and numeric illustration shown on the “*Natural Resource Protection Plan*” of those existing natural resource features that will be disturbed and those that will be preserved. The illustration shall show the area (in square feet or acres) of each existing resource and those areas of resources that re to be preserved. Numeric data may be shown in tabular form with labeled reference to specific areas designated on the “*Natural Resource Protection Plan*.”
- J. Method of Natural Resource Preservation. Graphic illustration and notes relating to how those natural resource features, which are to be preserved in perpetuity, will actually be preserved (conservation easements, deed restrictions, protective covenants, etc.) on the “*Natural Resource Protection Plan*.”



- K. Scale, North Arrow, Contours. A drawing legend containing the scale appropriate to the size of the Certified Survey Map, Subdivision Plat, or Condominium, the date of preparation, north arrow, and designation of existing and proposed contours at a minimum two foot contour intervals.
- L. Maximum Sheet Size of "Natural Resource Protection Plan." The "Natural Resource Protection Plan" shall not exceed a maximum sheet size as required for the Certified Survey Map, Subdivision Plat or Condominium whichever is applicable.

## **DIVISION 1.0500 LANDSCAPE PLAN**

**SECTION 1.0501 GENERAL.** If "*Landscape Buffer yard Easements*" or areas of natural resource mitigation are delineated on the Certified Survey Map, Preliminary Plat or Condominium or are otherwise required by the Plan Commission, a landscape plan for those areas shall be prepared. Twenty full size copies of a "*Landscape Plan*" drawn to the same scale as the Certified Survey Map, Preliminary Plat or Condominium submission shall be submitted with the Preliminary Plat or Condominium. The "Landscape Plan" shall be prepared on tracing cloth, reproducible drafting film or paper of good quality at a map scale as appropriate and shall show correctly the following information:

- A. Proposed Name. The proposed name of the Certified Survey Map, Subdivision Plat or Condominium.
- B. Location. The location of the proposed Certified Survey Map, Subdivision Plat or Condominium.
- C. Names, Addresses, and Telephone Numbers of the Owners, Subdividers, Lessee and/or Developer. The names, addresses, and telephone numbers of the owners, Subdividers, lessee and/or Developer(s) of the property and of the designer of the plan.
- D. Site Boundary. The boundary line of the site with dimensions, indicated by a solid line, and the total land area encompassed by the site.
- E. Landscape Buffer yard Easements and Natural Resource Mitigation Areas. All proposed "*Landscape Buffer yard Easements*" and/or areas of natural resource mitigation shall be clearly delineated and dimensioned on the Landscape Plan and shall be graphically shown in relation to all proposed lot lines and lots upon which said "*Landscape Buffer yard Easements*" or mitigation areas are located.
- F. Location, Extent, Type, and Sizes of Existing Trees and Natural Resource Features. Location, extent, type (common name and scientific name in the case of plant materials), and sizes of all existing trees and natural resource features in all areas of the Subdivision, Certified Survey Map, or Condominium which are designated as a "*Landscape Buffer yard Easement*" and/or mitigation area. If any existing vegetation or other natural resource features are to be demolished or mitigated, the extent of such demolition or area to be mitigated shall be clearly delineated and so noted on the "*Landscape Plan*."

- G. Location, Extent, Type, and Sizes of Landscape Materials and Plantings. Location, extent, type (common name and scientific name in the case of plant materials), and sizes of proposed landscaping and landscape plantings in all areas of the Subdivision, Certified Survey Map, or Condominium which are designated as a “*Landscape Buffer yard Easement*” or for areas which are to serve as landscaped entrances or other special landscaped features of the Subdivision, Certified Survey Map or Condominium shall be indicated on the “*Landscape Plan.*”
- H. Landscape Plant Material Specifications. All new landscape plant material shall be grown in a nursery located in Plant Hardiness Zones 5 or 5a and shall conform to the applicable requirements as specified in the current edition of *American Standard for Nursery Stock* as approved by the American National Standards Institute, Inc. and sponsored by the American Association of Nurserymen, Inc. Botanical plant names shall be in accordance with the current edition of *Standardized Plant Names* prepared by the American Joint Committee on Horticultural Nomenclature. The landscape contractor shall be guided in professional and ethical matters by the “*Arborculture Code*” as adopted by the International Society of Arborculture.
- I. Natural Resource Features Mitigation Plan Required. If any natural resource feature is to be mitigated, either on-site or off-site, the plan for such mitigation in adequate detail, as required by the Plan Commission, shall be submitted with the “*Landscape Plan.*”
- J. Maintenance. Areas of a Subdivision, Certified Survey Map, or Condominium designated as landscape easement areas shall be maintained and kept free of all debris, rubbish, and weeds by the property owner or homeowner’s association (whichever is applicable).

## **DIVISION 1.0600 SKETCH PLAN**

**SECTION 1.0601 GENERAL.** A Sketch Plan shall be based upon a survey by a registered land surveyor and the Sketch Plan 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. Legal Description of Property. Legal description of the proposed subdivision by: government lot, quarter-section, township, range, county and state.
- B. Identification as Sketch Plan. The Sketch Plan shall be clearly noted and labeled on its face Sketch Plan.
- C. Location Sketch. General location sketch showing the location of the subdivision within the U.S. Public Land Survey section along with location of adjacent property boundary lines.
- D. Date, Scale, North Arrow. Date of sketch plan, graphic scale, and north arrow.
- E. Owner, Subdivider or Condominium Developer (as applicable), Land Planner, Land Surveyor. Names and addresses of the owner, Subdivider or Condominium Developer (as applicable), and land planner or land surveyor who prepared the Sketch Plan.
- F. Contiguous Land Area. Entire area contiguous to the proposed plat owned or controlled by the Subdivider or Condominium Developer (as applicable) shall be included on the Sketch Plan.

- G. Use Statement. A statement of the proposed use of the lots stating the use type of buildings and/or uses proposed to occupy the lots, number of proposed lots, and number of dwelling units per lot.
- H. Proposed Zoning Changes. If any zoning changes are contemplated, the proposed zoning plan for the property, including dimensions. The indication of such information, however, shall not constitute an application for a zoning amendment. All applications for zoning amendments shall meet the applicable requirements of the Town of Saukville Zoning Ordinance.

**SECTION 1.0602 SKETCH PLAN DATA.** All Sketch Plans shall show, at a minimum, the following. Additional information may be indicated on the Sketch Plan by the Subdivider or Condominium Developer (as applicable).

- A. Exterior Plat Boundaries. The exterior boundaries of the proposed subdivision and the total acreage encompassed thereby.
- B. Corporate Limit Lines. Any corporate limit lines within the exterior boundaries of the plat, coterminous to said exterior boundaries or adjacent thereto.
- C. Existing Right-of-Ways. Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility right-of-ways within the exterior boundaries of the proposed plat or adjacent thereto.
- D. Utility Location. Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes and the location and size of any existing water and gas mains within the exterior boundaries of the plat 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.
- E. Physical Features. General locations of all existing property boundary lines, structures, driveways, streams and watercourses, rock outcrops, woodlands, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided and adjacent thereto.
- F. Proposed Streets and Public Right-of-Ways. Location and width of all proposed streets and public right-of-ways, such as alleys and easements.
- G. Size of Lots. Approximate size (in square feet or acres) of all lots.
- H. Sites to be Reserved or Dedicated. Location and approximate dimensions and size (in square feet or acres) of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use or which are to be used for group housing, shopping centers, church sites or other private uses not requiring formation of lots.
- I. Lake or Stream Access Locations. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the proposed access.
- J. Lake or Stream Improvements or Relocations. Any proposed lake and stream improvement or relocation including explanation of the proposed improvement and/or relocation.
- K. Wetland and/or Floodplain Delineation. Location and delineated extent of wetlands and flood plains.

## **DIVISION 1.0700 PRELIMINARY PLAT**

**SECTION 1.0701 GENERAL.** A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey prepared by a Wisconsin registered land surveyor. The Preliminary Plat shall be 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. 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, unless it is an addition to a previously recorded plat and is so slated on the plat.
- B. Identification as Preliminary Plat. The Preliminary Plat shall be clearly noted and labelled on its face as Preliminary Plat.
- C. Legal Description of Property. Legal description of the proposed subdivision by: government lot, quarter-section, township, range, county and state.
- D. Location Sketch. General location sketch showing the location of the subdivision within the US Public Land Survey section.
- E. Date, Scale, North Arrow. Date, graphic scale and north arrow.
- F. Owner, Subdivider or Condominium Developer (as applicable), and Land Surveyor. Names and addresses of the owner, Subdivider or Condominium Developer (as applicable), and land surveyor preparing the Preliminary Plat.
- G. Contiguous Land Area. Entire area contiguous to the proposed plat owned or controlled by the Subdivider or Condominium Developer (as applicable) 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.
- H. Use Statement. A statement of the proposed use of the lots stating the use type of buildings and/or uses proposed to occupy the lots, number of proposed lots, number of dwelling units per lot and proposed density.
- I. Proposed Zoning Changes. If any zoning changes are contemplated, the proposed zoning plan for the property, including dimensions. The indication of such information, however, shall not constitute an application for a zoning amendment. All applications for zoning amendments shall meet the applicable requirements of the Town of Saukville Zoning Code.

**SECTION 1.0702 PLAT DATA.** All Preliminary Plats shall show the following:

- A. Exterior Plat Boundaries. Exact length and bearing of the exterior boundaries of the proposed Subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- B. Corporate Limit Lines. Any corporate limit lines within the exterior boundaries of the plat, coterminous to said exterior boundaries or immediately adjacent thereto.
- C. Existing and Proposed Contours. Existing and proposed contours within the exterior boundaries of the Preliminary Plat and extending to the centerline of adjacent public streets.

In addition:

1. Existing and proposed contours shall be at vertical intervals of not more than two feet where the slope of the ground surface is less than ten percent, and of not more than five feet where the slope of the ground surface is ten percent or more.
  2. Elevations shall be marked on such contour bases on National Geodetic Datum of 1929 (mean sea level).
  3. At least two permanent bench marks shall be located in the immediate vicinity of the Preliminary Plat. The location of the bench marks shall be indicated on the Preliminary Plat together with their elevations reference to National Geodetic Datum of 129 (mean sea level) and the monumentation of the bench marks clearly and completely described on the Preliminary Plat.
- D. Water Elevations of All Lakes, Ponds, Streams, Flowages and Wetlands. Water elevations of all lakes, ponds, streams, flowages, and wetlands at the date of the survey and approximate high and low water elevations, all referred to National Geodetic Datum of 1929 (mean sea level).
- E. Flood plain Limits. Flood plain limits and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the elevation of the maximum flood of record.
- F. Existing Right-of-Ways, Easements, and Section and Quarter Section Lines. Location, right-of-way width, and names of all existing streets, alleys or other public ways, easements, railroad and utility right-of-ways and all UD Public Land Survey section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- G. Existing Street Pavements. 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 elevation, all to mean sea level (1929 datum).
- H. Adjacent Subdivisions, Parks, Cemeteries and Owners of Record. Location and names of any adjacent subdivisions, parks, and cemeteries, and owners of record of abutting unplatted lands.
- I. Utility Location. Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, 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 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.
- J. Physical Features. Locations of all existing property boundary lines, structures, driveways, streams and watercourses, marches, rock outcrops, wooded areas, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided as determined by the Plan Commission.
- K. Proposed Streets and Public Right-of-Ways. Location, width and names of all proposed streets and public right-of-ways, such as alleys and easements.

- L. Size of Lots. Approximate dimensions and size (in square feet or acres) of each lot together with proposed lot and block numbers.
- M. Sites to be Reserved or Dedicated. Location and approximate dimensions and size (in square feet or acres) 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 formation of lots.
- N. Curve Radii. Approximate radii of all curves.
- O. Existing Zoning. Existing zoning on and adjacent to the proposed subdivision.
- P. Lake or Stream Access Locations. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the proposed access.
- Q. Lake or Stream Improvements or Relocations. Any proposed lake and stream improvement or relocation including explanation of the proposed improvement and/or relocation.
- R. Soil Types and Slopes. Soil type, slope, and boundaries as shown on the detailed operations soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- S. Location of Soil Tests. Location of soil tests where required by Chapters Comm 83 and 85 of the Wisconsin Administrative Code and in area not served by municipal or sanitary district sewage treatment facilities, conducted in accordance with Chapters Comm 83 and 85 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed.
  - a. The number of such tests initially made shall not be less than one test per three acres or one test per lot, whichever is greater.
  - b. The results of such tests shall be submitted along with the Preliminary Plat.
- T. Wetland and/or Flood plain Delineation. Location and delineated extent of wetlands and/or flood plains.
- U. Location of Proposed Deed Restrictions, Landscape Easements, and/or Conservation Easements. The location of any proposed deed restrictions, landscape easements, and/or conservation easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Preliminary Plat. The location and extent of conservation easements shall be directly related to the "*Natural Resource Protection Plan*."
- V. Landscape Plan. As required by Division 1.0500 of this Ordinance.
- W. Additional Information. Any additional information required by the Town Zoning Administrator, Plan Commission, Town Planner, Town Engineer or Town Board.

SECTION 1.0703 STREET PLAN AND PROFILES. The Subdivider or Condominium Developer (as applicable) shall submit with the Preliminary Plat street plans and profiles showing existing ground surface elevations, established street grades (including extensions for a reasonable distance beyond the limits of the proposed subdivision), and proposed street grades (including extensions for a reasonable distance beyond the limits of the proposed subdivision). All elevations shall be based upon mean sea level (1929 datum), and plans and profiles shall meet the approval of the Town Engineer.

**SECTION 1.0704 TESTING.** The plan Commission, upon recommendation of the Town Engineer, shall 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 ground water table. Where the subdivision will not be served by public sanitary sewer service, the provisions of Chapter Comm 83 titled "*Private Sewage Systems*" of the Wisconsin Administrative Code, Chapter Comm 85 titled "*Subdivisions Not Served by Public Sewers*" of the Wisconsin Administrative Code, and Chapter IX titled "*Sanitation and Health*" of the Ozaukee County Code shall be complied with; and appropriate data submitted with the Preliminary Plat.

**SECTION 1.0705 SOIL AND WATER CONSERVATION.** The Subdivider or Condominium Developer (as applicable) shall submit with the Preliminary Plat soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the publications U.S.D.A. Conservation Technical Guide, prepared by the U.S. Department of Agriculture, the Wisconsin Construction Site Best Management Practices Handbook prepared by the Wisconsin Department of Natural Resources, and the Ozaukee County Code as amended. (Also see Section 1.1218 of this Ordinance.)

**SECTION 1.0706 NATURAL RESOURCE PROTECTION PLAN REQUIRED.** For properties proposed to be divided by a Certified Survey Map or Subdivision Plat or developed as a Condominium, and that contain natural resource features as described in Divisions 1.1100 and 1.1500 of this Ordinance, a "*Natural Resource Protection Plan*," as described in Division 1.0400 shall be submitted for review by the Town Zoning Administrator and Plan Commission.

**SECTION 1.0707 DECLARATION OF DEED RESTRICTIONS, PROTECTIVE COVENANTS, CONSERVATION EASEMENTS, AND HOMEOWNERS' ASSOCIATION.** The following documents shall be submitted with the Preliminary Plat as required:

- A. Declaration of Deed Restrictions and Protective Covenants. The Plan Commission shall require submission of a draft of declaration of deed restrictions and protective covenants whereby the Subdivider or Condominium Developer (as applicable) intends to regulate the protection of natural resource features in the proposed Subdivision in conjunction with the "*Natural Resource Protection Plan*."
- B. Conservation Easements. The Plan Commission shall, where natural resource are present, require submission of a draft of conservation easements whereby the Subdivider or Condominium Developer (as applicable) intends to regulate the protection of natural resource features in the proposed Subdivision in conjunction with the "*Natural Resource Protection Plan*."
- C. Wisconsin Non-Profit Membership Corporation (Homeowners' Association). The Plan Commission shall require submission of a draft of the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners' association), when the Subdivider or Condominium Developer (as applicable) proposes that property within a Subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Town pursuant to Section 236.293 of the Wisconsin Statutes, whereby the Subdivider or Condominium Developer (as applicable) intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

D. Town Attorney Review. The Town Attorney shall review all draft declaration of deed restrictions and protective covenants, conservation easements, and homeowners' associations and shall approve said instruments as to form.

**SECTION 1.0708 SURVEYOR'S AFFIDAVIT.** The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a current representation of all existing land divisions and features and that he has fully complied with the provisions of this Ordinance.

## **DIVISION 1.0800 FINAL PLAT**

**SECTION 1.0801 GENERAL.** A Final Plat prepared by a Wisconsin registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.

**SECTION 1.0802 ADDITIONAL INFORMATION.** The plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:

- A. Centerline of Streets. Exact length and bearing of the centerline of all streets.
- B. Street Width. Exact street width along the line of any obliquely intersecting street.
- C. Railroad Right-of-Ways. Railroad right-of-ways within and abutting the plat.
- D. Setbacks and Building Lines. Setbacks or building lines required by the Plan Commission or Town Zoning Ordinance.
- E. Utilities and Drainage. Utility and/or drainage easements.
- F. Future Public Acquisition and Reservations. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- G. Special Restrictions. Special restrictions required by the Plan Commission relating to conservation easements, access control along public ways, delineation of flood plain and wetland limits, natural resource mitigation areas, or to the provision of "*Landscape Buffer yard Easements*."
- H. Floodplain Limits. Flood plain limits and the contour lines lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the elevation of the maximum flood of record.
- I. Water Elevations of All Lakes, Ponds, Streams, Flowages and Wetlands. Water elevations of all lakes ponds, streams, flowages, and wetlands at the date of the survey and approximate high and low water elevations, all referred to National Geodetic Datum of 1929 (mean sea level).
- J. Town Zoning Administrator May Require Additional Information. Where the Town Zoning Administrator finds that in order to review the Final Plat additional information is required relative to a particular problem presented by a proposed development, the Town Zoning Administrator shall have the authority to request in writing such information from the Subdivider or Condominium Developer (as applicable).
- K. Additional Information May Be Required By Others. Any additional information required by the Plan Commission, Town Planner, Town Engineer or Town Board.



**SECTION 1.0803 DECLARATION OF DEED RESTRICTIONS, PROTECTIVE COVENANTS, CONSERVATION EASEMENTS, AND HOMEOWNERS' ASSOCIATION.** The following documents shall be submitted with the Final Plat as required.

- A. Declaration of Deed Restrictions and Protective Covenants. Submission to the Plan Commission of the final draft of declaration of deed restrictions and protective covenants whereby the Subdivider or Condominium Developer (as applicable) intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development.
- B. Conservation Easements. The submission to the Plan Commission of the final draft of conservation easements whereby the Subdivider or Condominium Developer (as applicable) in conjunction with the "*Natural Resource Protection Plan.*"
- C. Wisconsin Non-Profit Membership Corporation (Homeowners' Association). The submission to the Plan Commission of the final draft of the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners' association), when the Subdivider or Condominium Developer (as applicable) proposes that property within a Subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Town pursuant to Section 236.239 of the Wisconsin Statutes, whereby the Subdivider or Condominium Developer (as applicable) intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development.
- D. Town Attorney Review. The Town Attorney shall review all final declaration of deed restrictions and protective covenants, conservation easements, and homeowners' associations and shall approve said final instruments as to form.
- E. Town Board Approval. All final declaration of deed restrictions and protective covenants, conservation easements, and homeowners' associations shall be approved by the Town Board, pursuant to the requirements of this Ordinance, as a part of Final Plat approval.

**SECTION 1.0804 SURVEY ACCURACY.** The Town Engineer shall examine all Final Plats within the Town and cause to be made by a registered land surveyor, as directed by the Town 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. 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 part in 10,000, nor in azimuth four 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. Street, Block and Lot Dimensions. 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 part in 5,000, or an error in measured angle greater than one 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 minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed 5 minutes of arc.

- C. Town Plan Commission Receipt of Results of Town Engineer's Examination. The Plan Commission shall receive the results of the Town Engineer's examination prior to recommending approval of the Final Plat to the Town Board.

**SECTION 1.0805 SURVEYING AND MONUMENTING.** All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

**SECTION 1.0806 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 or monumented by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), County or municipality, the Final Plat shall be tied directly to one of the section or quarter corners so relocated and monumented.

- A. Grid Bearing and Distance of Tie Determined by Field Measurements. 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.
- B. Closed Survey Required. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- C. Reference to the Wisconsin Coordinate System. All distances and bearings shall be referenced directly to the Wisconsin Coordinate System and adjusted to the County's control survey.

**SECTION 1.0807 CERTIFICATES.** All Final Plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes. The certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. In addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance.

**SECTION 1.0808 RECORDATION.** The Final Plat shall only be recorded with the Ozaukee County Register of Deeds after the certificates of the Wisconsin Department of Administration, of the Town Board, of the Surveyor, and those certificates required by Section 236.21 of the Wisconsin Statutes are placed on the face of the Final Plat. The Final Plat shall be recorded as set forth in Section 1.0306 (E) of this Ordinance.

#### **DIVISION 1.0900 CERTIFIED SURVEY MAP**

**SECTION 1.0901 GENERAL.** A Certified Survey Map prepared by a Wisconsin registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 235.34 of the Wisconsin Statutes as follows:

- A. Error in the Latitude and Departure Closure. The error in latitude and departure closure of the Certified Survey Map shall not exceed the ratio of one in 3,000.
- B. Monumentation. All corners of the Certified Survey Map shall be monumented in accordance with Section 236.15 (1) (c) and (d) of the Wisconsin Statutes.
- C. Map Requirements. The Certified Survey Map shall be prepared in accordance with Section 236.20 (2) (a), (b), (c), (e), (f), (g), (i), (j), (k), and (L) and (3) (b) of the Wisconsin Statutes on a scale of not more than 500 feet to the inch as follows:
1. The exterior boundaries of the land surveyed and divided.
  2. All monuments erected, corners and other points established in the field in their proper places. The material of which the monuments, corners or other points are made shall be noted at the representation thereof by legend, except lot, outlot and meander corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length and weight per lineal foot of the monuments.
  3. The length and bearing of the exterior boundaries, the boundary lines of all blocks, public grounds, streets and alleys, and all lot lines, except that when the lines in any tier of lots are parallel it shall be sufficient to mark the bearings of the outer lines on one tier thereof. Easements not parallel to a boundary or lot line shall be shown by centerline distance, bearing and width or by easement boundary bearings and distances. Where easement lines are parallel to boundary or lot lines, the boundary or lot line distances and bearings are controlling. Where the exterior boundary lines show bearings or lengths which vary from those recorded in abutting plats or certified surveys there shall be the following not placed along such lines, "*recorded as (show recorded bearing or length or both)*".
  4. All lots and outlots in each block consecutively numbered.
  5. The exact width of all easements, streets and alleys.
  6. All lake or stream shore meander lines established by the surveyor in accordance with Section 236.15 (1)(d) of the Wisconsin Statutes, the distances and bearings thereof, and the distance between the point of intersection of such meander lines with lot lines and the ordinary high water mark.
  7. A north point property located thereon identified as referenced to a magnetic, true or other identifiable direction and related to a boundary line of a quarter section, recorded private claim or federal reservation in which the subdivision is located.
  8. The area in square feet of each lot and outlot.
  9. When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places. All curved lines shall show, either on the lines or in an adjoining table, the radius of the circle, the central angle subtended, the chord bearing, the chord length and the arc length for each segment. The tangent bearing shall be shown for each end of the main chord for all circular lines. When a circular curve of 30-foot radius or less is used to round off the intersection between two straight lines, it shall be tangent to both straight lines. It is sufficient to show on the plat the radius of the curve and the tangent distances from the points of curvature to the point of intersection of the straight lines.

10. When strict compliance with a provision of this section will entail undue or unnecessary difficulty or tend to render the plat or certified survey map more difficult to read, and when the information on the plat or certified survey map is sufficient for the exact retracement of the measurements and bearings or other necessary dimensions, the department or, in first class cities, the city engineer may waive such strict compliance.

11. The name of the plat shall be printed thereon in prominent letters, and shall not be a duplicate of the name of any plat previously recorded in the same county or municipality. The following information relating to the position and location of the subdivision shall be shown on the plat:

a. The location of the subdivision shall be indicated by bearing and distance from a boundary line of a quarter section, recorded private claim or federal reservation in which the subdivision is located. The monumentation at the ends of the boundary line shall be described and the bearing and distance between them shown.

12. The Certified Survey Map shall be prepared with a binding margin of 1.5 inches wide and a 0.5 inch margin on all other sides on durable white paper 8.5 inches wide by 14 inches long with a nonfading black image or reproduced with photographic silver haloid image on double matt polyester film of not less than 4 mil thickness which is 8.5 inches wide by 14 inches long. When more than one sheet is used for any Certified Survey Map each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets in the Certified Survey Map and showing the relationship of that sheet to the other sheets. "CERTIFIED SURVEY MAP" shall be printed on the Certified Survey Map in prominent letters with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range, and county noted. Seals or signatures reproduced on images complying with this paragraph shall be given the force and effect of original signatures and seals.

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

1. By whose direction the surveyor made the survey, division, and map of the land described on the Certified Survey Map.
2. A clear and concise description of the land surveyed, divided, and mapped by government lot recorded private claim, quarter-quarter section, section, township, range and county; and by metes and bounds commencing with a monument at a section or quarter section corner of the quarter section or at the end of a boundary line of a recorded private claim or federal reservation in which the Certified Survey Map is located; or if the land is located in a recorded subdivision or recorded addition to a recorded subdivision then by the number or other description of the lot, block, or subdivision, which has previously been tied to a corner marked and established by the U.S. public land survey.

3. A statement that the map is a correct representation of all of the exterior boundaries of the land surveyed and the division of that land.
4. A statement that the surveyor has fully complied with the provisions of this section in surveying, dividing, and mapping the land.

The Certified Survey Map shall comply with the design standards and improvement requirements set forth in Division 1.1000 of this Ordinance.

**SECTION 1.0902 ADDITIONAL INFORMATION.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.36 of the Wisconsin Statutes and Section 1.0901 above, the following:

- A. Physical Features. Locations of all existing property boundary lines, structures, driveways, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, and other similar significant natural or man-made features within the tract being divided as determined by the Plan Commission.
- B. Setback or Building Lines. Setbacks or building lines required by the Town Plan Commission or Town Zoning Ordinance.
- C. Utility and Drainage Easements. Utility and/or drainage easements.
- D. Reserved Lands. All lands reserved for future acquisition.
- E. Special Restrictions. Special restrictions required by the Plan Commission relating to conservation easements, access control along public ways, delineation of flood plain and wetland limits, natural resource mitigation areas, or to the provision of "*Landscape Buffer yard Easements.*"
- F. Existing and Proposed Contours. Existing and proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than ten percent, and of not more than five feet where the slope of the ground surface is ten percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may be waived if the parcel(s) created are fully developed.
- G. Floodplain Limits and Contours. Floodplain limits and the contour lines lying a vertical distance of two feet above the elevation of the 100year recurrence interval flood, or where such data is not available, five feet above the elevation of the maximum flood of record.
- H. Date, Scale and North Arrow. Date of the Certified Survey Map, graphic scale, and north arrow.
- I. Owner, Subdivider, Land Surveyor. Name and address of the owner, Subdivider, and land surveyor.
- J. Area Contiguous to Certified Survey Map. Entire area contiguous to the proposed Certified Survey Map owned or controlled by the Subdivider shall be included on the Certified Survey Map 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.

- K. Parcel and/or Lot Size. The dimensions and size (in square feet or acres), of each parcel or lot created by the Certified Survey Map including outlots.
- L. Existing Zoning. The Certified Survey Map shall indicate on its face the current zoning of all parcels, lots or outlots proposed to be created by the Certified Survey Map.
- M. Soil Types. Soil types and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- N. Location of Soil Tests. Location of soil tests where required by Chapters Comm 83 and 85 of the Wisconsin Administrative Code and in areas not served by municipal or sanitary district sewage treatment facilities, conducted in accordance with Chapters Comm 83 and 85 of the Wisconsin Administrative Code, taken at the location and depth in which soil adsorption waste disposal systems are to be installed.
  - a. The number of such tests initially made shall not be less than one test pre three acres or one test per lot, whichever is greater.
  - b. The results of such tests shall be submitted along with the Certified Survey Map.
- O. Deed, Restrictions, and/or Conservation Easements. Deed restrictions and/or conservation easements as required by this Ordinance shall be filed with the Certified Survey Map.
- P. Location of Proposed Deed Restrictions, Landscape Easements, and/or Conservation Easements. The location of any proposed deed restrictions, landscape easements, and/or conservation easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Certified Survey Map. The location and extent of conservation easements shall be directly related to the *"Natural Resource Protection Plan."*
- Q. Landscape Plan. As required by Division 1.0500 of this Ordinance.
- R. Location Sketch. A small location sketch indicating where the Certified Survey Map is located.
- S. Additional Information. Any additional information required by the Town Zoning Administrator, Plan Commission, Town Planner, Town Engineer or Town Board.

**SECTION 1.0903 STATE PLANE COORDINATE SYSTEM.** Where the Certified Survey Map is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated, monumented by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), the County or a municipality, the map shall be tied directly to one of the sections 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 plan coordinates of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System and adjusted to the Regional Planning Commission's, County's, or municipality's control survey, whichever is applicable.

**SECTION 1.0904 CERTIFICATES**

- A. Surveyor's Certification of Compliance with Ordinance. The surveyor shall certify on the face of the Certified Survey Map that he has fully complied with all the provisions of this

- Ordinance. The certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- B. Owner's Certificate of Dedication of Streets and Other Public Areas. The 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) of the Wisconsin Statutes.

**SECTION 1.0905 RECORDATION.** The Certified Survey Map shall only be recorded with the County Register of Deeds within 30 days of its approval by the Town Board and any other approving agencies. The certificate of the surveyor shall be placed on the face of the Certified Survey Map pursuant to the requirements of Section 1.0904 of this Ordinance.

## **DIVISION 1.1000 DESIGN STANDARDS**

### **SECTION 1.001 STREET ARRANGEMENT**

- A. Street Layout to Conform to Official Map and/or Adopted Plans. In any new Subdivision, Certified Survey Map or Condominium, the street layout shall conform to the arrangement, width and location indicated on the official map, County jurisdictional highway system plan, County Development Plan, municipal comprehensive plan or plan component or neighborhood unit development plan of the County or the Town of Saukville.
- B. Street Layout in Areas with No Official Map or Adopted Plans. 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.
1. Access to Public Streets Required. The Certified Survey Map or Subdivision shall be designed so as to provide each lot with satisfactory access to a public street.
  2. Arterial Streets. 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.
  3. Collector Streets. Collector streets, as hereinafter defined, shall be arranged to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street, major street, and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches or shopping centers, business parks, and other concentrations of population or employment

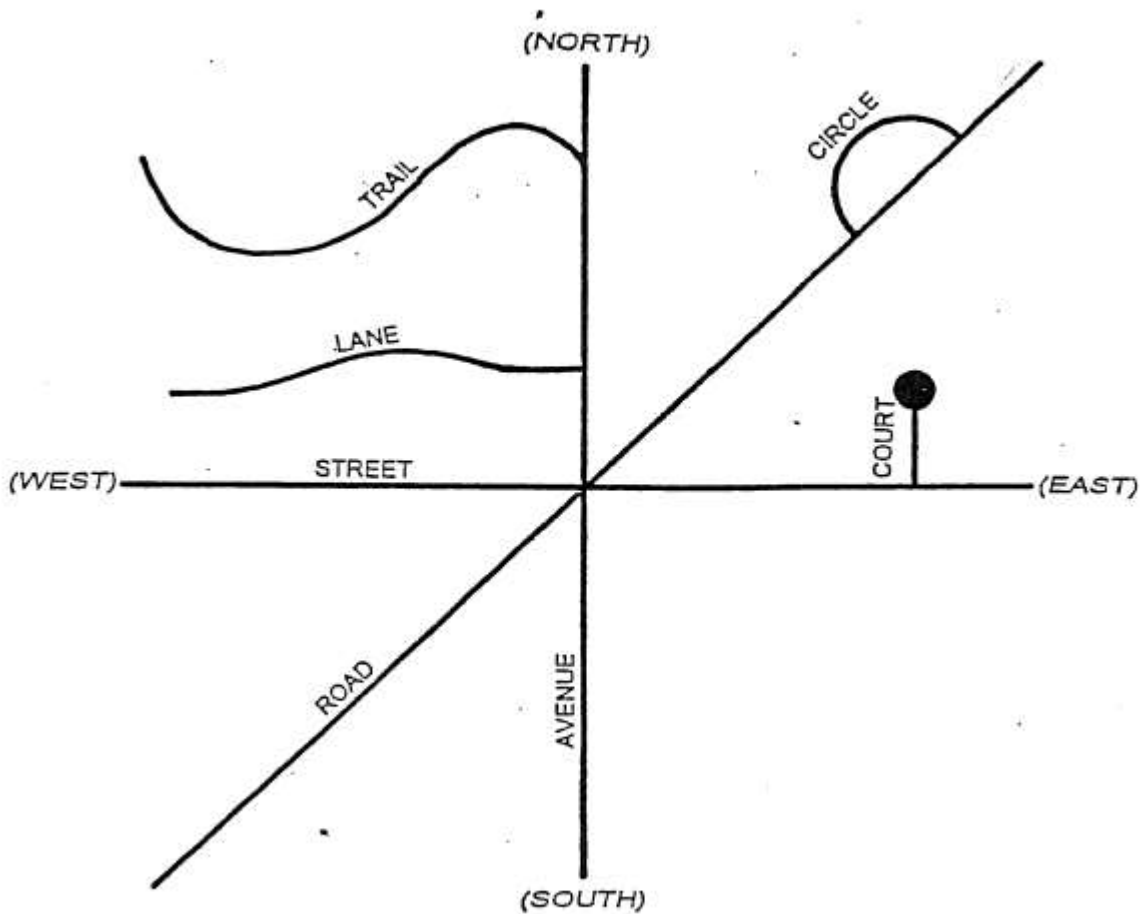
and to the arterial and/or major streets to which they connect. Where neighborhoods and/or commercial activity/employment centers abut along arterial streets or highways, collector streets shall be planned to align to provide secondary interconnections between abutting neighborhoods or between abutting commercial activity/employment centers.

4. Minor Streets. 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 safe and convenient access to abutting property.
5. Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being subdivided or developed as a Condominium unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the Subdivision or Condominium or for the advantageous development of the adjacent tracts.
6. Arterial Street and Highway Protection. Whenever a proposed Certified Survey Map or Subdivision contains or is adjacent to an arterial 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 non-access reservation along the rear property line, or by the use of frontage streets.
7. Stream or Lake Shores. Stream or lake shores shall have a minimum of 60 feet of public access platted to the low water mark at intervals of not more than one-half mile as required by Section 236.16(3) of the Wisconsin Statutes.
8. Reserve Strips ("Spite Strips"). Reserve strips, sometimes called "*spite strips*" which prevent access to a public street, shall not be provided on any Subdivision, Certified Survey Map, or Condominium to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Plan Commission.
9. Alleys. Alleys may be provided in commercial and industrial areas for off-street loading and service access if required by the Plan Commission, but shall not be approved in residential districts. Dead-end alleys shall not be approved by the Plan Commission. Alleys shall not connect to a major thoroughfare.
10. Street Names. Street names shall not duplicate or be similar to existing street names elsewhere in the County, and existing street names shall be projected wherever possible. Street names, in general, shall conform to the system set forth in Figure 1.



Figure 1

METHOD OF NAMING STREETS



**SECTION 1.1002 LIMITED ACCESS HIGHWAY TREATMENT.** Whenever the proposed subdivision contains or is adjacent to a limited access highway right-of-way, the design shall provide the following treatment:

- A. Landscape Bufferyard Easement Required. When lots within the proposed Subdivision, Certified Survey Map or Condominium back upon the right-of-way of an existing or proposed limited access arterial street or highway, a planting strip (landscape bufferyard easement) a minimum 35 feet in depth (width), or as otherwise required by the Town of Saukville Zoning Code, 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:

*“Landscape Bufferyard Easement: This strip is reserved for the planting of trees and shrubs; the building of structures heron is prohibited.”*

- B. Streets Serving Commercial and Industrial Properties. Commercial and industrial properties shall have provided, on each side of the limited access highway, 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 by not less than 150 feet.
- C. Streets Parallel to a Limited Access Highway Right-of-Way. Streets parallel to a limited access highway right-of-way, when intersecting a major street and highway or collector street which crosses said highway, shall be located at a minimum distance of 250 feet from said highway 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.
- D. Minor Streets Adjacent and Parallel to Arterial Streets and Highways. Minor streets immediately adjacent and parallel to arterial streets and highways shall be avoided in residential areas.

**SECTION 1.1003 STREET AND ROAD DESIGN STANDARDS.** The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the County development or Town comprehensive plan, plan component, official map, neighborhood development study or jurisdictional highway system plan of the County or local municipality; or if no width is specified there, the minimum widths shall be as shown in Table 1 (page 38).

Street sections are for standard arterial streets only. Cross-sections for freeways, expressways, and parkways shall be based upon detailed engineering studies. In addition:

- A. **Maximum Cul-de-Sac Street Length.** Cul-de-Sac streets designed to have one end permanently closed shall not exceed 750 feet in length.
  - 1. Seven hundred fifty feet in length in areas serving lots less than two acres in area and the total potential average daily traffic (ADT) is less than **five hundred (250) ?**.
  - 2. One thousand feet in length in rural areas where lots are greater than two acres in area and the total potential average daily traffic (ADT) is less than one hundred.

**Table 1**

**MINIMUM DIMENSIONAL DESIGN STANDARDS  
FOR URBAN AND RURAL STREETS AND OTHER PUBLIC WAYS**

Type of Street Or Other Public Way	Required Minimum Section in Urban Areas (a)		Required Minimum Section in Rural Areas (a)	
	Width of Dedicated Right-of-Way (feet)	Dimensions of Section Components (feet)	Width of Dedicated Right-of-Way (feet)	Dimensions of Section Components (feet)
Arterial Streets (four-lane)	130	Pavement=Dual 36 (face of curb to face of curb) Median=26 Curb Lawn=1- per side Sidewalk=5 Outside Sidewalk=1	130	Pavement =Dual 24 Median=18 Shoulders=1- outside, 6 Inside Roadside Ditch=16 per side
Arterial Streets (two-lane rural to suburban to urban transitional)	130	Pavement=24 Shoulder=10 (paved) (Note: The balance of the right-of-way is to accommodate future improvements)	100	Pavement=24 Shoulder=10 (paved) (Note: The balance of the right-of-way is to accommodate future improvements)
Collector Street (Public)	80	Pavement=40 (face of curb to face of curb) Curb Lawn=14 per side Sidewalk=5 per side Outside Sidewalk=1 per side	None	None
Minor Streets (Typical Public)	66	Pavement=28 (face of curb to face of curb) Curb Lawn=10 per side Sidewalk=5 per side Outside Sidewalk=1 per side	66	Pavement = 24 Shoulders = 5 per side Roadside Ditch= 13 per side
Minor Streets (Public Natural Resource Protection Option as Determined by Town Board)	50	Pavement =28 (face of curb to face of curb) Curb Lawn=11 per side Sidewalk = None	50	Pavement = 22 Shoulders = 5 per side Roadside Ditch= 9 per side
Minor Street Reservations (Private) Serving a Maximum of two lots or parcels)	66 (Not dedicated-reservation & access easement only)	None	66 (Not dedicated-reservation & access easement only)	None

**Table 1**  
**(continued)**

**MINIMUM DIMENSIONAL DESIGN STANDARDS  
FOR URBAN AND RURAL STREETS AND OTHER PUBLIC WAYS**

Type of Street Or Other Public Way	Required Minimum Section in Urban Areas (a)		Required Minimum Section in Rural Areas (a)	
	Width of Dedicated Right-of-Way (feet)	Dimensions of Section Components (feet)	Width of Dedicated Right-of-Way (feet)	Dimensions of Section Components (feet)
Cul-de-Sac (turn-around)	60 radius	Pavement=Dual 36 (face of curb to face of curb) Median=26 Curb Lawn=1- per side Sidewalk=5 Outside Sidewalk=1	75 radius	Pavement=Dual 36 (face of curb to face of curb) Median=26 Curb Lawn=1- per side Sidewalk=5 Outside Sidewalk=1
Alleys	25	Pavement=20 Outside Pavement=2.5 per side	Not permitted	Not permitted
Bicycle Paths	20(b)	Pavement=10 Outside Pavement=5 per side	20(a)	Pavement=10 Outside Pavement=5 per side
Pedestrian Ways	20(b)	Pavement=5 Outside Pavement=7.5 per side	20(a)	Pavement=5 Outside Pavement=7.5 per side

(a) See Division 1.1500 for definitions of “Urban Area” and “Rural Area”

(b) An easement may be permitted by the Plan Commission rather than a dedicated public right-of-way.

B. Temporary Street Termination. Temporary termination of streets 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 the 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.

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

1. Freeways and arterial streets and highways shall be designed so they will not be overtopped by the 100year recurrence interval flood.
2. Collector streets shall be designed so they will not be overtopped by the 50-year recurrence interval flood.

3. Local streets shall be designed so they will not be overtopped by the 25-year recurrence interval flood.

D. New and Replacement Bridges and Culverts.

1. 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 ensure compliance therewith.
2. 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 0.01 feet above the peak stage for the 100-year recurrence interval flood.
  - a. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure.
  - b. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.

E. Street Grades.

1. 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.
2. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for arterial streets and one-half this minimum for all other streets.
3. 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:
  - a. Arterial and collector streets – six percent.
  - b. Minor streets, alleys and frontage streets – eight percent.
  - c. Pedestrian ways: eight percent and meeting all applicable “Americans with Disabilities Act (ADA) Accessibility Guidelines.”
4. The grade of any street shall in no case exceed 12 percent or be less than one-half of one percent.
5. Street grades may be varied as provided for in Section 1.1003 (E) of this Ordinance.

F. Radii of Curvature.

1. When a continuous street centerline deflects at any one point by more than ten degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following.
  - a. Arterial streets and highways: 500 feet
  - b. Collector streets: 300 feet
  - c. Minor streets: 100 feet
  - d. Rural and Suburban streets: May be less than 100 feet in environmentally sensitive areas as determined by the Plan Commission.
2. 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 subdivided by either a Subdivision Plat or Certified Survey Map, the other half of the street shall be dedicated by the Subdivider or Condominium Developer (as applicable). The platting of new half-streets shall not be permitted.

**SECTION 1.1004 STREET INTERSECTIONS.** Streets shall intersect each other at nearly right angles as topography and other limiting factors of good design permit. In addition:

- A. Maximum Number of Streets Converging at Single Intersection. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.
- B. Number and Distance Between Intersections Along Arterial Streets and Highways. The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,200 feet.
- C. Rounding of Property Lines at Street Intersections Required. Property lines at street intersections may be rounded with a minimum radius of 15 feet or of a greater radius when required by the Plan Commission or shall be cut off by a straight line through the points of tangency of an arc having a radius of 15 feet.
- D. Continuous Alignment of Minor Streets Required at Intersections. 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 adjusted so that the adjoinment across the major or collector street is continuous; thus a job is avoided.

**SECTION 1.1005 BLOCKS.** The widths, lengths and shapes of blocks that are created shall be suited to the planned use of the land, zoning requirements, overall residential density, the need for convenient access, control and safety of street traffic and the limitations and opportunities of topography. In addition:

- A. Maximum Block Length. The length of blocks in residential areas shall not, as a general rule, be less than 600 feet nor more than 1,500 feet in length unless otherwise dictated by the Town of Saukville Zoning Code, exceptional topography, environmental features, request of the Plan Commission, or other limiting factors of good design.
- B. Pedestrian Ways Required at Center of Blocks Over 900 Feet in Length. Pedestrian ways (easement or dedicated public right-of-way) of not less than 20 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 to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.
- C. Block Width. The width of blocks shall be wide enough to provide for two 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. Mid-Block Utility Easements Required. Utility easements for electric power and telephone service shall, where practicable, be placed on mid-block easements along rear lot lines.

**SECTION 1.1006 LOTS.** The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

- A. Lot Lines. Lot lines shall follow municipal boundary lines rather than cross them.
- B. Double Frontage Lots. 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 and orientation.
- C. Access. Every lot shall front or abut for a distance of at least 70 feet on a public street.
- D. Area and Dimensional Requirements of Lots. Areas and dimensions of all lots shall conform to the requirements of the Town of Saukville Zoning Code. Those building sites not served by a public sanitary sewage system or other approved system shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with Chapters Comm 83 and 85 of the Wisconsin Administrative Code and all applicable Ozaukee County Codes including Chapter IX titled "Sanitation and Health" of the Ozaukee County Code regarding the construction of an on-site sewage disposal systems.
- E. Lot Depth. Excessive depth of lots 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.

- F. Lot Width. Width of lots shall conform to the requirements of the Town of Saukville Zoning Code or other applicable ordinance.
- G. Corner Lots. Corner lots which are one acre or less in area shall have an extra width of ten feet to permit adequate building setbacks from side streets.
- H. Plats Abutting a Lake or Stream. In any plat abutting a lake or stream, lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications.
- I. Land Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots or a plan shown as to future use rather than allowed to remain as unusable parcels.
- J. Large Lots. Where lots are created of a size larger than the minimum lot size required by the underlying zoning district, the Plan Commission may require that the plat be so designed as to allow for the possible future resubdivision of such lots into lot sizes compatible with the underlying zoning district.
- K. Flag Lots. Flag lots shall be prohibited.

**SECTION 1.1007 ACCESS TO PUBLIC STREETS.** This Section sets forth vehicular access requirements for Certified Survey Maps, and Subdivision Plats, and Condominiums which abut both arterial, collector, and minor streets. This Ordinance recognizes that public streets are a public investment which requires control mechanisms in order to assure both public safety and functional capacity. Proposed Certified Survey Maps, Subdivision Plats, and Condominiums for residential and nonresidential zoning districts shall meet the following standards:

- A. Access Standards for All Residential and Nonresidential Uses. All proposed Certified Survey Maps, Subdivision Plats, and Condominiums proposed for residential and/or nonresidential uses located in residential and/or nonresidential zoning districts shall meet the following standards:
  1. Controlled Access to Public Streets. Lot and parcel vehicular access points shall be permitted only at locations in accordance with this Ordinance and other Town of Saukville adopted comprehensive plan or elements thereof, ordinances, or other plans approved by the Plan Commission. The Plan Commission may limit vehicular access to any adjoining arterial, collector or minor street.
  2. Distance Between Vehicular Access Points. The spacing of vehicular access points from arterial, collector, and minor streets to lots and parcels shall be determined as a function of arterial street and highway, collector street, and minor street operating speeds. The minimum spacing between vehicular access point along such streets or highways shall be determined according to Table 2. These spacings are based upon average vehicle acceleration and deceleration rates and are considered necessary to maintain safe traffic operation.
  3. Limitation of Access to Interstate, United States, and State Trunk Highways. No new direct vehicular access shall be allowed to interstate, United States, and state trunk highway public right-of-ways unless approved by the Wisconsin Department of Transportation, Ozaukee County and the Plan Commission.



**Table 2**

**STREET AND HIGHWAY OPERATING SPEED AND MINIMUM SPACING BETWEEN DIRECT VEHICULAR ACCESS POINTS**

<u>Street/Highway Speed Limit (mph)</u>	<u>Minimum Driveway Spacing Measured at the Street Right-of-Way Line (feet)</u>
25	105
30	125
35	150
40	185
45	230
50	275

Source: American Planning Association. Planning Advisory Service (PAS) Memo, July 1983.

4. Temporary Access.

- a. Town Streets. On Town streets, the Town Board may grant temporary access to properties and require their closure when access through adjoining properties is acquired upon recommendation by the Plan Commission. Such access shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.
- b. County Highways. Temporary access to County highway rights-of-way shall be reviewed and may be approved by the Ozaukee County Highway Department. It is the Subdivider's or Condominium Developer's responsibility (as applicable) to obtain all necessary approvals from the Ozaukee County Highway Department for all such temporary access points proposed prior to Certified Survey Map, Subdivision Plat or Condominium approval by the Town.
- c. State Highways. Temporary access to State highway rights-of-way shall be reviewed and may be approved by the Wisconsin Department of Transportation. It is the Subdivider's or Condominium Developer's responsibility to obtain all necessary approvals from the Wisconsin Department of Transportation for all such temporary access points proposed prior to Certified Survey Map, Subdivision Plat or Condominium approval by the Town.

- 5. Area Circulation Plan. The Plan Commission may require the preparation of an area circulation plan for the proposed Certified Survey Map, Subdivision Plat, or Condominium or covering several properties in an area surrounding a proposed Certified Survey Map, Subdivision Plat, or Condominium. The delineation of the area for the preparation of an area circulation plan shall be determined by the Plan Commission. Such a plan may require the sharing of access locations or temporary access. All landowners, except those with a previously approved Certified Survey

Map, Subdivision Plat or Condominium shall be required to conform to such an area circulation plan once it is adopted by the Plan Commission as a component, or element, or the Town comprehensive plan. The Plan Commission may require that such an area circulation plan be prepared based upon the conduct of a traffic impact analysis conducted by a licensed professional engineer with expertise in traffic engineering. The Town Engineer shall review all such studies and assist the Plan Commission.

6. Vehicular Nonaccess Reservations Required. The Plan Commission may require that deed restrictions be placed on Certified Survey Maps, Subdivision Plats or Condominiums in order to limit vehicular access to abutting arterial, collector or minor streets and highways. A landscaped bufferyard of adequate opacity, determined by the Plan Commission or other Town ordinances, shall be provided in vehicular non-access reservations along the property line abutting a public street right-of-way. In such situations, vehicular access to such lots may be provided by an abutting minor or collector street at designated access driveways. Such vehicular non-access reservations shall be graphically so noted on Certified Survey Maps, Subdivision Plats or Condominium Plats prior to their approval by the Town.
  7. Arterial Street and Highway Access and Street Intersections. No new direct public or private access shall be permitted to an arterial street or highway within 115 feet of the intersection of the right-of-way lines of another arterial street or highway; and where lot or parcel size permits, no new direct public or private access shall be permitted to an arterial street or highway within 500 feet of the intersection of the right-of-way lines of another arterial street.
  8. Minor Streets and Vehicular Access Point Alignments. Minor streets and vehicular access points along both sides of a collector and/or arterial street shall be aligned to assist in reducing the number of driveways needed and to improve safety conditions related to access to the street system.
  9. Sight Distance and Driveway Placement. Direct vehicular access placement on abutting minor, collector, and arterial streets and highways shall be such that an exiting vehicle has a minimum unobstructed sight distance according to Table 3 based upon the operating design speed of the abutting collector or arterial street or highway.
- B. Access Standards for Nonresidential and Multiple-Family Residential Uses. All proposed Certified Survey Maps, Subdivision Plats and Condominiums proposed for nonresidential and multiple-family residential uses located in nonresidential and-or multiple-family residential zoning districts shall meet the following standards:

**Table 3**

**HIGHWAY DESIGN SPEED AND MINIMUM REQUIRED SIGHT DISTANCE  
FOR DIRECT VEHICULAR ACCESS POINT PLACEMENT**

Highway Design Speed - mph	Minimum Sight Distance in feet
30	200
35	225
40	275
45	325
50	350

Source: American Planning Association. *Planning Advisory Service (PAS) Memo*, July 1983.

1. Maximum Number of Vehicular Access Points Per Lot. Generally, along arterial streets and highways (including lots which abut the frontage roads of said right-of-ways), where the abutting street frontage is less than 400 feet, a maximum of one vehicular access point shall be permitted to a particular lot from each of any one or two abutting arterial streets and highways. One additional driveway entrance along a single continuous lot with frontage in excess of 400 feet may be permitted by the Plan Commission. When a shared vehicular access point is used by two or more abutting lots, said shared vehicular access point shall be considered as one single vehicular access point for each lot or parcel served.
2. Provision of Shared Vehicular Access Points Between Lots. Vehicular access points planned to be located along property lines, or within five feet of a property line shall be shared vehicular access points with the abutting lot or parcel. The vehicular access points with the abutting lot or parcel. The vehicular access point centerline may be the property line between two lots or parcels or land or may be a mutually agreed upon land access easement.

**SECTION 1.1008 BUILDING 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 Subdivision, certified Survey Map or Condominium is located, may be required by the Plan Commission.

**SECTION 1.1009. EASEMENTS**

- A. Natural Resource Features Protection/Mitigation, Conservation, Landscape, Bufferyard, and Utility Easements Required. The Plan Commission shall require natural resource features protection/mitigation, conservation, landscape bufferyard, and 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 natural resource feature protection, landscape bufferyard, electric power and communication lines, wires, conduits, storm and sanitary sewers and gas, water and other utility lines.

- B. Subdivision, Certified Survey Map or Condominium Plat Traversed by Watercourse, Drainageway Channel or Stream. Where a Subdivision, Certified Survey Map or Condominium Plat is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be provided as required by the Plan Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission, and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater 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 Town Engineer.
- C. Minimum Width Required for All Utility Easements. All utility easements shall be a minimum of 12 feet in width or wider where recommended by the Town Engineer.

**SECTION 1.1010 PUBLIC SITES AND OPEN SPACES**

- A. Reservation and/or Dedication of Suitable Sites of Adequate Area for Future Schools, Parks, Playgrounds, Drainageways, and Other Public Purposes. In the design of a Subdivision Plat, Certified Survey Map, Condominium of multiple-family dwelling development zoned for agricultural or residential uses, due consideration shall be given to the reservation and/or dedication of suitable sites of adequate area for future schools, parks, playgrounds, drainageways, and other public purposes.

- 1. Provision of public park areas shall be based upon the per capita standards set forth in the adopted Town comprehensive plan or elements thereof (i.e., the type of park area needed per 1,000 persons served) as follows:

*Community Level Public Outdoor Recreation Land:*

For Park Site = 2.2 acres per 1,000 persons  
 For Playfield and  
 Playground  
 Associated with  
 Park Site = 0.9 acres per 1,000 persons

*Neighborhood Level Public Outdoor Recreation Land:*

For Park Site = 1.7 acres per 1,000 persons  
 For Playfield and  
 Playground  
 Associated with  
 Park Site = 1.6 acres per 1,000 persons

*Total Public Outdoor  
 Recreation Land*

*Dedication Required* = 6.4 acres per 1,000 persons

The determination of the persons per household, or dwelling unit, shall be based upon the average number of persons per household as reported in the most recent U.S. Census for the Town of Saukville, Wisconsin (Note: in 1990 there were 297 persons per household in the Town of Saukville). Based upon these adopted Town plan standards, the amount of land to be dedicated for public outdoor recreations lands, including public parks and playgrounds, shall be according to those rates set forth in Section 1.1010D) of this Ordinance.

2. If designated on the County development plan, Town master plan, comprehensive plan, plan component, official map or component neighborhood or subarea development plan, such park areas shall be made a part of the Certified Survey Map, Subdivision Plat, Condominium or multiple-family dwelling development as stipulated in Section 1.0203 of these regulations.
3. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, young or mature woodlands, wetlands, lakes and ponds, watercourses, watersheds, drainageways, steep slopes and ravines.

B. Selection of Options. The Plan Commission shall at the time of reviewing the Certified Survey Map, Preliminary Plat, Condominium, or multiple-family dwelling development, recommend to the Town Board one of the following options and record such recommendation in the minutes of the meeting at which the Certified Survey Map, Preliminary Plat, Condominium or multiple-family dwelling development is presented for approval. The Town Board, at the time of reviewing the Certified Survey Map, Preliminary Plat, Condominium or multiple-family dwelling development and after reviewing the recommendation of the Plan Commission, selects one of the following options and records such selection in the minutes of the meeting at which the Certified Survey Map, Preliminary Plat, Condominium or multiple-family dwelling development is presented for approval:

1. Dedicate open space lands designated on the County development plans, Town comprehensive plan or plan component, or
2. Reserve such open space lands and pay a public outdoor recreation land site fee in conformance with the Town of Saukville "Impact Fee Ordinance" as established pursuant to the requirements of Section 66.55 of the Wisconsin Statutes as amended, or
3. Where not open space lands are directly involved, pay a public outdoor recreation land site fee in conformance with the Town of Saukville "Impact Fee Ordinance" as established pursuant to the requirements of Section 66.55 of the Wisconsin Statutes as amended.

C. Exemptions. Subject to the requirements and provisions of the Town of Saukville "Impact Fee Ordinance" established pursuant to the requirements of Section 66.55 of the Wisconsin Statutes as amended, where a lot, parcel or dwelling unit for which dedication or fee in lieu of dedication has once been paid is further divided or additional dwelling units created, dedication or payment in lieu of dedication shall be required only for the additional lots, parcels, or purposes at the time of the creation of the Subdivision, Certified Survey Map,

Condominium, or multiple-family dwelling development shall be required to pay a public outdoor recreation land site fee. Lots or parcels designated as “outlots” as defined by this Ordinance, shall not be counted as lots or parcels for which a land dedication is required or to provide a fee in lieu of dedication. Lots or parcels designated as “outlots” may, however, be dedicated or reserved as public sites as long as their intended public use is so designated on the face of the Subdivision Plat, Certified Survey Map, Condominium, or multiple-family dwelling development.

D. Dedication of Site Option.

1. Determination of the Amount of Land to be Dedicated. Whenever a proposed playground, park, or other public open space land designated on the County’s Development Plan, Town’s comprehensive plan, neighborhood unit development or subarea plan or other comprehensive plan component is encompassed, all or in part, within a tract of land to be divided by either a Certified Survey Map or Subdivision Plat or is a part of a Condominium or multiple-family dwelling development, the public lands shall be made a part of the Certified Survey Map, Preliminary Plat, Condominium, or multiple-family dwelling development and shall be dedicated to the public by the Subdivider or Condominium Developer at the following rates for the provision of the following public outdoor recreation lands:

*Community Level Public Outdoor Recreation Land:*

For Park Site = 0.006534 acres per dwelling unit  
For Playfield and  
Playground  
Associated with  
Park Site = 0.002673 acres per dwelling unit

*Neighborhood Level Public Outdoor Recreation Land:*

For Park Site = 0.005039 acres per dwelling unit  
For Playfield and  
Playground  
Associated with  
Park Site = 0.004752 acres per dwelling unit

*Total Public Outdoor  
Recreation Land*

*Dedication Required* = 0.018998 acres per dwelling unit

2. Maximum Period of Land Reservation. Any such proposed lands in excess of the rate established herein shall be reserved for a period not to exceed five years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices. If the lands in excess of the established rate are not acquired within the five year period as set forth herein, the land will be released from reservation to the property owner.

3. Stormwater Detention/Retention Areas or Basins, Wetlands, Shoreland Wetlands, and/or Floodplains Not Qualified for Meeting Land Area Requirements. Areas used or required for stormwater detention or retention areas or basins, wetlands, shoreland wetlands, and/or floodplains shall not qualify for meeting the land area requirements set forth herein for the dedication of suitable public outdoor recreation lands. If such sites are dedicated for public use, they shall be in addition to suitable land area that meets the land area dedication requirements set forth herein.

E. Reservation of Site Options. Whenever a proposed playground, park or other public open space land designated on the County's Development Plan, Town's comprehensive plan, neighborhood unit or subarea development plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be divided by either a Certified Survey Map or Subdivision Plat or is a part of a Condominium or multiple-family dwelling development, and whenever the Subdivider or Condominium Developer is given the option to dedicate or reserve public sites and open spaces by the Plan Commission, the public lands shall be made a part of the Certified Survey Map, Preliminary Plat, Condominium or multiple-family dwelling development and reserved for a period not to exceed five years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices.

1. For reserved lands:

a. The Subdivider or Condominium Developer shall pay a public outdoor recreation land site fee under the requirements and provisions of the Town of Saukville "Impact Fee Ordinance" established pursuant to Section 66.55 of the Wisconsin Statutes as amended at the time of application for Final Plat, Condominium, or multiple-family dwelling development approval at the rate and according to the procedures set forth in Section 1.1010 (F) of this Ordinance.

b. Restrictive covenants shall be placed on plats identifying the outlots reserved along with the date of release from the restrictions.

2. Reserved lands will be released from reservation to the owner if the lands in excess of the established rate are not acquired within the five year period.

F. Public Outdoor Recreation Land Site Fee Option. See the requirements and provisions of the Town of Saukville "Impact Fee Ordinance" established pursuant to Section 66.55 of the Wisconsin Statutes as amended.

G. Designation of Outlots as Public Sites. Lots or parcels designated as "outlots," as defined by this Ordinance, may be dedicated or reserved as public sites by the Subdivider or Developer (as applicable) as long as the intended public use of said outlots is so designated on the face of the Subdivision Plat, Certified Survey Map, Condominium or multiple-family dwelling development.

H. Stormwater Detention/Retention Areas or Basins, Wetlands, Shoreland Wetlands, and/or Floodplains Not Qualified for Meeting Land Area Requirements. Areas used or required for

stormwater detention or retention areas or basins, wetlands, shoreland wetlands, and/or floodplains shall not qualify as suitable public outdoor recreation lands. If such sites are dedicated for public use, they shall be considered public open space.

- I. Suitability. (See Sections 1.0203 (B) and 1.0203 (C) of this Ordinance.
- J. Public Pedestrian Access. In addition to those requirements set forth in Section 1.0203 (E) of this Ordinance, where a Certified Survey Map, Preliminary Plat, Condominium, or multiple-family dwelling development abuts a public use area, such as a park, lake, stream, hunting grounds, or any similar type of public recreational area, the Subdivider or Developer (as applicable), at the option of the Town of Saukville and/or the appropriate municipality may be required to provide a pedestrian access easement at least twenty feet wide at approved distance internals connecting such public area with a public street.
- K. Effective Date of Dedication of Land for Public Purposes. The dedication of land for public purposes, such as parkways or recreational corridors, parks, playgrounds, open space sites, right-of-ways or easements, becomes effective at the time of approval and/or recording of Certified Survey Map, Preliminary Plat, Condominium or multiple-family dwelling development.
- L. Building and Development Restrictions on Lands Reserved for Public Acquisition. On lands reserved for eventual public acquisition, no building or development shall be permitted during the period of reservation.
  - 1. The reservation period shall not be longer than five years unless arranged otherwise with the Subdivider or Developer.
  - 2. Land so reserved must be clearly delineated and dimensioned (including square footage or acreage) on the Final Plat, Certified Survey Map, Condominium or multiple-family dwelling development plans.
- M. Minimum Site Preparation Required of Dedicated Public Sites. When public sites are dedicated as public sites, the Subdivider or Developer (as applicable) shall:
  - 1. Properly grade and contour the public site for proper drainage and for the anticipated use of the area.
  - 2. Cover areas to be seeded with a minimum of four inches of quality topsoil. Said topsoil furnished for the park site shall consist of natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus-bearing soils adopted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline.
  - 3. Provide such improvements to the public site as may be agreed upon and as set forth in the "Subdivider's Agreement" between the Town and the Subdivider or Developer (as applicable).
  - 4. If the Subdivider or Developer (as applicable) fails to satisfy the requirements of this Section, the Town Board may take action to satisfy the requirements and bill such costs to the Subdivider or Developer (as applicable) following written notice to the Subdivider or Developer (as applicable) of noncompliance. Failure of the Subdivider or Developer (as applicable) to pay such costs may result in the immediate withholding of all Building Permits for the Subdivision, Certified Survey Map, Condominium or multiple-family dwelling development until such costs are paid.



## **DIVISION 1.1100 NATURAL RESOURCES**

### **SECTION 1.1101 NATURAL RESOURCE PROTECTION**

- A. Natural Resource Protection Standards. All new Certified Survey Maps, Subdivision Plats, or Condominiums created in the Town of Saukville shall comply with the natural resource protection standards set forth in Table 4. All the natural resources required to be protected under this Division shall remain undisturbed and in a natural state except those natural resources where mitigation is permitted and such mitigation is in strict accord with those requirements set forth in this Division of the Ordinance.
- B. Natural Resource Features Determination.
1. Steep Slopes. The definition of steep slopes, as applied to this Division, appears in Division 1.1500 of this Ordinance. Steep slopes are to be determined through the use of the following sources and/or methods in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Plan Commission, the succeeding source shall be used:
    - a. Topographic survey prepared and certified by a Wisconsin registered land surveyor at a contour interval of not less than two feet.
    - b. Large scale 1" = 200' Ozaukee County topographic maps.
    - c. U.S.G.S. 7.5 -minute topographic quadrangle maps.

The area of steep slopes (in square feet or acres) shall be measured and graphically delineated on a topographic drawing and on the "Natural Resource Protection Plan." Such steep slope drawing shall graphically indicate those steep slope areas, by slope type, of the property pursuant to the "steep slope" definition set forth in Division 1.1500 of this Ordinance.

**Table 4**

**NATURAL RESOURCE PROTECTION STANDARDS**

NATURAL RESOURCE FEATURE	ZONING DISTRICT TYPE					
	Agricultural		Residential		Non-Residential	
	Protection Standard	Mitigation Standard	Protection Standard	Mitigation Standard	Protection Standard	Mitigation Standard
Steep Slopes: 10-19%	0%	NA	0%	0%	0%	No
20-30%	65%	No	65%	65%	65%	No
+30%	90%	No	90%	90%	90%	No
Woodlands & Forests(a): Mature	70%	No	70%	No	70%	No
Young	50%	No	50%	No	50%	No
Lakes & Ponds (a)	100% (a)	No	100% (a)	No	100% (a)	No
Streams	100%	No	100%	No	100%	No
Shore Buffer (a)	100% (a)	No	100% (a)	No	100% (a)	No
Floodplains/ Floodplains (a)	100% (a)	No	100% (a)	No	100% (a)	No
Drainageways	30%	Yes	30%	Yes	30%	Yes
Wetlands & Shoreland Wetlands (a)	100% (a)	No	100% (a)	No	100% (a)	No

(a) As regulated by Chapter VII titled "Zoning" of the Ozaukee County Code as amended.

N/A = Not Applicable.

**2. Woodlands and Forests.**

a. The definition of woodlands and forest (mature and young), as applied to this Division, appears in Division 1.1500 of this Ordinance. The determination of woodland and forest boundaries shall be based on the following sources:

- 1) 1" = 400' aerial photographs prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) or from Ozaukee County (most recent date only).
- 2) A field survey of trees compiled by a registered land surveyor and identified by a landscape architect, forester, arborist or botanist with a professional degree in one of those fields of endeavor.

- b. All land area within a proposed development, Certified Survey Map, Subdivision Plat, or Condominium consisting of the woodlands and forests as defined in this Ordinance shall be accurately measured as follows:
- 1) Each woodland and forest area shall include the tree trunk and the area located within the drip line or tree canopy.
  - 2) The area of woodlands and forests (mature and young) in square feet or acres, shall be accurately measured and graphically delineated on the “*Natural Resource Protection Plan.*” Such “*Natural Resource Protection Plan*” drawing shall indicate all woodland and forest areas of the property. IN cases where the drip line or canopy areas overlap, the areas of overlap shall only be counted once for area calculations. In cases where drip line or canopy areas overlap property lines the property line(s) are to be used as the boundary for the woodland or forest area, with only that portion of the drop line area located on the subject property counted toward the woodland or forest area.
  - 3) The location, size and species of all healthy trees having a diameter of eight inches or greater D8H that are located in woodland and forest areas within 25 feet of any proposed improvement and/or in woodland and forest areas to be demolished due to the placement of improvements or grading are to be graphically shown on the “*Natural Resource Protection Plan*” or submitted as a separate drawing.
  - 4) For the remaining undisturbed areas of the development, Certified Survey Map, Subdivision Plat or Condominium only the outline of woodland and forest areas set forth in Division 1.1eas indicating whether they are mature or young woodlands is required.
3. Lakes and Ponds. Lakes and ponds, as defined in Division 1.1500 of this Ordinance, are to be determined through the use of the definitions of “Lake” and “Pond” as set forth in Division 1.1500 of this Ordinance and the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Plan Commission, the succeeding source shall be used:
- a. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval or not less than two feet.
  - b. Large scale 1” – 200’ Ozaukee County topographic maps.
  - c. U.S.G.S. 7.5-minute topographic quadrangle maps.

The area of lakes and ponds (in square feet or acres) shall be measured and graphically delineated on the “*Natural Resource Protection Plan.*”

4. Streams. Streams, as defined in Division 1.1500 of this Ordinance, are to be determined through the use of the definitions of “Channel” and “Stream” as set forth in Division 1.1500 of this Ordinance and the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Plan Commission, the succeeding source shall be used:

- a. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval or not less than two feet.
- b. Large scale 1" – 200' Ozaukee County topographic maps.
- c. U.S.G.S. 7.5-minute topographic quadrangle maps.

The area of streams (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan."

5. Shore Buffers. Shore buffers, as defined in Division 1.1500 of this Ordinance, are to be determined as the land within 75 feet of the ordinary high water mark of all navigable waters and parallel to that ordinary high-water mark. Navigable waters are to be determined through the use of the definition of "Navigable Water" set forth in Division 1.1500 of this Ordinance and the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Plan Commission, the succeeding source shall be used:

- a. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval or not less than two feet.
- b. Large scale 1" – 200' Ozaukee County topographic maps.
- c. U.S.G.S. 7.5-minute topographic quadrangle maps.

The area of shore buffers (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan."

6. Floodplain/Floodlands. The definition of floodplain and floodlands appears in Division 1.1500 of this Ordinance. The 100-year recurrence interval floodplain and floodways shall be determined as depicted on the Federal Emergency Management Agency's (FEMA) "Firm: Flood Insurance Rate Map(s)" with the effective date of March 18, 1991 as amended. Where a conflict exists between the floodland limits as shown on the Federal Emergency Management Agency's (FEMA) "Firm: Flood Insurance Rate Map(s)" and actual field conditions, the elevations from the 100-year recurrence interval flood profiles contained in the published Flood Insurance Study-Ozaukee County, Wisconsin (Unincorporated Areas) prepared by the Federal Emergency Management Agency (FEMA), dated March 18, 1991 shall be used.
7. Drainageways. Drainageways, as defined in Division 1.1500 of this Ordinance, are to be determined as the land on either side of and within 50 feet of the centerline of any intermittent or perennial stream graphically shown on those maps cited below, except for areas designated as wetlands, shoreland wetlands, floodlands, floodways, or 100-year recurrence interval floodplains. Drainageways are to be determined through the use of the following sources and/or methods in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Plan Commission, the succeeding source shall be used:

- a. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval or not less than two feet.
- b. Large scale 1" – 200' Ozaukee County topographic maps.
- c. U.S.G.S. 7.5-minute topographic quadrangle maps.

The area of drainageways (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan."

8. Wetlands (including Shoreland Wetlands). Wetlands and shoreland wetlands are defined in Division 1.1500 of this Ordinance. Wetland areas shall be determined by reference to the following sources in the order show below. If the first source is considered inaccurate or inappropriate as determined by the Plan Commission, the second technique may be used:

- a. Wetland inventory maps prepared for the Town of Saukville as part of the "Wisconsin Wetland Inventory" prepared by the Wisconsin Department of Natural Resources as amended.
- b. Field survey of plant material by a botanist with a professional degree in either botany or biology.

The area of wetlands and/or shoreland wetlands (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan."

- C. Natural Resources Measurement. All land area within a proposed Certified Survey Map, Subdivision Plat, or Condominium consisting of the natural resource features defined in this Ordinance shall be accurately measured. The total square feet and acreage of each natural resource feature shall be multiplied by its respective "Natural Resource Protection Standard" as set forth in Table 4 "Natural Resource Protection Standards" of this Ordinance to determine the amount of each natural resource feature to be protected by a conservation easement. If two or more natural resource features are present on the same area of land, only the most restrictive natural resource protection standard shall be used. *(For example, if floodlands and woodlands and forest occupy the same space on a site, the natural resource protection standard would be 100% for this area representing the higher of the two standards.)* Those areas to be demolished due to improvements or site grading or disturbed through the application of permitted mitigation techniques shall also be measured and so noted but shall not be counted as a natural resource area to be preserved.

#### **SECTION 1.1120 NATURAL RESOURCE FEATURES MITIGATION**

- A. Intent of Mitigation. The Town of Saukville recognizes that, under certain circumstances, property owners, Subdividers, or Condominium Developers may wish to develop in portions of those protected natural resource feature areas indicated in Table 4 that are shown as eligible for mitigation. In Paragraph B of this Section the conditions for mitigation and mitigation standards are set forth for the various natural resource features for which mitigation is allowed under the provisions of Table 4.

The intent of this Section is not to permit greater destruction of natural resource features than is permitted under the requirements of this Ordinance for typical property of development. This Section sets specific standards for use when the extent of the natural resources on a site and the use of the regulations would create a major hardship for said natural resource feature protection. Thus, mitigation is intended to be used in lieu of a variance request when severe hardships would result from the strict enforcement of the natural resource protection standards and requirements set forth in this Ordinance.

B. Mitigation Standards. The following methods, requirements, standards and/or criteria shall be followed for the mitigation of those natural resource features that may be mitigated under the requirements set forth under Table 4:

1. Woodlands and Forests. Either of the following two alternative requirements shall be applicable to the mitigation of woodland and forest areas:

a. Alternative 1:

- 1) Mitigation shall include the planting of one and one-quarter acres of new woodland/forest for every one acre of disturbed woodland/forest for which mitigation is required
- 2) Mitigation shall include the replacement of woodlands/forests that have been disturbed. Such mitigation shall consist of the planting of new woodland/forest areas, as specified in Paragraph (1) above, using the following number of plants per acre of mitigated area:

15 canopy trees, minimum 3.5 inch caliper\*

12 canopy trees, minimum 2 inch caliper\*

250 canopy trees, minimum 4 foot high whips

50 understory trees, minimum 5 foot high whips

25 shrubs, minimum 12 inches high

\*Note: Each 3.5 inch caliper canopy tree may be substituted with two 1.5 inch caliper canopy trees.

b. Alternative 2:

- 1) Mitigation shall include the planting of one and one-half acres of new woodland/forest for every one acre of disturbed woodland/forest for which mitigation is required.
- 2) Mitigation shall include the replacement of woodlands/forests that have been disturbed. Such mitigation shall consist of the planting of new woodland/forest areas, as specified in Paragraph (1) above, using the following number of plants per acre of mitigated area:

- 12 canopy trees, minimum 3.5 inch caliper\*
- 10 canopy trees, minimum 2 inch caliper\*
- 200 canopy trees, minimum 4 foot high whips
- 40 understory trees, minimum 5 foot high whips
- 20 shrubs, minimum 12 inches high

\*Note: Each 3.5 inch caliper canopy tree may be substituted with two 1.5 inch caliper canopy trees.

- c. The species of plants to be used in the mitigation of woodlands/forests shall be similar to those that are destroyed (that is, those species native to Wisconsin southern mesic forests). A minimum mix of 12 species are to be planted. Acceptable species for southern mesic forest woodland and forest mitigation are as indicated in Table 5. No more than 80 percent of the total number of trees planted for mitigation purposes, however shall be of the Sugar Map (*Acer saccharum*) species.
- d. The land upon which the mitigation is to take place shall be protected with a deed restriction and conservation easement as a permanent natural resource features conservation easement.
- e. No true cutting or removal, subsequent to the adoption of this Ordinance, shall reduce the woodland/forest natural resource features protection requirements of this Ordinance.
- f. In those areas of a site where trees are proposed to be eliminated, the relocation of those trees to designated mitigation areas of the site is to be encouraged.

**Table 5**

TREE SPECIES FOR WOODLAND AND FOREST MITIGATION

Species Common Name	Species Scientific Name
Sugar Maple	<i>Acer saccharum</i>
Yellowbud Hickory	<i>Carya cordiformis</i>
Hackberry (Sugarberry)	<i>Celtis occidentalis</i>
Beech	<i>Fagus grandifolia</i>
White Ash	<i>Fraxinus americana</i>
Butternut	<i>Juglans cinerea</i>
Black Walnut	<i>Juglans nigra</i>
Ironwood	<i>Ostrya virginiana</i>
Red Oak	<i>Quercus borealis</i>
American Basswood	<i>Tilia americana</i>
American Elm	<i>Ulmus americana</i>
Slippery Elm	<i>Ulmus rubra</i>

2. Lakes and Ponds. As may be permitted under the requirements of the Chapter VII titled “Zoning” of the Ozaukee County Code as amended.

Where permitted under the requirements of Chapter VII of the Ozaukee County Code as amended, the required lakes and ponds natural resource protection standard may be reduced and/or mitigated only if such reduction and/or mitigation is part of a Town Engineer approved stormwater drainage system that meets, at a minimum, all of the following criteria.

- a. The time of concentration of stormwater flows remains unchanged or is lengthened.
- b. Stormwater storage capacity is unchanged or increased.
- c. Additional water is not backed up onto adjoining properties.

3. Floodplains and Floodlands. As may be permitted under the requirements of Chapter VII titled “Zoning” of the Ozaukee County Code as amended.

4. Drainageways. The required drainageway natural resource protection standard may be reduced and/or mitigated only if such reduction and/or mitigation is part of a Town Engineer approved stormwater drainage system that meets, at a minimum, all of the following criteria:

- a. The time of concentration of stormwater flows remains unchanged or is lengthened.
- b. Stormwater storage capacity is unchanged or increased.
- c. Vegetation is installed stabilizing the drainageway soil.
- d. The resultant drainageway produces less stormwater velocity than pre-existed or reduces streambank erosion through the provision of erosion control measures.
- e. Additional water is not backed up onto adjoining properties.

- C. Off-Site Mitigation. Off-site mitigation may be permitted by the Plan Commission provided that such off-site mitigation occurs within the same subwatershed as the natural resource feature, or property, being mitigated.



## **DIVISION 1.1200 REQUIRED IMPROVEMENTS**

**SECTION 1.1201 PAYMENT FOR IMPROVEMENTS.** The improvements prescribed in this Ordinance are required as a condition of approval of a Subdivision, Certified Survey Map, or Condominium. The required improvements described in this Ordinance shall be installed, furnished, and financed at the sole expense of the Subdivider or Condominium Developer (as applicable). However, in the case of required improvements in a commercial, industrial or other nonresidential area, the cost of such improvements, at the sole discretion of the Town Board, may be financed through special assessments. A contract, or Subdivider's Agreement, with the subdivider and/or condominium Developer (as applicable) as specified under Section 1.0205 of this Ordinance shall be required. Financial sureties described in Section 1.0205 of this Ordinance shall be required.

**SECTION 1.1202 GENERAL STANDARDS.** The required improvements set forth in this Ordinance shall be installed in accordance with the Town's "*Standards and Specifications for Development.*" Where the Town has no prescribed standards and specifications, the improvements shall be made in accordance with good engineering practices, approved prior to the commencement of construction by the Town Engineer.

**SECTION 1.1203 SURVEY MONUMENTS.** The Subdivider or Condominium Developer (as applicable) shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer.

### **SECTION 1.1204 GRADING.**

- A. Right-of-Way and Roadbed Grading. After the installation of temporary block corner monuments by the Subdivider or Condominium Developer (as applicable) and establishment of street grades, the Subdivider or Condominium Developer (as applicable) shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standards specifications approved by the Town and in conformance with the Town's "*Standards and Specifications for Development.*" The Subdivider or Condominium Developer (as applicable) shall grade the roadbeds in the street right-of-ways to subgrade.
- B. Grading of Cut and filled Lands. Cut and filled lands shall be graded to a maximum slope of one to four (1:4) or the soils angle of repose, whichever is the lesser, and covered with permanent vegetation. To the extent practicable, grading shall be minimized.
- C. Preservation of Septic Field Areas During Grading. During grading operations, every effort shall be made by the Subdivider or Condominium Developer (as applicable) to preserve and protect any septic field areas from damage.
- D. Preservation of Existing Trees During Grading. During grading operations, every effort shall be made by the Subdivider or Condominium Developer (as applicable) to preserve and protect from damage those existing trees identified in the "Natural Resource Protection

Plan” to be preserved and retained as a part of the Subdivision, Certified Survey Map or Condominium approval. (See Section 2.2305 of this Ordinance for minimum procedures).

**SECTION 1.1205 ROADWAY SURFACING.**

- A. Roadway Surfacing. After the installation of all required utility and stormwater drainage improvements, the Subdivider or condominium Developer (as applicable) shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the County’s development plan or Town of Saukville’s comprehensive plan or plan components.
- B. Required Surfacing Specifications. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town including the Town’s “*Standards and Specifications for Development*.”

**SECTION 1.1206 CURB.** In all Subdivisions, Certified Survey Maps, and Condominiums located in urban areas, as defined in Division 1.1500 of this Ordinance (see also Table 1), the Plan Commission may require the Subdivider or Condominium Developer (as applicable) to construct concrete curbs in accordance with plans and “Standards and Specifications for Development” as approved by the Town. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

**SECTION 1.1207 SIDEWALK.** Sidewalks may be required by the Plan Commission in Subdivisions, Certified Survey Maps, or Condominiums located in urban areas (see Table 1), to accommodate safe and adequate pedestrian circulation. Where sidewalks are provided, they shall be a minimum of five feet in width and be located within a dedicated public right-of-way or pedestrian access easement. If the sidewalk is to be located within a pedestrian access easement, said easement shall be a minimum of 20 feet in width as specified in Table 1 of this Ordinance.

**SECTION 1.1208 RURAL STREET SECTIONS.** When permanent rural street sections have been approved by the Plan Commission, the Subdivider or Condominium Developer (as applicable) 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 Town, including the Town’s “*Standards and Specifications for Development*,” and as set forth in Table 1 of this Ordinance.

**SECTION 1.1209 BICYCLE PATHS AND TRAILS.** The Subdivider or Condominium Developer (as applicable) shall install required bicycle paths and trails in accordance with the Town’s plans and specifications, including the Town’s “*Standards and Specifications for Development*,” approved by the Town. The Subdivider or Condominium Developer (as applicable) shall assume the entire cost of such bicycle paths and trails except in the case of dual bicycle paths and streets. The added cost for streets wider than those required by Table 1 in order to accommodate bicycle paths and trails shall be the responsibility of the municipality charged

with the maintenance of the proposed facility. In the event the Subdivider or Condominium Developer (as applicable) wishes to install dual lane facilities, which may not be required by the town, the total cost of such improvements shall be borne by the Subdivider or Condominium Developer (as applicable).

**SECTION 1.1210 PUBLIC SANITARY SEWERS.** When public sanitary sewer facilities are available to the Subdivision Plat, Certified Survey Map or Condominium in urban areas, the Subdivider or Condominium Developer (as applicable) shall construct sanitary sewer facilities in such a manner as to make adequate sanitary sewer service available to each lot within the Subdivision or Certified Survey Map or dwelling unit within a Condominium. In addition:

- A. Extent of Required Installation of Lateral Sewer Lines. The Plan Commission shall require the installation of sewer laterals to the street lot line.
- B. Plans and Specifications Required. 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 Town, including the Town's "*Standards and Specifications for Development,*" approved by the Town of Saukville.
- C. Costs Associated with Sanitary Sewers 8 in. or Less in Diameter. The Subdivider or Condominium Developer (as applicable) shall assume the cost of installing all sanitary sewers that are 8 inches in diameter or less.
- D. Costs Associated with Sanitary Sewers Larger than 8 in. or Less in Diameter. If larger than 8 inch diameter sanitary sewers are required to handle the contemplated sewage flows, the costs of such larger sewers shall be prorated in proportion to the ration which the total sewage of the proposed Subdivision, Certified Survey Map, or Condominium is to the total sewage capacity to be served by such larger sewer and the excess cost shall be either borne by the Town of Saukville or assessed against the total tributary sewer area.
- E. Sanitary Sewer Availability and Requirements for Installation. The Subdivider or Condominium Developer (as applicable) shall install sanitary sewers in accordance with this Ordinance and specifications of the Town, including the Town's "*Standards and Specifications for Development,*" when it is determined that the proposed subdivision or minor land division lies within a public sanitary sewer service area and sanitary sewer facilities are programmed to be extended to the proposed Subdivision, Certified Survey Map, or Condominium within six years.
  - a. Until such time as the public sewers within the Subdivision, Certified Survey Map or Condominium can be connected to the public sanitary sewer system, they shall be temporarily capped.
  - b. No private or public use shall be connected to the sanitary sewers within the Subdivision, Certified Survey Map, or Condominium until such sanitary sewers are connected to the public sewerage system.

- c. The Subdivider or Condominium Developer (as applicable) shall indicate on the face of the Subdivision Plat, Certified Survey Map or Condominium Plat that the owner of private uses within the Subdivision, Certified Survey Map or Condominium shall connect such uses to the sanitary sewers in the Subdivision, Certified Survey Map or Condominium at the time such sanitary sewers are connected to the public sewerage system, and that the Town shall be held harmless for any damages or costs incurred to disconnect and abandon any on-site sanitary sewer disposal system then in place and any costs associated with connection to the public sewer mains.

**SECTION 1.1211 WASTEWATER HOLDING TANKS.** Where public sanitary sewer facilities are not available and after all other alternatives are exhausted, the Town Board may require or allow the Subdivider or Condominium Developer (as applicable) to construct either individual or common wastewater holding facilities sufficiently sized and placed to accommodate the Subdivision, Certified Survey Map, or Condominium. Said wastewater holding tanks shall be constructed pursuant to the Chapter IX titled, "*Sanitation and Health*" of the Ozaukee County Code as amended, the Town of Saukville Zoning Code, and in such a manner so as to make available wastewater holding facilities to each lot of the land division.

**SECTION 1.1212 STORMWATER DRAINAGE FACILITIES.** The Subdivider or Condominium Developer (as applicable) shall construct stormwater drainage facilities adequate to serve the Subdivision, Certified Survey Map, or Condominium in conformance (as applicable) with the adopted County Development Plan or elements thereof; all applicable Ozaukee County Codes pertaining to stormwater management; and/or local comprehensive plans or adopted plan components; or as required by the Town of Saukville based upon recommendation of the Town Engineer. These facilities may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention and detention structures, basins, 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. Stormwater Management Plan Required. A stormwater management plan shall be prepared by a Wisconsin registered professional engineer which shall include, but not be limited to, the following:
1. Existing and proposed topography at two foot contour intervals of the proposed Subdivision, Certified Survey Map or Condominium.
  2. Proposed elevations of all streets.
  3. Proposed drainage swales.
  4. Proposed storm sewers, manholes and inlets.
  5. Construction site erosion facilities.

6. A report and map(s) showing the drainage basin for the entire area where the Subdivision, Certified Survey Map or Condominium is located, including estimates of the total acreage in the drainage basin and percentage of the drainage basin within the proposed Subdivision, Certified Survey Map or Condominium.
7. Location of any planned stormwater detention and/or retention basins and applicable calculations for their sizing and design.
8. Calculations relating to the amount of runoff from the site of the proposed Subdivision, Certified Survey Map or Condominium prior to development and anticipated runoff following the development of the site.

B. Unpaved Street Gutters.

1. Unpaved street gutters shall be permitted and shall be shaped and seeded and/or sodded as grassed waterways.
2. The Subdivider or Condominium Developer (as applicable) is encouraged to use natural wetland plant materials where possible.
3. Where the velocity of flow is in excess of four feet per second on soils having a severe or very severe erosion hazard and in excess of six feet per second on soils having moderate, slight or very slight erosion hazard, the Subdivider or Condominium Developer (as applicable) shall meander the waterway or install a paved invert or check dams, flumes or other energy dissipating devices.

C. Drainage Facilities.

1. These shall, if required, include stormwater detention and/or retention basins, structures, and settling basins necessary so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes.
2. The design criteria, the size, type, grades, and installation of all stormwater 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 Town, including the Town's "Standards and Specifications for Development," approved by the Town.

D. Storm Sewers.

1. When required by the Town, the Subdivider or Condominium Developer (as applicable) shall assume the cost of installing all required storm sewers within the proposed Subdivision, Certified Survey Map, or Condominium except for the added cost of installing storm sewers greater than those which are necessary to serve tributary drainage areas lying outside of the proposed Subdivision, Certified Survey Map or Condominium.
2. The cost of such larger storm sewers shall be prorated in proportion to the ratio which the total area of the proposed Subdivision, certified Survey Map or Condominium is to the total drainage area to be served by such larger sewer, and the excess cost shall either be borne by the Town of Saukville or assessed against the total tributary drainage area.

**SECTION 1.1213 WATER SUPPLY FACILITIES.**

- A. Adequate Water Supply Facilities to be Made Available. When public water supply and distribution facilities are available to the Subdivision Plat, Certified Survey Map, or Condominium or when it is proposed to establish a private water supply and distribution system to serve two or more lots or dwelling units, the Subdivider or Condominium Developer (as applicable) 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 within the Subdivision or Certified Survey Map or to each Condominium dwelling unit.
- B. Additional Water Supply Facilities Requirements. The Subdivider or Condominium Developer (as applicable) shall make provision for adequate private water systems as required by the Town in accordance with the standards of the Wisconsin Department of Commerce. In addition:
1. Water Laterals to Street Lot Line. In urban areas, the Plan Commission may require the installation of water laterals to the street lot line.
  2. Size, Type, and Installation of Public and Private Water Mains. The size, type, and installation of all public and/or private water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town, including the Town's "*Standards and Specifications for Development.*"
  3. Costs of Installing Water Mains, Water Laterals, Water System Appurtenances or Wells. The Subdivider or Condominium Developer (as applicable) shall assume the cost of installing all water mains, water laterals, water system appurtenances or wells within the proposed Subdivision, Certified Survey Map or Condominium except for the added cost of installing public water mains greater than eight inches in diameter. The cost of such larger water mains or other water system-related facilities shall be prorated in proportion to the ratio which the total flow and amount required by the proposed Subdivision, Certified Survey Map, or Condominium is to the total water service area flow and amount requirements for the larger water main, and the excess cost shall either be borne by the Town of Saukville or assessed against the total water service area as determined by the Town Board.
  4. Installation of Water Main. The Subdivider or Condominium Developer (as applicable) shall install water main in accordance with this Ordinance and specifications of the Town, including the Town's "*Standards and Specifications for Development,*" when it is determined that the proposed Subdivision, Certified Survey Map, or Condominium lies within a Town of Saukville adopted public sanitary sewer service area and water main facilities are programmed to be extended to the proposed Subdivision, Certified Survey Map, or Condominium within six years.
    - a. Until such time as the public water mains within the Subdivision, Certified Survey Map or Condominium can be connected to the larger community water supply system, they shall be temporarily capped.
    - b. No private or public use shall be connected to the water mains within the Subdivision, Certified Survey Map or Condominium until such water mains are connected to the larger public water supply system.

c. The Subdivider or Condominium Developer (as applicable) shall indicate on the face of the Subdivision Plat, Certified Survey Map or Condominium Plat that the owner of private uses within the Subdivision Plat, Certified Survey Map, or Condominium Plat shall connect such uses to the water mains within the Subdivision Plat, Certified Survey Map or Condominium and hat the Town shall be held harmless for any damages or costs incurred to disconnect and abandon any on-site water supply system then in place, and any costs associated with connection to the public water mains.

5. Installation of Fire Hydrants. The Subdivider or Condominium Developer as applicable) shall install fire hydrants connected to water mains in accordance with this Ordinance and specifications of the Town, including the Town's "Standards and Specifications for Development," and other local regulations pertaining to the provision of adequate fire hydrant facilities.

**SECTION 11214 OTHER UTILITIES.** The Subdivider or Condominium Developer (as applicable) shall cause appropriate utilities such as gas, electrical power, cable television (where available), and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the Subdivision or Certified Survey Map and to each dwelling unit in a Condominium. No such electrical, cable television or telephone service shall be located on overhead poles. In addition, plans indicating the proposed location of all gas, electrical power, cable television, and telephone, and distribution and transmission lines required to service the Subdivision, Certified Survey Map or Condominium shall be approved by the Town Board.

**SECTION 1.1215 STREET LIGHTS.** The Subdivider or Condominium Developer (as applicable) may be required by the Plan Commission to install street lights along all streets in urban areas and proposed to be dedicated to the public. Said street lights shall meet the following standards:

- A. Pole and Luminaire Design. The design of the street lights shall be compatible with the neighborhood and type of development proposed. Street light pole and luminaire design shall meet the requirements set forth in the Town's "*Standards and Specifications for Development.*"
- B. Distribution and Placement. Street lights shall be placed at each street intersection and at each interior block location and other spacing as required by the Town Engineer.

**SECTION 1.1216 TRAFFIC CONTROL AND STREET NAME SIGNS.** The Subdivider or Condominium Developer (as applicable) shall install traffic control and street name signs along all streets proposed to be dedicated to the public. Traffic control and street name signs shall meet the following standards:

- A. Traffic Control Signs. The design and placement of traffic control signs shall follow state regulations.
- B. Street Name Signs. The Subdivider or Condominium Developer (as applicable) shall install at least two street name signs, of a design and color as approved by the Town, at each four-way street intersection proposed to be dedicated and one at each "T" intersection. Street name signs shall be installed so as to be free of visual obstructions.

**SECTION 1.1217 STREET TREES.** In all Subdivision, Certified Survey Maps, and Condominiums requiring new street dedications, the Town shall require the Subdivider or Condominium Developer (as applicable) to plant a minimum of one street tree of a Town approved species and of a minimum DBH of two inches for each fifty feet of lot frontage on each side of all streets to be dedicated to the public. Said required street trees shall be planted within five feet, but outside of, the public street right-of-way. All required street trees shall be installed by the Subdivider or Condominium Developer (as applicable) in accordance with plans and specifications, including the Town's "*Standards and Specifications for Development*," and those plans and specifications approved by the Plan Commission. Existing trees already in the prescribed locations and equal to or greater than the minimum DBH prescribed herein, shall be counted towards the required number of street trees on a one-to-one basis. Street trees shall be of the species set forth in Table 5 of this Ordinance. In addition:

- A. Minimum Distance to Utility Poles. No street trees shall be planted less than 15 feet from a utility pole or under power lines or in easements (except landscape bufferyard easements).
- B. Minimum Distance to Driveways. No street trees shall be planted less than five feet from a driveway.
- C. Minimum Distance to Sidewalks. No street trees shall be planted less than three feet from a sidewalk.
- D. Street Tree Guarantee Required. The Subdivider or Condominium Developer (as applicable) shall guarantee to replace any required street tree not surviving one year from the date of the Town's approval of the planting at the site. In no case shall it conflict with the surety bond herein and elsewhere described in this Ordinance.

**SECTION 1.1218 SOIL EROSION AND SEDIMENT CONTROL.** The Subdivider or Condominium Developer (as applicable) shall plant those grasses, trees, and vines, a species and size as approved by the Plan Commission, necessary to prevent soil erosion and sedimentation. In addition:

- A. Installation of Protection and Rehabilitation Measures. The Plan Commission shall require the Subdivider or Condominium Developer (as applicable) to provide or install certain protection and rehabilitation measures to prevent soil erosion and sedimentation, such as fencing, sloping, seeding, rip-rap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization.
- B. Conformance with Ozaukee County Requirements. Protection and rehabilitation measures shall be in conformance with the requirements of the Ozaukee County Code. Detailed construction plans shall be submitted to and reviewed by the Ozaukee County Land Conservation Department as to conformance with accepted Soil Conservation Standards based upon the Soil Conservation Service Technical Guide, Engineering Field Manual and other accepted Ozaukee County or Soil Conservation Service Standards.



- C. Tree Cutting and Shrubbery Clearing Limitations. Tree cutting and shrubbery clearing shall not exceed Town of Saukville Zoning Code requirements for the specified zoning district, the limitations set forth in Division 1.1100 of this Ordinance for natural resource features protection, the approved "*Natural Resource Features Protection Plan*" for the property as described in Division 1.0400 of this Ordinance, and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliage, substantially screen any development from stream to lake users.
- D. Maximum Width of Paths and Trails in Wooded and Wetland Areas. Paths and trails in wooded and wetland areas shall not exceed ten feet in width unless otherwise approved by the Plan Commission, 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. Any easements for such paths and/or trails shall meet those minimum requirements as set forth in Table 1 of this Ordinance.
- E. Earth Moving. 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 soil erosion and sedimentation and to minimize the disturbance of the natural fauna, flora, water course, water regimen, and topography (see Sections 1.1204, 1.1303 and 1.1305 of this Ordinance).
- F. Review of the Conduct of Cutting, Clearing and Moving. Review of the conduct of such cutting, clearing, and moving may be requested of the Ozaukee County Land Conservation Department, the State District Fish and Game Managers, and the State District Forester by the Town Zoning Administrator or the Plan Commission as they deem appropriate.
- G. Topsoil Preservation. Topsoil moved during the course of construction shall be redistributed on all pervious regraded surfaces so as to provide adequate topsoil to cover to all previous disturbed areas of the Subdivision, Certified Survey Map, Condominium or multiple-family dwelling development and shall be stabilized to prevent soil erosion by seeding or planting as determined by the Town Board. All moved topsoil shall be stored on-site.
- H. Slope and Terrace Protection. Areas of cuts, fills, and terraces shall be landscaped sufficiently to prevent soil erosion. All roadway slopes steeper than one foot vertically to four feet horizontally shall be planted and stabilized with groundcover appropriate for the purpose and for soil conditions, water availability, and environment as determined by the Town Engineer.

**SECTION 1.1219 IMPROVEMENTS EXTENDED TO LIMIT OF PARCEL**

- A. Improvements to be Extended to Farthest Limit of Parcel or Lot. Any and all improvements or utility services required by Division 1.1200 of this Ordinance, or a municipality's ordinance concerning areas within that municipality's extraterritorial plat jurisdiction, for the Subdivision, Certified Survey Map, or Condominium shall be extended to the farthest limit of the parcel or lot upon which a building permit is requested unless the owner is excused from meeting such requirement by the Plan Commission.

- B. Financial Sureties for Extension of Improvements Required. In the event the improvements are required to the end of the parcel or lot, the Subdivider or Condominium Developer (as applicable) shall be required to post financial sureties with the Town pursuant to Section 1.0205 of this Ordinance if improvements are not made.

## **DIVISION 1.1300 CONSTRUCTION**

**SECTION 1.1301 COMMENCEMENT.** No construction or installation of improvements shall commence in a proposed Preliminary Plat, Certified Survey Map or Condominium until said Preliminary Plat, Certified Survey Map, or Condominium has been approved and the Plan Commission has given written authorization to commence work. Inspection fees shall be required as specified in Section 1.1405 of this Ordinance.

**SECTION 1.1303 PLANS AND SPECIFICATIONS.** The following plans and accompanying construction specifications, in conformance with the Town's "Standards and Specifications for Development," shall be required by the Town before authorization of construction or installation of improvements:

- A. Street Plans and Profiles. Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.
- B. Existing and Proposed Contours. Existing and proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than ten percent and of not more than five feet where the slope of the ground surface is ten percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level).
- C. Sanitary Sewer Plans and Profiles. In urban areas, sanitary sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities, when located within a Town of Saukville adopted existing or proposed sanitary sewer service area.
- D. Storm Sewer Plans and Profiles. In urban areas, water main plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities. Also, a stormwater management plan shall be required as set forth in Section 1.1212 of this Ordinance.
- E. Water Main Plans and Profiles. In urban areas, water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities, when located within a Town of Saukville adopted existing or proposed sanitary sewer service area.
- F. Gas, Electrical Power, Telephone, and Cable Television Plans. Plans showing the location and size, where applicable, of all gas, electrical power, telephone, and cable television service.

G. Specifications for Protection Against Erosion, Siltation, Sedimentation, and Washing Required.

The Subdivider or Condominium Developer (as applicable) 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, including the Town's "*Standards and Specifications for Development*," approved by the Town. In addition:

1. Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
2. Temporary vegetation and mulching shall be used to protect critical areas and permanent vegetation shall be installed as soon as practical.
3. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
4. 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.
5. All erosion control procedures must be carried out in conformance with the Ozaukee County's and/or the Town's regulations for construction site erosion control.

H. Landscape and Planting Plans. Landscape and planting plans (see Division 1.0500) showing the locations, age, caliper and species of any required grasses, vines, shrubs and trees.

I. Record "As-Built" Plans. After completion of all public improvements and prior to final acceptance of said improvements, the Subdivider or Condominium Developer (as applicable) shall make or cause to be made three complete sets of record "as-built" plans for each of the plans required as set forth in this Section of this Ordinance and showing the actual location of all improvements made as required by the Town Engineer. These plans shall be prepared on the original Mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record "as-built" plans shall be a condition of final acceptance of the improvements and release of the financial surety assuring their completion. These plans shall be submitted to the Town Engineer for permanent filing at the Town Hall.

J. Additional Plans. Additional special plans or information as required by Town officials.

**SECTION 1.1304 MAINTENANCE OF IMPROVEMENTS DURING CONSTRUCTION.** The Subdivider or Condominium Developer (as applicable) shall make every effort to protect and maintain all improvements made to a Subdivision Plat, Certified Survey Map, or Condominium that is not dedicated to the Town during the construction of the Subdivision Plat, Certified Survey Map, or Condominium.

**SECTION 1.1305 EXISTING TREES AND FLORA.** The Subdivider or Condominium Developer (as applicable) 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 trees are to be protected and preserved during construction in accordance with sound conservations practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered. Towards that end, the following minimum procedures shall be followed during construction:

- A. Methodology for Tree Preservation to be Reviewed by the Plan Commission. The Subdivider's or Condominium Developer's (as applicable) proposed method for preserving trees shall be reviewed by the Plan Commission or its staff during the Preliminary Plat, Certified Survey Map, or Condominium approval phase of application to the Town. If, in the opinion of the Plan Commission, the Subdivider or Condominium Developer (as applicable) has not taken the necessary precaution in preserving existing trees as required by this Ordinance, no Building Permit shall be issued until such time as the Subdivider or Condominium Developer (as applicable) amends the plans for the preservation of such existing trees.
- B. Limitation on Encroachment of Grading and Construction Equipment. All grading and construction equipment shall be forbidden from encroaching within the tree's drip line.
- C. Material Dumping Prohibited Within Tree Drip Line. Materials detrimental to the tree shall not be dumped or placed within a tree's drip line or at any higher elevation than the base of the tree where drainage toward the tree could adversely affect the health of the tree. Said materials shall include, but not necessarily be limited to, excess soil, stone or rock, additional fill, equipment, liquids, or construction debris.
- D. Snow Fence Required. During grading and construction, a snow fence shall be installed at the periphery of the tree's drip line.
- E. Attachments to Trees Prohibited. No attachments or wires, other than those of a protective or non-damaging nature, shall be attached to any trees to be preserved during construction.
- F. Tree Destruction and Replacement. In the event that a tree designated on the approved Preliminary Plat, Certified Survey Map, Condominium or "Natural Resources Protection Plan" for preservation is destroyed or razed during the construction process, the Subdivider or Condominium Developer (as applicable) shall replace such tree of a species approved by the Plan Commission and having a diameter of not less than the tree so destroyed or razed. No one replacement, however, shall exceed six inches in diameter as measured at twelve inches above the ground level. However, several smaller diameter trees having a combined diameter equal to the tree razed or destroyed shall be planted for trees larger than six inches at the ratios set for in Table 6. Said replacement trees shall be placed in the approximate location of the tree, or trees, so destroyed. Said replacement trees shall not be counted toward any mitigation measures which may be required of the Subdivider or Condominium Developer (as applicable) as specified elsewhere in this Ordinance.

**Table 6**

**TREE REPLACEMENT REQUIREMENTS**

Size of Tree Destroyed or Razed (in DBH)	Replacement Tree Requirements	
	Number of Trees Required (in Caliper)	Minimum Size of Each Tree Required (in Caliper)
8 to 10 inches	1	3 inches
10 to 16 inches	2	3 inches
16 to 24 inches	3	3 inches
24 to 30 inches	4	3 inches
30 to 36 inches	5	3 inches
36 inches or greater	6	3 inches

**SECTION 1.1306 REVIEW OF PLANS AND SPECIFICATIONS BY TOWN ENGINEER.** The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Ordinance and other pertinent Town ordinances and design standards recommended by the Town Engineer and approved by the Town Board. If the Town Engineer rejects the plans and specifications, the Town Engineer shall notify the Subdivider or Condominium Developer (as applicable), who shall cause the modification of the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Engineer shall approve the plans and specifications.

- A. Authorization to Start Construction. Prior to starting the work covered by the approved plans and specifications, written authorization to start said work shall be obtained from the Town Board based upon recommendation of the Town Engineer upon receipt of all necessary and required permits and in accordance with the construction methods prescribed by this Ordinance. Building Permits shall not be issued until all improvements required by this Ordinance are satisfactorily completed.
- B. Inspection. The Subdivider or Condominium Developer (as applicable), prior to commencing any work within the Subdivision, Certified Survey Map, or Condominium shall make arrangements with the Town to provide for adequate inspection. The Town Engineer and/or other Town inspectors shall inspect or cause to inspect and approve all completed work prior to approval of the Final Plat or release of the required financial sureties. During the course of construction, the Town Engineer shall make such inspections as deemed necessary to ensure compliance with the approved plans and specifications. The Subdivider or Condominium Developer (as applicable) shall pay the Town for the costs incurred by the Town for such inspections.
- C. Completion of the Construction of Required Improvements. The construction of all improvements required by this Ordinance shall be completed within two years from the date of the Town Board approval of the Preliminary Plat, Certified Survey Map or Condominium.

## **SECTION 1.1308 FINANCIAL SURETIES**

- A. Form of Financial Sureties. Financial sureties furnished to the Town by Subdividers or Condominium Developer (as applicable) to ensure performance of obligations and guarantees under the terms of this Ordinance shall only be in a form which the Town Board deems secure, and may include certified checks, corporate bonds, irrevocable letters of credit in a form approved by the Town Board, or performance bonds.
1. Determination of Financial Surety Amount. The amount of financial surety shall be 125% of the Town Engineer's estimated full amount of the obligation being ensured (including the costs of inspection), nor for less a period than the work is scheduled to be completed, however, the Town Board shall allow reductions in the amount of the financial surety in proportion to the amounts of the obligations as they are fulfilled.
  2. Disputes Over the Amount of Financial Sureties. In a dispute over the amount of a surety, the estimate prepared by the Town Engineer shall be given the greater weight.
- B. Criteria for Determining Subdivider's or Condominium Developer's (as applicable) Delinquency in Meeting Requirements. The Town Board shall give notice by registered mail to the Subdivider or Condominium Developer (as applicable) and the Subdivider's or Condominium Developer's (as applicable) surety, of such delinquency, said notice to specify the corrective measures required if the Subdivider or Condominium Developer (as applicable):
1. Fails to perform the work with sufficient workmen and equipment or with sufficient materials to ensure the completion of said work within the specified time; or
  2. Performs the work unsuitably, as determined by the Town Board; or
  3. Neglects or refuses to supply materials or to perform anew such work as shall be rejected as defective and unsuitable; or
  4. Discontinues the execution of the work; or
  5. For any other cause whatsoever does not carry on the work in an approved manner.
- C. Guarantee of Improvements. The Subdivider or Condominium Developer (as applicable) shall guarantee all improvements for a period of one year from the date of the acceptance of improvements by the Town Board. To assure such improvements guarantee, the Subdivider or Condominium Developer (as applicable) shall provide an amount of financial surety (performance bond or letter of credit) not to exceed 15% of the construction value of said improvements.
- D. Town Board Action. After said notice, the Town Board shall call upon the performance guarantee to have the work completed in accordance with the terms of the performance guarantee.

## **DIVISION 1.1400 VARIANCES, VIOLATIONS, APPEALS, AND FEES**

### **SECTION 1.1401 VARIANCES**

- A. Plan Commission May Waive or Modify Any Requirement. Where, in the judgement of the Plan Commission, it would be inappropriate to apply literally the provisions of Divisions 1.1000, 1.1100, 1.1200 and 1.1300 of this Ordinance because exceptional or undue hardship would result, the Plan Commission may waive or modify any requirement to the extent deemed just and proper.
- B. Plan Commission Findings of Fact and Conditions. No variance to the provisions of this Ordinance shall be granted unless the Plan Commission finds by the greater weight of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings.
1. Exceptional Circumstances.
    - a. There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship.
    - b. Such hardships shall not apply generally to other properties or be of such a recurrent nature as to suggest that the Land Division Ordinance should be changed.
  2. Preservation of Property Rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
  3. 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.
- C. Majority Vote of Plan Commission Required. A majority vote of the entire membership of the Plan Commission shall be required to grant any modification of this Ordinance as specified under Section 1.1401(A) of this Ordinance.
- D. Town Board May Waive the Placing of Required Monuments. The Town Board may waive the placing of monuments, required under Section 236.15 (1)(b), (1)(c), and (1)(d) of the Wisconsin Statutes, for a reasonable time on condition that the Subdivider or Condominium Developer (as applicable) execute a surety bond to insure the placing of such monuments within the required time limits established by the Town.

### **SECTION 1.1402 VIOLATIONS**

- A. Unlawful to Violate Ordinance. 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 Town of Saukville authorizing the building on, or improvement of, any Subdivision, Certified Survey Map, Condominium 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.

- B. Actions and Proceedings to Enjoin Violations. The Town Board may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

### **SECTION 1.1403 PENALTIES AND REMEDIES**

- A. Forfeiture and Imprisonment. 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 \$10,000.00 plus the costs of prosecution for each offense. The penalty for default of payment of such forfeiture and costs shall be imprisonment in the County Jail until payment thereof, but not exceeding six months.
- B. Separate Offense. Each day a violation exists or continues shall constitute a separate offense.
- C. Injunctive Relief. In addition to the above described fines, the Town Board or its agent shall have the power to institute appropriate action for injunctive relief to prevent persons, firms or corporations from acting in violation of the provision of this Ordinance.
- D. Violations and Concomitant Penalties. Violations and concomitant penalties shall include:
1. Improper Recordation. Recordation improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.
  2. Conveyance of Lots in Unrecorded Plats. Conveyance of lots in unrecorded plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.
  3. Monuments Disturbed or Not Placed. Monuments disturbed or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.
- E. Assessor's Plat as Remedy. An assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the Town, at the expense of the Subdivider or Condominium Developer (as applicable), when a subdivision as defined herein is created by successive divisions.

### **SECTION 1.1404 APPEALS**

- A. Period of Time During Which an Appeal May be Filed. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve, as provided in Sections 236.13(5) of the Wisconsin Statutes, within 30 days of notification of the rejection of the plat.
- B. Failure to Approve Based on an Unsatisfied Objection. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action.
- C. Court May Direct Approval of Plat. The court shall direct that the plat be approved if it finds that the action of the approving authority or objecting agency is arbitrary, unreasonable, or discriminatory.



**SECTION 1.1405 FEES.** As a condition of the approval of a Preliminary Plat, Final Plat, Certified Survey Map or Condominium, the Subdivider or Condominium Developer (as applicable) shall pay the Town of Saukville all fees to the Town Treasurer as required by the Town of Saukville Municipal Code as amended and at the Times specified by the Town of Saukville Municipal Code as amended before being entitled to recording of a Final Plat, Certified Survey Map or Condominium. No application filed pursuant to this Ordinance shall be considered complete unless and until all fees due pursuant to this Ordinance have been paid. Every approval granted and every permit issued pursuant to this Ordinance, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of the required fees. The failure to fully pay any such fee when due shall be grounds for the Town of Saukville to refuse to process, or to continue to process an application, and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee relates.

**SECTION 1.1406 OBJECTING AGENCY REVIEW FEES.** The Subdivider or Condominium Developer (as applicable) shall transmit all fees required for state agency review to the Town Clerk (or other Town Board authorized agent) at the time of application.

- A. Applicable Review Fees to be Transmitted to Proper State Review Agency. Said applicable review fees shall be transmitted to the proper state review agency by the Town Clerk (or other Town Board authorized agent).
- B. Applicability of Review Fees. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Administration; Wisconsin Department of Transportation; Wisconsin Department of Commerce; Wisconsin Department of Natural Resources; Ozaukee County; and the Villages of Saukville, Fredonia, and Newburg (as applicable).

## **DIVISION 1.1500 DEFINITIONS**

**SECTION 1.1501 GENERAL DEFINITIONS.** The language set forth in the text of this Ordinance shall be interpreted according to the following rules of construction:

- A. Singular and Plural. The singular number includes the plural, and the plural the singular;
- B. Tense. The present tense includes the past and future tenses, and the future the present;
- C. Shall and May. The word “shall” is mandatory; the word “may” is permissive;
- D. Gender. The masculine gender includes the feminine and neuter genders;
- E. Defined Words and Terms. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition thereof. Any word appearing in the parentheses between a word and its definition herein, shall be construed in the same sense as that word.

## **SECTION 1.1502 SPECIFIC WORDS AND PHRASES.**

Abutting. Having a common border with, or being separated from such common border by an alley or easement, other than publicly dedicated and approved rights-of-way.

Access. A means of vehicular or non-vehicular approach or entry to or exit from property, a street or highway.

Adjacent. Nearby, but not necessarily touching or abutting.

ADT. Average daily traffic. The average total number of vehicles traversing a street on a typical day.

Alley. A public way, not more than 30 feet wide, which affords a secondary means of access to abutting property.

Approving Agencies. See Section 1.0305(A) of this Ordinance.

Arterial Street. A street used, or intended to be used, primarily for fast or heavy through traffic providing for the expeditious movement of through traffic into, out of, and within the community. Arterial streets shall include freeways and expressways as well as standard arterial streets, highways and parkways. Arterial streets shall be located to minimize the penetration of such streets through existing and proposed residential areas. Arterial streets shall be designed to convey an average daily traffic (ADT) of 3,000 and greater.

Bicycle Path. A pathway designed specifically to satisfy the physical requirements of bicycling.

Block. A tract of land bounded by street, or a combination of streets, public parks, cemeteries, railroad right-of-ways, shorelines of navigable waters, and municipal boundaries.

Buffer. See definition for "Bufferyard."

Bufferyard. An area of land within the boundaries of a lot or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or using trees, shrubs, fences, and/or berms, designed to limit continuously the view and/or sound from the lot or site to adjacent lots or sites. Bufferyards are typically defined by a delineated easement graphically indicated on the face of the Certified Survey Map, Subdivision Plat or Condominium Plat.

Buildable Lot. See definition of "Lot, buildable."

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.

Caliper. A measurement of the diameter of a tree taken six inches from above the ground level for trees up to and including four inch caliper sizes, and twelve inches above the ground level for larger sizes.

Certified Survey Map. A minor land division as defined in Section 1.0309 of this Ordinance and prepared and recorded as set forth in Section 236.34 of the Wisconsin Statutes (also see definition for "Minor Land Division").

Channel. A natural or artificial watercourse of perceptible extent which periodically or continuously contains moving water or which forms a connecting link between two bodies of water. It has a definite bed and banks which serve to confine the water.

Collector Street. A street used or intended to be used to carry traffic from minor streets to the system of arterial streets including principal entrance streets to residential developments and/or activity/employment centers. Collector streets shall be designed to convey an average daily traffic (ADT) of between 500 and 3,000.

Common Area. Land in a residential development held in common and/or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner but rather for the benefit of all occupants of the development.

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 Master Plan, adopted by the Town of Saukville Plan Commission and certified to the Town Board pursuant to Section 62.23 of the Wisconsin Statutes (under enacted Village powers pursuant to Wisconsin State Statutes Section 60.22(3)). The Town Land Use Plan shall be considered an element, or component, or the comprehensive plan. The comprehensive plan shall also include, as its components, neighborhood and subarea plans, proposals for future land use, open space, streets and transportation, urban redevelopment, and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building line provisions, design guidelines, and capital improvement programs shall also be considered a part of or a component of, the comprehensive plan.

Condominium. A building, or group of buildings, in which dwelling units or other nonresidential floor area portions thereof are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. Property subject to a condominium declaration as defined, regulated, and established under Chapter 03 of the Wisconsin State Statutes.

Condominium Declarant. The owner of property who subjects said property to a condominium declaration.

Condominium Declaration. The instrument by which property becomes subject to Chapter 703 of the Wisconsin Statutes.

Conservation Easement. A type of "Protective Covenant" the boundary lines of which are graphically depicted on the face of a Certified Survey Map, Preliminary Plat, Final Plat and/or Condominium Plat used to conserve and preserve a natural resource feature that is protected under the provisions of this Ordinance.

Contiguous. IN contact with one or more sides.

Cul-de-Sac. A local street with only one outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.

Curb. A vertical or sloping edge of a roadway, drive or parking area.

DBH. Diameter at breast height (See definition of "Diameter at Breast Height").

Dedication. The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.

Detention Basin. A man-made or natural depression below the surrounding grade level designed to collect surface and subsurface water so that it might impede its flow and to gradually release the same at a rate not greater than that prior to the development of the property, into natural or man-made outlets (i.e., the storm sewer system or stream).

Developer. The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

Development. The carrying out of any building activity, the making of any material change in the use or appearance of any structure of land, or the dividing of land into parcels by any person. Any manmade change to improved or unimproved real estate including, but not limited to, construction of or additions or substantial improvements to buildings other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials. The following activities or uses shall be taken for the purposes of these regulations to involve “development”:

- a. A reconstruction, alteration of, or material change in the external appearance of a structure on land or water; or
- b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the floor area or number of businesses, manufacturing establishments, or offices; or
- c. Alteration of a shore or bank of a pond, river, stream, lake or other waterway; or
- d. Commencement of drilling (except to obtain soil samples), mining or excavation on a parcel of land; or
- e. Demolition of a structure; or
- f. Clearing of land as an adjunct of construction, including clearing or removal of vegetation, any significant disturbance of vegetation, or any soil manipulation; or
- g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken for the purpose of these regulations to involve “development”:

- a. Work by a highway or road agency or railroad company for the maintenance of a railroad track if the work is carried out on land within the boundaries of the right-of-way; or
- b. Work by any public or quasi-public utility, and other persons engaged in the distribution or transmission of gas or water, for the purposes of inspecting, repairing renewing or constructing on established rights-of-way sewers, mains pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. (Exclusive of the activities requiring a Special Use Permit as per the requirements of this Ordinance); or
- c. The maintenance, renewal or alteration of any structure, where only the interior or the color of the structure is affected; or
- d. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; or
- e. Work involving the landscaping of a detached dwelling; or

- f. Work involving the maintenance of existing landscaped areas and existing rights-of-way such as setbacks and other non-natural planting areas.

“Development” includes all other activity customarily associated with it unless otherwise specified. When appropriate to the context, “development” refers to the act of development or to the result of development within the Town. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, are not development. Reference to particular operations is not intended to limit the generality of this definition.

Development Plan. The Ozaukee County Development Plan text and all accompanying maps, charts, and explanatory material adopted by Ozaukee County pursuant to Section 59.97 of the Wisconsin Statutes, and all amendments thereto.

Development, Multiple-Family Dwelling. A residential building designed for occupancy by two or more dwelling units.

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 (also see definition for “Rural Area”).

Development, Urban. Residential, commercial, industrial, governmental, and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities including but not limited to: full- or part-time municipal police and fire protection, and community administration; additional public streets and highways; neighborhood parks and playgrounds; neighborhood schools; local libraries; public sanitary sewer facilities, public water supply facilities, and public solid waste removal; storm sewers; mass transit facilities; continual street maintenance; curbs, gutters, and sidewalks; street lighting; and neighborhood convenience shopping. 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 (also see definition for “Urban Area”).

Diameter at Breast Height. The diameter of the trunk of a tree measured in inches at a point four and one half feet above ground line. This point of measurement is used for established and mature trees.

Division of Land. Where the title or part thereof of land is transferred by the execution of a land contract, an option-to-purchase, an offer-to-purchase and acceptance, a deed, a Subdivision Plat, a Certified Survey Map or Condominium Plat.

Drainageway. The land on either side of and within 50 feet of the centerline of any intermittent or perennial stream graphically shown on: a topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two feet; the U.S. Geological Survey (USGS) 7.5-minute quadrangle topographic map of the area; or the large scale 1” – 200’ Ozaukee County topographic maps except areas designated as wetlands, shoreland wetlands, floodlands, floodways or 100-year recurrence interval floodplains.

Drip Line. The farthest distance, measured as a radius and the total area encompassed thereby, where the branches of a tree extend from its trunk indicating the extent of the canopy of a tree.

Driveway. A paved or unpaved area used for ingress or egress of vehicles allowing access from a street to a lot or site, use, building, or other structure or facility.

Driveway Approach. That portion of a driveway located within a public right-of-way that is widened to accommodate turning movements to access property and streets.

Dwelling Unit. One or more rooms, including a bathroom and complete kitchen facilities that are arranged, designed, or used as living quarters for one family or household.

Easement. The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership or the land, is granted to the public or some particular person, quasi-public entity (such as a homeowners association), or part of the public.

Easement, Conservation. A type of "Protective Covenant" the boundary lines of which are graphically depicted on the face of a Certified Survey Map, Preliminary Plat, Final Plat and/or Condominium Plat, or filed as a separate legal instrument used to conserve and preserve a natural resource feature protected under the provisions of this Ordinance.

Erosion. The detachment and movement of soil, sediment, or rock fragments by water, wind, ice or gravity

Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one-half miles of a fourth-class city or a village and within three miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from the boundaries of each community so that not more than one community exercises extraterritorial powers over any area.

Final Plat. The final map, drawing or chart on which the Subdivider's or Condominium developer's (as applicable) plan of subdivision is presented for approval under the requirements of Chapter 236 of the Wisconsin State Statutes as amended and this Ordinance as amended, and which if approved, will be submitted to the Ozaukee County Register of Deeds.

Flood. A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

Flood of Record, Maximum. The highest recorded elevation of a recorded flood event.

Flood Protection Elevation. An elevation two feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above maximum flood of record.

Floodlands. Those lands, including the channels, floodways, and floodplain fringe of any given reach, which are subject to inundation by the flood with a given recurrence frequency. The 100-year recurrence interval flood (or that flood having a one percent probability of occurring in any given year) is generally used for zoning regulation. Other flood events used in this Ordinance are the 50-year recurrence interval flood (or that flood having a two percent probability of occurring in any given year) and the 10-year recurrence interval flood (or that flood having a ten percent probability of occurring in any given year). Where detailed flood data is not available, the maximum flood of record is used.

Forest. See definitions for "Woodland, Mature" and "Woodland, Young."

Frontage. All the property fronting on one side of a street between the nearest intersecting streets or between a street right-of-way, waterway, or other similar barrier.

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.

Gutter. A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off runoff water.

High Ground Elevation. The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet period of the year, or by soil mottling during drier periods. "Mottling" is a mixture of variation of soil colors. In soils with restricted internal drainage, gray, yellow, red and brown colors are intermingled given a multi-colored effect.

High Water Elevation (Surface Water). The average annual high water level of a pond, stream, lake, flowage or wetland referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of 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.

Homeowners' Association. A Wisconsin nonprofit membership corporation which serves as an association of homeowners within a Subdivision, Certified Survey Map or Condominium having shared common interests responsibilities with respect to the costs and upkeep of common private property of a Subdivision, Certified Survey Map, or Condominium. Such common property includes private recreation and open space areas within the Subdivision, Certified Survey Map or Condominium. For the purposes of this Ordinance, homeowners' associations include condominium associations.

Improvement. Any man-made immovable item which becomes part of, placed upon, or is affixed to, real estate.

Improvement, Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, curb and gutter, sidewalk, pedestrianway, bicycle path, stormwater detention and retention basins, planting strip, or other utility and/or facility for which the Town may ultimately assume the responsibility for maintenance and operation.

Irrevocable Letter of Credit. An agreement guaranteeing payment for subdivision improvements, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in this State and which has a financial standing acceptable to the Town, and which is approved, as to form, by the Town Attorney.

Lake. Any body of water two acres or larger in size as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.

Land Division. Any division or conveyance of land or of an interest in land that results in the creation of one or more additional lots or parcels, including, without limitation, any subdivision or minor land division. Notwithstanding the foregoing definition, the creation of any condominium shall be deemed to be a land division. A land division can be legally created or accomplished only by means of: 1) a preliminary and final plat approved by the Town as specified in this Ordinance; 2) a certified survey map approved by the Town as specified in this Ordinance; or in the case of a condominium, and 3) by means of condominium instruments approved by the Town as specified in this Ordinance.

Landscape Bufferyard. See definition for “Bufferyard.”

Landscape Plan. See Division 1.0500 of this Ordinance.

Landscaping. Living material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; and nonliving durable material, such as rocks, pebbles, sand, mulch, wood chips or bark, walls, and fences, but not including paving.

Lateral, Sanitary Sewer. Pipes installed for conducting sewage from Certified Survey Maps, Subdivision Plats, or lots to larger sanitary sewer pipes, typically called trunk or interceptor sewers.

Lateral, Water. Pipes installed for conducting water to Certified Survey Maps, Subdivision Plats, or lots from larger water mains.

Lot. A parcel of land having frontage on a public street or other officially approved means of vehicular access occupied or intended to be occupied by a principal structure or use and of sufficient size to meet minimum zoning requirements for use, width, frontage, area, yard and open space provisions as set forth in this Ordinance and the Town of Saukville Zoning Code.

Lot Area. The area contained within the exterior, or peripheral, boundaries or lot lines of a lot excluding street and land under navigable bodies of water.

Lot, Buildable. A lot on which a principal building to be utilized for one or more uses can be lawfully constructed.

Lot, Corner. A lot abutting two 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 front yards, two 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 should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.

Lot, Flag. A lot, typically not meeting minimum frontage requirements and where access to a public street is by a narrow, private access easement, strip of land, or driveway. Improvement, Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, curb and gutter, sidewalk, pedestrianway, bicycle path, stormwater.

Lot Frontage. The front of a lot shall be that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front lot line.

Lot Line. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Lot Width. The horizontal distance between the side lot lines measured at the front setback line.

Minor Land Division. Any division of land not defined as a “subdivision.” Minor land divisions include the division of land by the owner or Subdivider resulting in the creation of two but not more than four parcels of building sites, or the division of a block, lot or outlot within a recorded Subdivision Plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot or outlot. Such minor land divisions shall be made by a Certified Survey Map.



Minor Street. A street used, or intended to be used, primarily for access to abutting properties. Residential minor streets that are designed as either looped or through streets shall be designed so that no section conveys an average daily traffic (ADT) greater than 500. Residential minor land access streets that are designed as permanent cul-de-sac streets shall be designed so that no section conveys an average daily traffic (ADT) greater than 250.

Municipality. An incorporated village or city or an unincorporated town.

Municipal Code. The Municipal Code of the Town of Saukville, Ozaukee County, Wisconsin.

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.

Natural Resources. Areas of steep slopes, woodlands and forests (mature and young), lakes, ponds, streams, shore buffer, floodplains, floodlands, drainageways, wetlands, and shoreland wetlands as defined in this Ordinance.

Natural Resource Protection Plan. See Division 1.0400 of this Ordinance.

Natural Resource Protection Standard. The proportion of the natural features of a site (excluding land occupied by public street right-of-ways), which shall remain undeveloped and protected and is specifically designated for natural resource protection by deed restriction, protective covenant, zoning or a combination thereof.

Navigable Lake. See definition of Navigable Water.”

Navigable Stream. Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes. Also see definition of “Navigable Water.”

Navigable Water. Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared as navigable, bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. (*Muench v. Public Service Commission*, 261 Wis. 2d 492 (1952) & *DeGavnor and Co., Inc. v. Department of Natural Resources*, 70 Wis. 2d 936 (1975).

Non-Earth Materials. Materials other than earth, clay, soil, ground, stones and rock.

Objecting Agencies. (See Section 1.0305(B) of this Ordinance).

Official Map. A map meeting the requirements of Section 62.23(6) of the Wisconsin Statutes.

Open Space. Any site, parcel, lot, area, or outlot of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Land that is to be used primarily for resource protection, agriculture, recreational purposes, or otherwise left undisturbed and specifically excluding road rights-of-way and lots. Open space land shall not be occupied by non-recreational buildings, roads, drives, public rights-of-way, or off-street parking areas for non-recreational uses. Land located within the yards or lots of residential and/or nonresidential properties is not considered open space unless it is deed restricted for open space protection or natural resource features protection. Where lots are above the minimum sizes required and the excess lot area is deed restricted to open space uses it may be counted as open space.

Open Space, Common. Open space within or related to a development, neither individually owned nor dedicated for public use but typically owned by a property owners' association, which is designed and intended for the common use and/or enjoyment of the residents of the development, and which is accessible and usable by all persons who occupy a principal use within the development.

Open Space, Deed Restricted. Deed restricted open space on platted "Lots" is not occupied by any principal or accessory buildings or structures, roads, road rights-of-way, or parking areas. Deed restricted open space on platted "Outlots" is not occupied by non-recreational principal or accessory buildings or structures, roads, road rights-of-way, or parking areas. The maintenance of deed restricted open space located on platted "Outlots" is by a homeowners' association. The maintenance of deed restricted open space located on platted "Lots" is by the individual lot owner.

Open Space, Private. An open space area privately owned by a natural person, individual, firm, association, syndicate, partnership, private corporation, public or quasi-public or quasi-public corporation, or combination of these having legal title to the open space area.

Open Space, Public. An open space area conveyed or otherwise dedicated to a municipality, municipal agency, public school district, state or county agency, or other public body for recreational or conservational uses.

Ordinary High Water Mark. The point on the bank or shore of a navigable water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

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 in the future 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.

Owner. Includes the plural as well as the singular and may mean either a natural person, individual, firm, association, syndicate, partnership private corporation, public or quasi-public corporation, or combination of these having legal title or sufficient proprietary interest to seek development of land. For purposes of successive division of a parcel of land by Certified Survey Maps, "owner" shall be taken to include any related person, firm, partnership or corporation, to whom conveyance has been made within two years of application for approval of a Certified Survey Map. "Related" shall mean any natural person related to a transferor by blood or marriage, any person acting in an agency or trust capacity, any partnership in which the transferor is a partner and any corporation in which the transferor is a stockholder, officer or director, or in which related persons are stockholders, officers or directors.

Park, Private. An outdoor recreation park privately owned by a natural person, individual, firm, association, syndicate, partnership, private corporation, public or quasi-public or quasi-public corporation, or combination of these having legal title to the outdoor recreation park.

Park, Public. An outdoor recreation park conveyed or otherwise dedicated to a municipality, municipal agency, public school district, state or county agency or other public body for recreational or conservational uses.

Pedestrianway. A public way that is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.

Person. Any natural person, individual, firm, corporation, partnership, association, trust, body politic or corporate or any other legal entity.

Plan Commission. The Town of Saukville Plan Commission created by the Town Board pursuant to Section 62.23 of the Wisconsin Statutes.

Plat. The map, drawing or chart on which the Subdivider's land division or Condominium Developer's condominium is presented to the Town of Saukville for approval.

Pond. All bodies of water less than two acres in area as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.

Preliminary Plat. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration pursuant to the requirements of both Chapter 236 of the Wisconsin Statutes as amended and this Ordinance.

Protective Covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to Section 236.293 of the Wisconsin Statutes, which constitute a restriction on the use of all private or platted property within a minor land division or subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development that would tend to impair stability of values.

Public Way. Any public road, street, highway, walkway, drainageway or part thereof.

Recreation Land, Community Level Public Outdoor. An outdoor recreation site serving several neighborhoods and generally containing more open space and natural resource oriented areas than typical "Neighborhood Level Public Outdoor Recreation Land." Active recreational facilities located in such areas can include, but not necessarily be limited to, baseball, softball, tennis, basketball, playground or playfield (which may be associated with a middle or high school), picnicking, swimming, recreational trails, and passive activity areas, etc. Such recreational land typically serves an area with a radius of from about two to ten miles and provides sufficient useable land area per capita to meet the standards set forth in the adopted Town comprehensive plan or element thereof. The size of such areas typically ranges from 25 to 99 acres in area.

Recreation Land, Neighborhood Level Public Outdoor. An outdoor recreation site serving a single neighborhood and generally containing less open space and natural resource oriented areas than typical "Community Level Public Outdoor Recreation Land." Active recreational facilities located in such areas can include, but not necessarily be limited to, baseball, softball, tennis, basketball, playground or playfield (which may be associated with an elementary school), picnicking, ice skating area, recreational trails, and passive activity areas, etc. Such recreational land typically serves an area with a radius of from about one-half to two miles and provides sufficient useable land area per capita to meet the standards set forth in the adopted Town comprehensive plan or element thereof. The size of such areas are typically less than 25 acres in area.

Replat. 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, lot or outlot within a recorded Subdivision Plat or Certified Survey Map without changing the exterior boundaries of said block, lot, or outlot is not a replat.

Reservation. A geographically defined area of land or interest in land, identified on a Subdivision Plat, Certified Survey Map, or Condominium as having been temporarily set aside for possible future acquisition for public improvements, facilities or uses. Such a reservation does not imply public ownership.

Retention Basin. A man-made or natural body of water of a depth of not less than three feet designed to contain water at all times, the level of which will be increased as a result of the flow into it of surface and subsurface water, collected therein and released gradually into natural or man-made outlets.

Runoff. The rainfall, snowmelt, discharge pumping or irrigation water flowing over the ground surface.

Rural Area. Those areas of the Town of Saukville not within a Town of Saukville adopted delineated public sanitary sewer service area in conformance with an adopted area wide water quality management plan.

Setback. Those minimum street, front, rear, and/or side yards required by the Town of Saukville Zoning Code.

Shore Buffer. The area located within 75 feet of the ordinary high water mark of all navigable waters and parallel to that ordinary high water mark.

Shorelands. All land, water and air located within the following distances from the ordinary high water mark of navigable waters as defined in Section 144.26(2) (d) of the Wisconsin Statutes: One thousand feet from a lake, pond or flowage; three hundred feet from a river or stream or to the landward side of a floodplain (i.e., the outward edge of the floodplain), whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high water mark thereof.

Shoreland Wetland. A wetland, as defined by this Ordinance, which is located within a shoreland area.

Sidewalk. A paved path provided for pedestrian use and usually located at the side of a road within a public street right-of-way but physically separated by distance from the road pavement.

Sketch Plan. See Division 1.0600 of this Ordinance.

Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Slope, Steep. Three categories of steep slopes are defined herein for use in this Ordinance. These categories are based upon the relative degree of the steepness of the slope as follows: Ten to Twenty percent, twenty to thirty percent, and greater than thirty percent. No land area shall be considered a steep slope unless the steep slope area has at least a ten foot vertical drop and has a minimum area of 5,000 square feet. Steep slopes exclude man-made steep slopes.

Soil Mapping Unit. Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the Soil Conservation Service of the U.S. Department of Agriculture as published in the *Soil Survey: Ozaukee County, Wisconsin*, dated September 1970.

"Standards and Specifications for Development." The set of standards and specifications which the Town uses, and has established as public policy, for the installation of improvements as set forth in this Ordinance. Said "Standards and Specifications for Development" shall be in printed form.

Stream. A course of running water, either perennial or intermittent, flowing in a channel.

Street. A dedicated public thoroughfare affording the principal means of access to abutting property.

Street Line. A line separating a lot, piece or parcel of land from a street.

Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division (Certified Survey Map) or replat. As applied to condominiums, all references in this Ordinance to a subdivider shall be deemed to be references to the condominium declarant.

Subdivider's Agreement. An agreement by which the Town and the Subdivider or Condominium Developer (as applicable) agree in reasonable detail as to all of those matters which the provisions of these regulations permit to be covered by the Subdivider's Agreement and which shall not come into effect unless and until an *Irrevocable Letter of Credit* or other appropriate surety has been issued to the Town.

Subdivision. The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates two or more parcels or building sites any of which is 35 acres each or less in area; or where the act of division creates five or more parcels or building sites of 35 acres each or less in area by successive division within a period of five years.

Subgrade. The natural ground lying beneath a road.

Surety Bond. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the Subdivider or Condominium Developer (as applicable).

Town. The Town of Saukville.

Tree. Any self-supporting, woody plant together with its root system, growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.

Tree, Canopy. A tree whose leaves would occupy the upper level of a forest in a natural ecological situation. These trees are often referred to as shade trees.

Tree, Street. A tree adjacent to a public place, street, special easement, or right-of-way adjoining a street (Also see Section 1.1217 of this Ordinance).

Tree, Understory. A tree whose leaves would occupy the lower level of a forest in a natural ecological situation. These types of trees are often referred to as ornamental trees.

Trip. A single or one-way vehicle movement to or from a property.

Urban Area. That portion of the Town of Saukville located within a Town of Saukville adopted delineated public sanitary sewer service area in conformance with an adopted area wide water quality management plan.

Watercourse. A permanent or intermittent stream channel.

Wetland. 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 of the Wisconsin Statutes, including subsequent amendments to those rules.

Woodland, Mature. An area or stand of trees whose total combined canopy covers an area of one acre or more and at least 50% of which is composed of canopies of trees having a diameter at breast height (DBH) of at least ten inches; or any grove consisting of eight or more individual trees having a DBH of at least twelve inches whose combined canopies cover at least 50% of the area encompassed by the grove. However, no trees grown for commercial purposes shall be considered a mature woodland.

Woodland, Young. An area or stand of trees whose total combined canopy covers an area of one-half acre or more and at least 50% of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three inches. However, no trees grown for commercial purposes shall be considered a young woodland.

Zoning District. As defined by the Town of Saukville Zoning Ordinance and its accompanying maps as amended.

Zoning Permit. The permit required by this Ordinance before the erection, reconstruction, enlargement, or moving of any building or structure, or use of a structure, land, or water where such erection or use complies with all provisions of this Ordinance.

## **DIVISION 1.1600 ADOPTION AND EFFECTIVE DATE**

**SECTION 1.1601 PUBLIC HEARINGS.** The Town of Saukville Town Board held a public hearing on this proposed Land Division Ordinance pursuant to the requirements of Section 126.45(4) of the Wisconsin Statutes on March 4, 1999.

**SECTION 1.1602 PLAN COMMISSION RECOMMENDATION.** The Plan Commission recommended to the Town Board the adoption of this Land Division Ordinance at a meeting held on February 11, 1999.

**SECTION 1.1603 TOWN BOARD APPROVAL.** The Town Board of the Town of Saukville concurred with the recommendations of the Plan Commission and proceeded to adopt the Land Division Ordinance at a meeting held on March 4, 1999.

**SECTION 1.1604 EFFECTIVE DATE.** This Land Division Ordinance shall take effect upon passage and adoption by the Town Board and the filing of proof of posting or publication in the Office of the Town Clerk.

Effective Date: March 25, 1999

Town Chairman: \_\_\_\_\_  
Terry Hoffman

ATTESTED:

\_\_\_\_\_  
Walter Clarke