



Town of Saukville Ordinance No. 2023- 01

**AN ORDINANCE AMENDING SECTIONS 1.0206, 1.0309, 1.0401, 1.0501, 1.0706,
1.0902, 1.1101,
OF THE LAND DIVISION CODE, TOWN OF SAUKVILLE, WISCONSIN,
ALLOWING PLAN COMMISSION TO REQUIRE CERTAIN ITEMS TO BE
SUBMITTED WHEN A LAND DIVISION IS PROPOSED**

WHEREAS, it is deemed to be in the best interest of the Town of Saukville that the Land Division Code of the Town of Saukville be further modified and amended in the manner hereinafter more particularly set forth; and

WHEREAS, a Notice of Public Hearing before the Town Plan Commission was duly published in the *Ozaukee Press* on April 19, 2023, and April 26, 2023; and

WHEREAS, a Public Hearing was held before the Town Plan Commission on May 9, 2023, regarding the proposed Amendment to the Town's Land Division Code; and

WHEREAS, based on the above, it is deemed to be in the best interest of the Town of Saukville that the Land Division Code of the Town of Saukville be further modified and amended in the manner hereinafter more particularly set forth below.

NOW, THEREFORE, the Town Board of the Town of Saukville does hereby ordain as follows:

Section 1:

Section 1.0206 of the Town of Saukville Code of Ordinances is amended to read as follows:

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 To assist in making that determination, the Plan Commission may require any of the following prior to approval:**

- 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 2:

Section 1.0309 of the Town of Saukville Code of Ordinances is amended to read as follows:

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 **20-11** copies of the Certified Survey Map, "Natural Resource Protection Plan" (**if required**, see Division 1.0400), "Landscape Plan" for any landscape easement areas (if required, see Division 1.0500, and the application with the Town Clerk (or other Town Board authorized agent) at least 15 days **(or less if a**

- shorter time period is allowed by the Town Chairman) 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 required supplemental documents, and application as follows:
 - a. Ten Eight copies to the Plan Commission.
 - b. Three copies to the Town Board.
 - c. One copy on file with the Town Clerk.
 - d. Copies-Email copies as needed to affected Town Commissions and Town Departments.
 - e. Copies-Email copies to each school board with jurisdiction if development is proposed.
 - f. Four-Email copies to Ozaukee County.
 - g. 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, if required, 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~~ one digital and one paper copy 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).

Section 3:

Section 1.0400 of the Town of Saukville Code of Ordinances is amended to read as follows:

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~~ a digital copy 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, if required by the Plan Commission. If required, the "Natural Resource Protection Plan: shall be prepared in a readable digital format 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.

Section 4:

Section 1.0500 of the Town of Saukville Code of Ordinances is amended to read as follows:

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, **if required by the Plan Commission. Twenty full size copies A digital copy of** a “*Landscape 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. **If required,** the “*Landscape Plan*” shall be prepared **in a readable digital format 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).

Section 5:

Section 1.0706 of the Town of Saukville Code of Ordinances is amended to read as follows:

SECTION 1.0706 NATURAL RESOURCE ~~PROTECITON~~ 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. (This section falls under the Preliminary Plat section and should not reference a Certified Survey Map.)

Section 6:

Section 1.0902 of the Town of Saukville Code of Ordinances is amended to read as follows:

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, **if required by the Plan Commission:**

- 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 per 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 7:

Section 1.1101 of the Town of Saukville Code of Ordinances is amended to read as follows:

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, **if required by the Plan Commission**. 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 by 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, if required by the Plan Commission. 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 8:

Except as hereinabove specifically modified and amended, the Land Division Code, Town of Saukville, Ozaukee County, Wisconsin, shall remain in full force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

Section 9:

This Ordinance shall take effect and be in full force from and after its passage and the day after its publication.

Adopted by the Town Board of the Town of Saukville, Ozaukee County, Wisconsin, at its regularly scheduled meeting on this 16th day of May, 2023.

Kevin Kimmes, Town Chairman

Raquel L. Engelke, Town Clerk

Publication Date: _____, 2023

Posting Date: _____, 2023