

# TOWN OF BELGIUM LAND DIVISION ORDINANCE

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## TOWN OF BELGIUM LAND DIVISION ORDINANCE

### SECTION 1.00 INTRODUCTION

#### 1.01 TITLE

This Ordinance shall be known as the “Town of Belgium Land Division Ordinance” and is hereinafter referred to as the “Ordinance.”

#### 1.02 AUTHORITY

These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes.

#### 1.03 PURPOSE

The purpose of this Ordinance is to regulate and control the division of lands within the limits of the Town of Belgium in order to promote and protect the public health, safety, aesthetics, and general welfare of the community. More particularly, and without limitation, it is the purpose of this Ordinance to:

- A. **Implement the Town of Belgium’s** master or comprehensive plan, or components of such plans, and facilitate enforcement of community development standards as set forth in the zoning ordinance and building code.
- B. **Promote the Wise Use**, conservation, protection, and proper development of the Town’s soil, water, wetland, woodland, and wildlife resources and to achieve a balanced relationship between land use and development and the supporting and sustaining natural resource base.
- C. **Preserve the Rural and Agricultural Character** of the Town, where appropriate.
- D. **Further the Orderly Layout** and appropriate use of land.
- E. **Avoid the Harmful Effects** of premature division or development of land.
- F. **Lessen Congestion** in the streets and highways.
- G. **Secure Safety** from fire, flooding, water pollution, and other hazards and minimize expenditures for flood relief and flood control projects.
- H. **Prevent and Control Erosion**, sedimentation, and other pollution of surface and subsurface waters.
- I. **Preserve Natural Vegetation** and cover and protect the natural beauty of the Town.
- J. **Provide Adequate Light and Air.**

- K. **Facilitate Adequate Provision** for transportation, water, sewerage, stormwater management, schools, parks, playgrounds, and other public necessities.
- L. **Ensure Adequate Legal Description** and proper survey monumentation of divided land.
- M. **Restrict Building** in areas of unsuitable soils or in other areas poorly suited for development.
- N. **Provide for the Administration** and enforcement of this Ordinance.
- O. **Further the Sustainability**, including resiliency, of the Town by accommodating, where appropriate, green development and infrastructure.

#### **1.04 ABROGATION AND GREATER RESTRICTIONS**

It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern.

#### **1.05 INTERPRETATION**

The provisions of this Ordinance shall be interpreted 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.

#### **1.06 SEVERABILITY AND NON-LIABILITY**

- A. If any 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 thereby.
- B. The Town does not guarantee, warrant, or represent that only those areas delineated as floodplains on plats and certified survey maps 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 the Ordinance are the only such unsuited soils within the Town; and thereby asserts that there is no liability on the part of the Town Board, its agencies or agents, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance.

#### **1.07 REPEAL**

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

## SECTION 2.00 GENERAL PROVISIONS

### 2.01 AREA OF JURISDICTION

This Ordinance shall apply to all lands within the limits of the Town of Belgium, Ozaukee County, Wisconsin.

### 2.02 APPLICABILITY

All proposed land divisions and any proposed lot or parcel consolidations, except those exempted in accordance with Sections 2.02C and D, shall be subject to Town review and approval in which the Town Board shall approve, approve with conditions and/or deed restrictions, or reject proposed plats and certified survey maps, after considering a recommendation from the Plan Commission.

- A. **Subdivision.** Any division of land within the Town that results in a subdivision as defined in Section 11.00 shall be, and any other division of land may be, surveyed and a plat thereof approved and recorded pursuant to the provisions of Section 5.00 of this Ordinance and Chapter 236 of the Wisconsin Statutes.
- B. **Minor Land Division.** Any division of land within the Town that results in a minor land division as defined in Section 11.00 shall be surveyed and a certified survey map of such division approved and recorded as required by Section 6.00 of this Ordinance and Chapter 236 of the Wisconsin Statutes.
- C. **The Provisions of this Ordinance**, as it applies to divisions of tracts of land into less than 5 parcels, shall not apply to:
  - 1. Transfer of interest in land by will or pursuant to court order.
  - 2. Leases for a term not to exceed 10 years, mortgages, or easements.
  - 3. 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 size required by these regulations, the zoning ordinance, or other applicable laws or ordinances or the combination of properties does not result in a hybrid zoning created by the new lot or parcel.
- D. **All of the Following Specific Uses** and activities are exempted from this Ordinance:
  - 1. Cemetery plats made under Section 157.07 of the Wisconsin Statutes.
  - 2. Assessors' plats made under Section 70.27 of the Wisconsin Statutes; however, assessors' plats shall comply with Sections 236.15(1)(a) through (g), and 236.20(1) and (2)(a) through (e) of the Wisconsin Statutes, unless waived under Section 236.20(2)(L).
  - 3. Sale or exchange of parcels of public utilities or railway rights-of-way to adjoining property owners if the Town Board and the county planning agency approve such sale or exchange on the basis of applicable local ordinances or the provisions of Chapter 236 of the Wisconsin Statutes.

4. Public transportation project plats made under Section 84.095 of the Wisconsin Statutes.

### 2.03 COMPLIANCE

No person, firm, or corporation, shall divide any land or propose any lot or parcel consolidation, unless exempted under this Ordinance, located within the jurisdictional limits of the Town which results in a subdivision, minor land division, or replat, or consolidation of lots or parcels as defined herein; no such subdivision, minor land division, or replat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with:

- A. **All requirements of this Ordinance.**
- B. **Duly Approved Master or Comprehensive Plan**, or any components of such plans, of the Town of Belgium, Wisconsin.
- C. **The Town of Belgium Zoning Ordinance**, the Ozaukee County Floodplain and Shoreland Zoning Ordinance, and all other applicable ordinances.
- D. **The Provisions of Chapter 236** of the Wisconsin Statutes.
- E. **The Rules of the Wisconsin Department of Safety and Professional Services**, as contained in Chapters SPS 383 and 385 of the Wisconsin Administrative Code, regulating lot size and lot elevation necessary for proper sanitary conditions if any lot or unit is not served by a public sewer and provisions for such service have not been made.
- F. **The Rules of the Wisconsin Department of Transportation**, as contained in Chapter Trans 233 of the Wisconsin Administrative Code, and the Ozaukee County Highway Department relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or connecting highway.
- G. **The Rules of the Wisconsin Department of Natural Resources**, as contained in Chapters NR 103, 115, and 116, of the Wisconsin Administrative Code, setting water quality standards preventing and abating pollution, and regulating development within floodplain, wetland, and shoreland areas.
- H. **The Rules of the U.S. Army Corps of Engineers** and U.S. Environmental Protection Agency.
- I. **Proposed Land Divisions** that would create substandard lot or parcel sizes, which do not meet the applicable zoning ordinance requirements within which the subject land is located, are prohibited unless otherwise explicitly allowed by the Town zoning ordinance or certain deed restrictions, and are reviewed and approved by the Town Board.

## 2.04 LAND SUITABILITY

No land shall be divided which is held unsuitable for such use by the Town Board, upon recommendation of the Town Plan Commission, Town Engineer, or other agency as determined by the Board, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents or occupants of the proposed land division, or the Town, or poses an imminent harm to the environment. In addition:

- A. **Floodplains.** No lot one (1) acre or less in area served by a private onsite wastewater treatment system (POWTS), including but not limited to a conventional septic system, mound system, or holding tank, shall include floodplains. All lots more than one acre in area served by a POWTS 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, as determined by the Federal Emergency Management Agency or the Wisconsin Department of Natural Resources. Where such flood stage data are not available, the regulatory flood elevation shall be determined by a registered professional engineer and the sealed report of the engineer setting forth the regulatory flood stage and the method of its determination shall be approved by the Town Engineer.
- B. **Lands Made, Altered, or Filled with Non-Earth Materials** within the preceding 20 years and those land made, altered, or filled with earth within the preceding 7 years shall not be divided into building sites which are to be served by POWTS except where soil tests by a licensed soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Town does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Town Board, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- C. **Lands Having a Slope** of 12 percent or more may be required by the Plan Commission to be maintained in natural open uses. Lots proposed to be served by POWTS shall have no less than 40,000 square feet in slopes of less than 12 percent.
- D. **Lands Having Bedrock** within 10 feet of the natural undisturbed surface shall not be divided into building sites to be served by POWTS, unless the sites are compliant with standards set forth in Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The minimum depth of suitable soil over bedrock must comply with the specifications set forth in Table 383.44-3 of Comm 83. The depth of soil required over bedrock will be dependent on soil texture, soil structure, and

the quality of the influent entering the proposed soil dispersal area. The subdivision layout shall permit the infiltrative surfaces of dispersal cells to be located at least 24 inches above bedrock.

- E. **Lands Having Seasonal and/or Permanent Groundwater** within 10 feet of the natural undisturbed surface shall not be divided into building sites to be served by POWTS unless the sites are compliant with standards set forth in Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The minimum depth of unsaturated soil above seasonal groundwater must comply with the specifications set forth in Table 383.44-3 of SPS 383. The subdivision layout shall permit the infiltrative surfaces of the dispersal cells to be located at least 24 inches above the highest groundwater elevation as estimated utilizing soil redoximorphic features. At least six of the 24 inches of soil separation required shall be comprised of an in situ soil type for which soil treatment capability is credited under the aforereferenced table. Seasonal soil saturation shall be assumed to reach the ground surface where redoximorphic features are present within 4 inches of the bottom of the A horizon.
- F. **Lands Covered by Soils Having Coarse Textures** such as loamy coarse sand with 60 percent or more coarse fragment content shall not be divided into building sites to be served by POWTS unless compliance with Chapters SPS 383 and 385 of the Wisconsin Administrative Code can be demonstrated.
- G. **Land Drained by Farm Drainage Tile or Farm Ditch Systems** shall not be divided into building sites to be served by POWTS unless compliance with Chapters SPS 383 and 385 of the Wisconsin Administrative Code can be demonstrated.
- H. **The Town Board**, upon recommendation of the Town Plan Commission and in applying the provisions of this section, shall in writing recite the particular facts upon which it based its conclusion that the land is not suitable for the intended use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability, if so desired. The Town Board may thereafter affirm, modify, or withdraw its determination of unsuitability.

## 2.05 DEDICATION AND RESERVATION OF LANDS

- A. **Streets, Highways, and Drainageways.** Whenever a proposed subdivision or minor land division encompasses all or any part of an arterial street, drainageway, or other public way which has been designated on a duly adopted Town, County, or regional comprehensive plan, or component thereof, said public way shall be made a part of the plat or certified survey map and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan and as set forth in Section 7.00.
- B. **Open Space.** Whenever a tract of land to be divided within the Town encompasses all or any part of open space lands, as defined in Section 11.00 DEFINITIONS of this Ordinance, said open space land shall be protected. Acceptable means of protection shall include, but not be limited to, the following:

1. Reservation or dedication to the Town of Belgium.
2. Conservation easement.
3. Deed restriction. Common open space to be permanently preserved shall be protected by providing a deed restriction that prohibits any land division or development of said open space.

## 2.06 HOMEOWNERS ASSOCIATIONS

Common areas or facilities within a land division shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein. The homeowners association shall be governed according to the following:

- A. **The Subdivider** shall provide the Town with a description of the homeowners association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review and approval by the Town Board and Plan Commission.
- B. **The Association** shall be established by the owner or applicant and shall be operating prior to the sale of any lots or units in the subdivision.
- C. **Membership** in the association shall be mandatory for all purchasers of lots therein and their successors and assigns.
- D. **The Association** shall be responsible for maintenance and insurance of common areas and facilities.
- E. **A Land Stewardship Plan** for any common open space to be retained in a natural state shall be included in the submittal of association documents.
- F. **The Members** of the association shall share equitably the costs of maintaining, insuring, and operating common areas and facilities.
- G. **The Association** shall have or hire adequate staff to administer, maintain, and operate common areas and facilities.
- H. **The Subdivider** shall arrange with the Town Assessor a method of assessment of any common areas and facilities, which will allocate to each lot within the subdivision a share of the total assessment for such common areas and facilities.
- I. **The Town** may require that it receive written notice of any proposed transfer of common areas or facilities by the association or the assumption of maintenance of common areas or facilities. Such notice shall be given to all members of the association and to the Town at least 30 days prior to such transfer.

- J. **In the Event** that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor association, shall be considered in violation of this Ordinance, in which case the Town shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

## 2.07 IMPROVEMENTS

Before approval of any final plat or, where applicable, certified survey map located within the limits of the Town, the subdivider shall install street and other improvements as hereinafter provided. In the alternative, if such improvements are not installed at the time the final plat or certified survey map is submitted for approval, the subdivider shall, before the recording of the plat or certified survey map where applicable, enter into a development agreement with the Town agreeing to install the required improvements, and shall file with said agreement a bond or letter of credit with good and sufficient surety meeting the approval of the Town Attorney or a certified check in the amount equal to the estimated cost of the improvements. Said estimate shall be made by the Town Board, after review and recommendation by the Town Engineer, as a guarantee that such improvements will be completed by the subdivider or his or her subcontractors not later than one (1) year from the date the plat or certified survey map is recorded and as a further guarantee that all obligations to subcontractors for work on the subdivision are satisfied. In addition:

- A. **Contracts** and contract specifications for the construction of street and utility improvements within public street rights-of-way, as well as contractors and subcontractors providing such work, shall be subject to review by the Plan Commission and approval by the Town Board after receipt of a recommendation from the Town Engineer and the Town Attorney.
- B. **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.
- C. **Survey Monuments.** Before final approval of any plat within the limits of the Town, the subdivider shall cause survey monuments to be installed as required by and placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes, and as may be required by the Town Engineer. The Town Engineer may waive the placing of monuments, as provided in Section 236.15(1)(h) of the Wisconsin Statutes, for a reasonable time, not to exceed one (1) year, on condition that the subdivider provide a letter of credit, certified check, or surety bond equal to

the estimated cost of installing the monuments to ensure the placing of such monuments within the time required by statute. Additional time may be granted upon show of cause.

## **2.08 DEVELOPMENT AGREEMENT**

Before or as a condition of receiving final approval from the Town Board of any final plat or certified survey map for which public improvements are required by this Ordinance; or for which public improvements, dedications, or fees are being deferred under this Ordinance; or for which phasing approval is being granted under Section 9.02 of this Ordinance, the subdivider shall sign and file with the Town Board a development agreement. The development agreement shall be approved as to form by the Town Attorney, and shall be approved by the Town Board prior to approval of the final plat or certified survey map.

## **2.09 EXCEPTIONS AND MODIFICATIONS**

Where, in the judgment of the Town Plan Commission, it would be inappropriate to apply literally the provisions of Sections 7.00 and 8.00 of this Ordinance because exceptional or undue hardship would result, the Town Board, upon recommendation of the Town Plan Commission, may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the community in accordance with an adopted comprehensive plan or component thereof. No exception or modification shall be granted unless the Plan Commission finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- A. **Exceptional Circumstances.** There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this Ordinance should be changed.
- B. **Preservation of Property Rights.** That such exception or modification is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- C. **Absence of Detriment.** That the exception or modification 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.
- D. **A Simple Majority Vote** of the Plan Commission quorum shall be required before recommending any exception or modification of this Ordinance to the Town Board, and the reasons shall be entered into the minutes of the Commission.

## **2.10 VIOLATIONS**

No person, firm, or corporation shall build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes. No

person, firm, or corporation shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, minor land division, or replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statute.

## **2.11 PENALTIES AND REMEDIES**

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$100 plus any additional applicable costs incurred by the Town for each offense, and the penalty for default of payment of such forfeiture and costs shall be imprisonment in the County jail until payment thereof, but not exceeding 6 months. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:

- A. **Recordation** improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.
- B. **Conveyance** of lots in unrecorded plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.
- C. **Monuments** disturbed or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.
- D. **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, when a subdivision is created by successive divisions.

## **2.12 APPEALS**

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. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

## **SECTION 3.00 LAND DIVISION PROCEDURES**

### **3.01 PRE-APPLICATION CONSULTATION**

Prior to filing an application for the approval of a preliminary plat or certified survey map, the subdivider shall consult with the Town Plan Commission and/or its staff in order to obtain advice and assistance. A sketch plan of the proposed subdivision or

certified survey map shall be brought by the applicant to the meeting. This pre-application consultation is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning the project. In so doing, both the subdivider and Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed project and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

### **3.02 PRELIMINARY PLAT REVIEW**

When it is proposed to divide land into 5 or more parcels or building sites, inclusive of the original remnant parcel, any one of which is less than 35 acres in area, by a division or by successive divisions of any part of the original property within a period of 5 years; or when it is proposed to divide land into 5 or more parcels or building sites, inclusive of the original remnant parcel, of any size by successive divisions of any part of the original property within a period of 5 years, the subdivider shall subdivide by use of a subdivision plat. The subdivision plat shall include all parcels of land less than 35 acres in area and may, at the owner's discretion, include any other parcels 35 acres or larger in area.

Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and complete an application. The preliminary plat shall be prepared in accordance with this Ordinance, and the subdivider shall file an adequate number of folded copies of the plat for distribution in accordance with this Section; the completed application; and the preliminary plat review fee with the Town Clerk at least 30 days prior to the meeting of the Town Plan Commission at which consideration is desired. In addition:

A. **The Town Clerk** shall, within 2 normal working days after filing, transmit:

1. Four copies to the Ozaukee County planning agency.
2. One copy to the Villages of Belgium or Fredonia if the lands to be platted lie within the extraterritorial plat approval jurisdiction (1½ miles) of either municipality;
3. Two copies to the Director of Plat Review, Wisconsin Department of Administration;
4. Additional copies to the Director of Plat Review, Wisconsin Department of Administration, for re-transmission as follows:
  - a. Two copies to the Wisconsin Department of Transportation (WisDOT) if the subdivision abuts or adjoins a state trunk highway or a connecting highway;
  - 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 (WDNR) if lands lie within 500 feet of the ordinary high-water mark of any navigable stream, lake, or other navigable body of water, or if any shoreland areas are located within the plat.

- B. **In Lieu of the Procedure** set forth in Section 3.02, paragraph A above, the subdivider may, pursuant to Section 236.12(6) of the Wisconsin Statutes, submit the original of the preliminary plat directly to the Director of Plan Review of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it shall be the responsibility of the subdivider to submit to the Town Clerk the additional copies required for the reviews required by Section 3.02, Paragraphs C and D below.
- C. **The Town Clerk** shall also transmit, within 5 normal working days after filing, 10 copies of the preliminary plat to the Town Plan Commission and Town Board and one (1) copy to the Town Engineer for review and recommendations concerning matters within their jurisdiction. The recommendations of Town Engineer shall be transmitted to the Town Plan Commission within 20 days from the date the plat is received. The preliminary plat shall then be reviewed by the Plan Commission for conformance with this Ordinance, the Town of Belgium Zoning Ordinance, the Ozaukee County Floodplain and Shoreland Zoning Ordinance, and all other Town ordinances, rules, regulations, and the master or comprehensive plan and components thereof.
- D. **The Town Clerk** shall also transmit, within 5 normal working days after filing, one (1) copy each of the preliminary plat to the Southeastern Wisconsin Regional Planning Commission (SEWRPC), affected public and private utility companies, and the affected school district or districts for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 20 days from the date the plat is received.

### 3.03 PRELIMINARY PLAT APPROVAL

- A. **The Objecting Agencies** shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. 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 Town Clerk. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.
- B. **The Town Plan Commission** shall promptly review the preliminary plat, after objections and comments have been received by the objecting and reviewing agencies and officials, for conformance with this Ordinance and all applicable laws, ordinances, and master or comprehensive plans and components of such plans. The Plan Commission shall comment and recommend action on the preliminary plat to the Town Board.
- C. **The Town Board**, with or without the recommendations of the Town Engineer, Plan Commission and the objecting or approving agencies, shall, within 90 days of the date of filing of the preliminary plat with the Town Clerk, approve, approve

conditionally, or reject such plat, unless the time is extended by mutual written agreement with the subdivider. One copy of the plat shall thereupon be returned to the subdivider 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. One copy each of the plat and letter shall be placed in the Town Board's permanent file.

- D. **Failure of the Town Board to Act** within 90 days, the time having not been extended as set forth herein and no unsatisfied objections having been filed, shall constitute approval of the plat as filed.
- E. **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 36 months after the last required approval of the preliminary plat and conforms substantially to the preliminary plat, including any conditions of that approval, and to local plans and ordinances, the final plat shall be entitled to approval as provided in Section 236.11 (1) (b) of the Wisconsin Statutes. The Town Board may extend the time for submission of the final plat.

### 3.04 FINAL PLAT REVIEW

A final plat shall be prepared in accordance with this Ordinance and the subdivider shall file an adequate number of folded copies of the plat for distribution in accordance with this Section; the completed application; and the final plat review fee with the Town Clerk at least 30 days prior to the meeting of the Town Board at which action is desired. In addition:

- A. **The Town Clerk** shall, within 2 normal working days after filing, transmit:
  - 1. Four copies to the Ozaukee County planning agency.
  - 2. One copy to the Villages of Belgium or Fredonia if the lands to be platted lie within the extraterritorial plat approval jurisdiction (1½ miles) of either municipality;
  - 3. Two copies to the Director of Plat Review, Wisconsin Department of Administration;
  - 4. Additional copies to the Director of Plat Review, Wisconsin Department of Administration, for re-transmission as follows:
    - a. Two copies to WisDOT if the subdivision abuts or adjoins a state trunk highway or a connecting highway;
    - 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 WDNR if lands included in the plat lie within 500 feet of the ordinary high water mark of any navigable stream, lake, or other navigable body of water, or if any shoreland areas are located within the plat.

- B. **In Lieu of the Procedure Set Forth Above**, the subdivider may, pursuant to Section 236.12(6) of the Wisconsin Statutes, submit the original of the final plat directly to the plat review section of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it shall be the responsibility of the subdivider to submit to the Town Clerk the additional copies required for the reviews required below.
- C. **The Town Clerk** shall also transmit, within 5 normal working days after filing, 10 copies of the final plat to the Town Plan Commission and Board, and one copy to each of the Town Engineer, the affected public or private utility companies, the school district with jurisdiction, and SEWRPC.
- D. **The Town Plan Commission** shall examine the final plat as to its conformance with the approved preliminary plat; conditions of approval of the preliminary plat; this Ordinance and all ordinances, rules, regulations, comprehensive plans or components thereof which may affect it; and shall recommend approval or rejection of the plat to the Town Board.
- E. **Partial Platting**. The final plat may, if permitted by the Plan Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time; however, it is required that each phase be final platted and designated as a phase of the approved preliminary plat.

### 3.05 FINAL PLAT APPROVAL

- A. **The Objecting Agencies**, shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. 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 Town Plan Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.
- B. **Submission**. If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat. The Town Board may extend the time for submission of the final plat.
- C. **The Town Plan Commission** shall, within 30 days of the date of filing of the final plat with the Town Clerk, recommend approval, conditional approval, or rejection of the plat and shall transmit the final plat and application along with its recommendation to the Town Board.
- D. **Notification**. The Town Board shall give at least 10 days prior written notice of its intent to act on the plat to the clerk of any municipality within 1,000 feet of the plat, but failure to give such notice shall not invalidate the plat.

- E. **The Town Board** shall, in accordance with Section 236.11 of the Wisconsin Statutes, within 60 days of the date of filing the original final plat with the Town Clerk, approve or reject such plat, unless time is extended by agreement with the subdivider. The Town Board may act on the plat at the same meeting at which the Plan Commission makes its recommendation. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon. If the 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. One copy each of the plat and letter shall be placed in the Town Board's permanent file. The Town Board shall not inscribe its approval on the final plat unless the Town Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, with the date they were forwarded, and that no objections have been filed within 20 days or, if filed, that they have been met.
- F. **Failure of the Town Board** to act within 60 days, the time having not been extended and no unsatisfied objections having been filed and all fees payable by the subdivider having been paid, shall constitute approval of the final plat.
- G. **Recordation.** After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the Ozaukee County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the first approval, as required in Section 236.25(2)(b) of the Wisconsin Statutes.
- H. **Copies.** The subdivider shall file 10 copies of the recorded final plat with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor, and other affected officials for their files.

### **3.06 CERTIFIED SURVEY MAP REVIEW AND APPROVAL (Minor Land Division)**

When it is proposed to divide land into not more than 4 parcels or building sites, inclusive of the original remnant parcel, any of which is less than 35 acres in size, by a division or by successive divisions of any part of the original parcel within a 5-year period; or when it is proposed to divide a block, lot, or outlot within a recorded subdivision plat into not more than 4 parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of the subdivision plat, or the exterior boundaries of blocks within the subdivision plat, and the division does not result in a subdivision, the subdivider shall subdivide by use of a certified survey map. The certified survey map shall include all parcels of land less than 35 acres in area and may, at the owner's discretion, include any other parcels 35 acres or larger in size. The subdivider shall prepare the certified survey map in accordance with this Ordinance and shall file sufficient copies of the map and the completed application with the Town Clerk at least 10 days prior to the meeting of the Plan Commission at which action is desired.

- A. **A Pre-Application Consultation**, in accordance with Section 3.01 of this Ordinance, is required.
- B. **The Town Clerk** shall, within 5 normal working days after filing, transmit the copies of the map and letter of application to the Town Board and Plan Commission.
- C. **The Town Clerk** shall, within 5 normal working days after filing, transmit a copy of the map to the Ozaukee County planning agency and all other applicable approving authorities, including extraterritorial plat review agencies if not waived in writing. Copies may also be transmitted to SEWRPC for review and comment. Their recommendations shall be transmitted to the Town Plan Commission within 20 days from the date the map is received. The map shall be reviewed by the Plan Commission for conformance to this Ordinance, and all other ordinances, rules, regulations, and master or comprehensive plans and components thereof as may be applicable.
- D. **The Town Plan Commission** shall recommend approval, approve with conditions and/or deed restrictions, or rejection of such map within 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider, and shall transmit the map along with its recommendations to the Town Board.
- E. **The Town Board** shall approve, approve conditionally and thereby require resubmission of a corrected map, or reject such map within 90 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original map.
- F. **Recordation.** After the certified survey map has been approved by the Town Board the Town Clerk shall cause the certification inscribed upon the map attesting to such approval to be duly executed and the map returned to the subdivider for recording with the Ozaukee County Register of Deeds. The Register of Deeds shall not record the map unless it is offered for recording within 6 months after the date of the last approval and within 24 months after the first approval.
- G. **Copies.** The subdivider shall file 10 copies of the recorded certified survey map with the Town Clerk. The Clerk shall distribute copies of the map to the Town Engineer, Town Planner, Building Inspector, Assessor, Land Information Officer, and other affected officials for their files.

### 3.07 REPLATS

Except for assessors' plat as provided in Section 70.27(1) of the Wisconsin Statutes, when it is proposed to replat a recorded subdivision, or part thereof, so as to vacate or alter areas within a plat dedicated to the public, or to change the boundaries of a recorded subdivision, or part thereof, the subdivider 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. If the replat is proposing to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall then proceed as specified in Sections 3.01 through 3.05 of this Ordinance.

The Town Clerk shall schedule a public hearing before the Plan Commission when a preliminary plat of a replat of lands within the Town is filed, and shall cause notices of the proposed replat and public hearing to be published and mailed to the owners of record of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

## **SECTION 4.00 PRELIMINARY PLAT**

### **4.01 GENERAL REQUIREMENTS**

A preliminary plat shall be required for all subdivisions and shall be based on a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale no smaller than one inch equals 100 feet and shall show correctly on its face the following information:

- A. **The Preliminary Plat** shall be clearly noted and labeled on its face “Preliminary Plat.”
- B. **Inset Map** of the area concerned showing the general location of the proposed subdivision in relation to the U. S. Public Land Survey section and quarter-section lines and abutting and nearby public streets and highways. The inset map shall be oriented on the sheet in the same direction as the main drawing.
- C. **Location** of proposed subdivision by quarter section, township, range, county, and state.
- D. **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 stated on the plat.
- E. **Names** and addresses of the owner, subdivider, and land surveyor preparing the plat.
- F. **Date**, graphic scale, and north arrow.
- G. **The Entire Area Contiguous** to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Plan Commission may

waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.

#### **4.02 SITE ANALYSIS INFORMATION**

The following site analysis information shall be inventoried and mapped at a scale no smaller than one inch equals 100 feet in sufficient detail, with brief descriptions if necessary, to allow for the proper evaluation of a preliminary plat. The site analysis map and accompanying descriptions shall be included with the submittal of the preliminary plat. The map shall include:

- A. **Topographic Features**, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to National Geodetic Vertical Datum (NGVD) of 1929. Any rock outcrops, slopes of 12 percent or greater, ridge lines, and hilltops shall be noted.
- B. **Hydrologic Characteristics**, including lakes, ponds, rivers, streams, creeks, drainage ditches, wetlands, floodplains, shoreland areas, and surface drainage patterns. The boundaries of wetlands shall be as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). The boundaries of the 100-year recurrence interval floodplain, as determined by the Federal Emergency Management Agency (FEMA) or the Wisconsin Department of Natural Resources (WDNR), shall be shown. Where such floodplain data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the subdivider and the engineer's report providing the required data shall be subject to review and approved by the Town Engineer.
- C. **Delineations of Natural Resource Areas**, including the boundaries of primary and secondary environmental corridors and isolated natural resource areas as identified by SEWRPC, and the location and type of any rare or endangered species habitat.
- D. **Soil Types**, as shown on the soil survey maps prepared by the U. S. Soil Conservation Service (now known as the U.S. Natural Resources Conservation Service).
- E. **Existing Vegetation**, including the boundaries and characteristics of woodlands and hedgerows. Predominant species of hedgerows and woodlands shall be identified. Unless located within an area proposed to be maintained in open space, specimen trees shall be located and identified by species, size, and health.
- F. **Historic, Cultural, and Archaeological Features**, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
- G. **Scenic Vistas**, both into the proposed subdivision from adjacent roads and public areas and views from within the proposed subdivision.

- H. **The Location and Classification** of existing streets and highways within or adjacent to the proposed subdivision and desirable or undesirable entry points into the subdivision.
- I. **Existing Land Uses** within the proposed subdivision and within 200 feet therefrom, including cultivated and non-cultivated fields, paved areas, buildings, structures, and all encumbrances, such as easements or covenants.
- J. **Public Parks and Open Space Areas** within or adjacent to the proposed subdivision, and potential open space connections between the proposed subdivision and adjacent lands.
- K. **Existing and Proposed Zoning** on and adjacent to the proposed subdivision.
- L. **Any Additional Information** requested by the Town Plan Commission.

#### 4.03 PLAT DATA

All preliminary plats shall show the following:

- A. **Length and Bearing** of the exterior boundaries of the proposed subdivision referenced to two corners established in the U. S. Public Land Survey and the total acreage encompassed thereby. The lengths of lines shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc length, chord length, radius length, and bearing shall be given for all curved lines.
- B. **Topographic Features**, including existing and proposed contours, within the exterior boundaries of the plat and extending to the centerline of adjacent public streets, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to NGVD (1929).
- C. **Boundaries of the 100-Year** recurrence interval floodplain and related floodplain regulatory stages, as determined by FEMA or WDNR. Where such data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the subdivider and the engineer's report providing the required data shall be submitted with the plat for review and approval by the Town Engineer. The contour line lying a vertical distance of 2 feet above the elevation of the 100-year recurrence interval flood shall also be provided.
- D. **Location and Water Elevations** at the date of the survey of all lakes, ponds, rivers, streams, creeks, and drainage ditches within the plat and within 200 feet of the exterior boundaries of the plat. Approximate high and low water elevations and the ordinary high water mark referenced to NGVD (1929) shall also be shown. The status of navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be indicated based upon a determination by WDNR.

- E. **Lake and Stream Meander Lines** proposed to be established.
- F. **Any Proposed Lake and Stream Access**, and the width of the proposed access, to be provided within the exterior boundaries of the plat.
- G. **Any Proposed Lake and Stream Improvement** or relocation, and notice of application for approval by WDNR, when applicable.
- H. **Boundaries of Primary and Secondary Environmental Corridors** and isolated natural resource areas, as delineated and mapped by SEWRPC. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the boundaries shall be provided together with the date of the field survey concerned.
- I. **The Location of Woodlands** as mapped by SEWRPC and existing vegetation to be retained within the proposed subdivision.
- J. **Location**, right-of-way width, and names of all existing and proposed streets, highways, or other public ways, bicycle and pedestrian ways, utility rights-of-way, active and abandoned railway rights-of-way, vision corner easements, and other easements within and adjacent to the plat.
- K. **Type, Width, and Elevation** of any existing street pavements within or adjacent to the plat, together with any legally established centerline elevations, referenced to mean NGVD (1929).
- L. **Approximate Radii** of all curved lines within the exterior boundaries of the plat.
- M. **Location and Names** of any adjoining subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.
- N. **All Existing Structures**, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed plat and within 200 feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the plat, and within 100 feet of the exterior boundaries of the plat, shall be shown.
- O. **Locations** of all civil division boundary lines and U.S. Public Land Survey system section and one-quarter section lines within the plat and within 100 feet of the exterior boundaries of the plat.

- P. **Existing Zoning** on and adjacent to the proposed subdivision.
- Q. **Approximate Dimensions** of all lots, the minimum lot area required by the zoning district in which the plat is located and proposed lot and block numbers. Lots and blocks shall be numbered consecutively.
- R. **Building or Setback Lines** including those which are proposed to be more restrictive than the regulations of the zoning district in which the plat is located.
- S. **Location, Approximate Dimensions, and Area** of any sites to be reserved or dedicated for drainageways, open space preservation, or other public use.
- T. **Location, Approximate Dimensions, and Area** of any proposed common areas or facilities.
- U. **Location, Approximate Dimensions, and Area** of any sites which are to be used for shopping centers, church sites, or other non-public uses not requiring lotting.
- V. **Location, Size, and Invert Elevation** of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within or adjacent to the plat. If no sewers or water mains are located on or immediately adjacent to the proposed subdivision, the nearest such sewers or water mains which might be extended to serve the proposed subdivision shall be indicated by their direction and distance from the plat, and by their size and invert elevations. All elevations shall be referenced to NGVD (1929).
- W. **The Approximate Location** of any existing private onsite wastewater treatment systems (POWTS).
- X. **Location and Results of Soil Boring Tests**, where required by Chapter SPS 385 of the Wisconsin Administrative Code, made to a depth of 6 feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per 3 acres shall be made initially. Two copies of the results of such tests shall be submitted along with the preliminary plat.
- Y. **Location and Results of Soil Percolation Tests**, where required by Chapters SPS 383 and 385 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption sewage disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per 3 acres or one (1) test per lot, whichever is greater. Two copies of the results of such tests shall be submitted along with the preliminary plat.

Z. **Location of Proposed Special Restrictions** such as those relating to deed restrictions, access-control easements along public ways, or conservation easements.

AA. **Any Additional Information** requested by the Town Plan Commission, Town Board, Town Engineer, Town Attorney, or Town Zoning Administrator.

#### 4.04 **STREET PLANS AND PROFILES**

The Town Engineer or Plan Commission shall require that the subdivider provide street plans and profiles showing the existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon NGVD (1929), and plans and profiles shall meet the approval of the Town Engineer.

#### 4.05 **SOIL BORINGS AND TESTS**

A. **The Plan Commission**, upon recommendation of the Town Engineer, may, in order to determine the suitability of specific areas for the construction of buildings and supporting roadways, require that soil borings and soundings be made to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and soundings shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.

B. **Where a Subdivision** will not be served by public sanitary sewer, the provisions of Chapters SPS 383 and 385 of the Wisconsin Administrative Code shall be complied with, and the appropriate data submitted with the preliminary plat.

#### 4.06 **SOIL AND WATER CONSERVATION**

The Plan Commission, upon the recommendation of the Town Engineer and after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the Wisconsin Department of Natural Resources (WDNR) Construction Site Erosion and Sediment Control Standards that are available at the following website: <http://www.dnr.state.wi.us/org/water/wm/nps/stormwater/techstds.htm>. Additional guidelines and standards for practices not found in the preceding WDNR standards are set forth in the publication, *Wisconsin Construction Site Best Management Practice Handbook*, prepared by WDNR. (Also see Section 8.15 of this Ordinance.)

#### 4.07 **COVENANTS AND HOMEOWNERS ASSOCIATION DOCUMENTS**

A. **A Draft Copy of Any Proposed Protective Covenants** whereby the subdivider intends to regulate land use in the proposed subdivision shall accompany the

preliminary plat. The proposed covenants shall be subject to review and approval by the Town Board and Plan Commission.

- B. **A Draft Copy of Any Proposed Homeowners Association Declarations,** covenants, or other documents shall accompany the preliminary plat. These documents shall include the information specified in Section 2.06. The proposed documents shall be subject to review and approval by the Town Board and Plan Commission.
- C. **A Draft Copy of a Land Stewardship Plan** for proper management of the common open space in conservation subdivisions, sometime called cluster developments, shall be included in the submittal of association documents.

#### **4.08 SURVEYOR'S CERTIFICATE**

The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of the exterior boundaries of the proposed plat and of all existing land divisions and features within and adjacent thereto; and that the surveyor has fully complied with the provisions of this Ordinance and of Chapter 236 of the Wisconsin Statutes.

### **SECTION 5.00 FINAL PLAT**

#### **5.01 GENERAL REQUIREMENTS**

A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Chapter 236 of the Wisconsin Statutes.

#### **5.02 FINAL PLAT DATA**

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. **Length and Bearing** of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc, chord, and radius lengths and the chord bearings, together with the bearings of the radii at the ends of the arcs and chords, shall be given for all curved streets.
- B. **Street Width** along the line of any obliquely intersecting street to the nearest 0.01 foot.
- C. **Active and Abandoned Railway** rights-of-way within and abutting the exterior boundaries of the plat.
- D. **Building or Setback Lines** required by the Town Plan Commission, Town Zoning Ordinance, or other approving or objecting agency including those which are more

restrictive than the regulations of the zoning district in which the plat is located, or which are proposed by the subdivider and are to be included in recorded private covenants.

- E. **Utility** and drainage easements.
- F. **All Lands Reserved** for future public acquisition or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision, the information required by Section 2.06 shall be submitted with the Final Plat, together with any associated deed or plat restrictions required by the Plan Commission.
- G. **Boundaries of the 100-year** recurrence interval floodplain and related regulatory stages as determined by the Federal Emergency Management Agency or the Wisconsin Department of Natural Resources. Where such data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the subdivider and the engineer's report providing the required data shall be submitted with the plat for review and approval by the Town Engineer. The contour line lying a vertical distance of 2 feet above the elevation of the 100-year recurrence interval flood shall also be provided.
- H. **Special Restrictions** required by the Town Plan Commission or other approving or objecting agency relating to access control along any public ways within or adjacent to the plat; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the plat.
- I. **Additional Information** as may be required by the Town Plan Commission, Town Board, Town Engineer, Town Attorney, or Town Zoning Administrator.

### 5.03 DEED RESTRICTIONS

The Town may require that deed restrictions be filed with the final plat. When required, such restrictions shall be recorded with the final plat.

### 5.04 SURVEY ACCURACY

The Town Engineer shall examine all final plats within the Town and may make, or cause to be made by a registered land surveyor under the supervision or direction of the Town Engineer, field checks for the accuracy and closure of survey, proper type and location of monuments, and liability and completeness of the drawing. In addition:

- A. **The Maximum Error of Closure** before adjustment of the survey of the exterior boundary of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 10,000; nor, in azimuth, 4 seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field

measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

- B. **All Street, Block, and Lot Dimensions** shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one (1) part in 5,000, or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed 5 minutes of arc.
  
- C. **The Town Board** shall receive the results of the Town Engineer's examination prior to approving the final plat. The Town Engineer may, however, in accordance with Section 2.07C of this Ordinance, waive the placing of monuments for a reasonable time, not to exceed one (1) year, on the condition that the subdivider provide a letter of credit, certified check, or surety bond equal to the estimated cost of installing the monuments, to ensure the placing of such monuments within the time required by Statute. In that case, the Town Engineer's examination required under this section and any related field checks shall be made after the required monuments have been installed. The letter of credit, certified check, or surety bond concerned shall not be released until the Town Engineer is satisfied with the accuracy of the land surveying concerned.

#### **5.05 SURVEYING AND MONUMENTING**

All final plats shall meet all surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

#### **5.06 STATE PLANE COORDINATE SYSTEM**

Where the plat is located within a one-quarter section, the corners of which have been located, monumented, and placed on the State Plane Coordinate System through high order horizontal control surveys conducted to standards established by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), the plat shall be tied directly to two adjacent section or quarter-section corners (that is not the center of a section) defining a quarter section line so located, monumented, and placed on the State Plane Coordinate System. The grid bearing and distance of each tie shall be determined by field measurements. The State Plane Coordinates, together with a description of the monuments marking the section or quarter-section corners to which the plat is tied, shall be shown on the plat. All distances and bearings shall be referenced to the Wisconsin State Plane Coordinate System, South Zone, based upon the North American Datum of 1927 and shall be adjusted to the control survey network established to the standards promulgated by SEWRPC for the area concerned.

Where the field measurements differ from the control survey data by more than one part in 10,000, as an alternative to adjusting the field measured distances and bearings of the

ties to the control survey network, the surveyor shall show both the measured field distances and bearings and the recorded and published control survey distances and bearings concerned. Under this alternative, the discrepancies shall be brought to the attention of the custodian of the control survey data for the area concerned by the surveyor.

All distances shall be recorded to the nearest 0.01 foot and all bearings to the nearest one second of arc. 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.

#### **5.07 CERTIFICATES**

All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he or she has fully complied with all the provisions of this Ordinance.

#### **5.08 FILING AND RECORDING**

- A. **The Final Plat** shall be submitted for recording in accordance with Section 3.05G of this Ordinance.
- B. **The County Register of Deeds** shall record the plat as provided by Section 236.25 of the Wisconsin Statutes.
- C. **The Subdivider** shall file a copy of the final plat with the Town Clerk, as provided by Section 236.27 of the Wisconsin Statutes.

### **SECTION 6.00 CERTIFIED SURVEY MAP (Minor Land Divisions)**

#### **6.01 GENERAL REQUIREMENTS**

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

A preliminary map or sketch map shall be submitted by the subdivider to the Town Plan Commission or its staff for review and comment prior to the submission of a proposed certified survey map for review and approval.

#### **6.02 REQUIRED INFORMATION**

The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- A. **Inset Map** of the area concerned showing the location of the proposed certified survey map in relation to the U. S. Public Land Survey section and quarter-section lines and abutting and nearby public streets and highways. The inset map shall be oriented on the sheet in the same direction as the main drawing.
- B. **Date**, graphic scale, and north arrow.
- C. **Name** and addresses of the owner, subdivider, and land surveyor preparing the certified survey map.
- D. **All Existing Structures**, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed certified survey map and within 200 feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the proposed certified survey map, and within 100 feet of the exterior boundaries of the map, shall be shown.
- E. **Location, Approximate Dimensions, and Area** of any sites to be reserved or dedicated for drainageways, open space preservation, or other public use.
- F. **Building or Setback Lines** required by the Town Plan Commission, Town Zoning Ordinance, or other approving or objecting agency including those which are more restrictive than the regulations of the zoning district in which the certified survey map is located, or which are proposed by the subdivider and are to be included in recorded private covenants.
- G. **Location and Names** of any adjoining streets, highways, subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.
- H. **Length and Bearing** of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and the bearings to the nearest one second of arc. The arc, chord, and radius lengths, and the chord bearing, together with the bearings of the radii of the ends of the arcs and chords, shall be given for all curved lines.
- I. **Street Width** along the line of any obliquely intersecting street line to the nearest 0.01 foot.
- J. **Active and Abandoned Railway** rights-of-way within and abutting the exterior boundaries of the proposed certified survey map, and the location and right-of-way of existing and proposed bicycle and pedestrian ways.
- K. **Special Restrictions** required by the Town Plan Commission or other approving or objecting agency relative to access control along any public ways within or adjacent

to the proposed certified survey map; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the proposed certified survey map.

**L. Utility and Drainage Easements.**

**6.03 ADDITIONAL INFORMATION**

The Plan Commission may require that the following additional information be provided when necessary for the proper review and consideration of the proposed land division:

- A. **Topographic Features**, including existing and/or proposed contours, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to National Geodetic Vertical Datum (NGVD) of 1929. The requirement to provide topographic data may be waived if the parcel or parcels proposed to be created are fully developed.
- B. **Soil Types** as shown on the soil survey maps prepared by the U. S. Soil Conservation Service (now known as the U.S. Natural Resources Conservation Service).
- C. **The Square Footage** and elevation of the first floor of all buildings proposed to remain on the site or sites included in the certified survey map.
- D. **Existing Zoning** of all parcels, lots, and outlots.
- E. **The Town Plan Commission**, upon recommendation of the Town Engineer, may, in order to determine the suitability of the site concerned for the construction of buildings and supporting roadways, require that soil borings and tests be made to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.
- F. **Where the Site is Not to be Served** by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of private onsite wastewater treatment systems (POWTS). Such borings and tests shall meet the requirements of Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The number of such tests initially made shall be not less than one (1) test per 3 acres or one (1) test per parcel, whichever is greater. The location of the borings shall be shown on the map and the findings, with respect to suitability for the use of POWTS, set forth in a separate report submitted with the proposed certified survey map.

- G. **The Approximate Location** of existing and proposed onsite sewage treatment and disposal facilities.
- H. **Boundaries of Primary and Secondary Environmental Corridors** and isolated natural resource areas, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the wetland boundaries shall be provided together with the date of the field survey concerned.
- I. **Boundaries of the 100-year** recurrence interval floodplain and related regulatory stages, as determined by the Federal Emergency Management Agency or the Wisconsin Department of Natural Resources. Where such data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the subdivider, and the engineer's report providing the required data shall be submitted for review and approval by the Town Engineer. The contour line lying a vertical distance of 2 feet above the elevation of the 100-year recurrence interval flood shall also be provided.
- J. **The Location of Woodlands**, as mapped by SEWRPC, within the proposed certified survey map.
- K. **Historic, Cultural, and Archaeological Features**, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
- L. **Location and Water Elevations** at the date of the survey of all lakes, ponds, rivers, streams, creeks, and drainage ditches within the proposed certified survey map and within 200 feet of the exterior boundaries of the map. Approximate high and low water elevations and the ordinary high water mark referenced to NGVD (1929) shall also be shown. The status of navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be indicated based upon a determination by the WDNR.
- M. **The Town Plan Commission** may require that the entire area contiguous to the land encompassed within the proposed certified survey map and owned or controlled by the subdivider be included in the certified survey map even though only a portion of said area is proposed for immediate development. The Town Plan Commission may also require the submission of a sketch plan, drawn to scale, showing the entire contiguous holdings owned or controlled by the subdivider and identifying proposed future development of the parcel, including general street and parcel locations.
- N. **Any Additional Information** requested by the Town Plan Commission.

**6.04 DEED RESTRICTIONS**

The Town Board may require deed restrictions to be filed with the certified survey map. When required, such restrictions shall be recorded with the approved certified survey map.

**6.05 STATE PLANE COORDINATE SYSTEM**

Where the map is located within a one-quarter section, the corners of which have been located, monumented, and placed on the State Plane Coordinate System through high order horizontal control surveys conducted to standards established by SEWRPC, the map shall be tied directly to two adjacent section or quarter section corners (that is not the center of a center) defining a quarter section line so located, monumented, and placed on the State or County Plane Coordinate System. The grid bearing and distance of each tie shall be determined by field measurements. The State Plane Coordinates, together with a description, of the monuments marking the section or quarter section corners to which the map is tied shall be shown on the map. All distances and bearings shall be referenced to the Wisconsin State Plane Coordinate System, South Zone, based upon the North American Datum of 1927 and shall be adjusted to the control survey network established to the standards promulgated by SEWRPC for the area concerned.

Where the field measurements differ from the control survey data by more than one part in 10,000, in the alternative to adjusting the field measured distances and bearings of the ties to the control survey network, the surveyor shall show both the measured field distances and bearings and the recorded and published control survey distances and bearings concerned. Under this alternative, the discrepancies shall be brought to the attention of the custodian of the control survey data for the area concerned by the surveyor.

All distances shall be recorded to the nearest 0.01 foot and all bearings to the nearest one second of arc. 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 certified survey map.

**6.06 CERTIFICATES**

- A. **All Certified Survey Maps** shall provide all of the certificates required for final plats by Section 236.21 of the Wisconsin Statutes. The Town Board shall certify its approval on the face of the map. In addition, the surveyor shall certify that he or she has fully complied with all of the provisions of this Ordinance.
- B. **Dedication of Streets** and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

**6.07 RECORDING**

After the certified survey map has been duly approved by the Town Board, the Town Clerk shall cause the certificate to be inscribed upon the map attesting to such approval and the map recorded as provided for under Section 3.06F of this Ordinance.

## SECTION 7.00 DESIGN STANDARDS

### 7.01 STREET ARRANGEMENT

- A. **General Requirements.** In any new land division, the street layout shall conform to the arrangement, width, type, and location indicated on the adopted Ozaukee County jurisdictional highway system plan or the adopted Town comprehensive plan or plan component. In areas for which such plans have not been completed, or are of insufficient detail, 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 existing trees, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The land division shall be designed so as to provide each lot with satisfactory frontage on a public street.
- B. **Arterial Streets** 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 planned system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- C. **Collector Streets** shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to special traffic generators such as schools, churches, shopping centers, and other concentrations of population and to the arterial streets to which they connect.
- D. **Minor Land-Access Streets** shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm drainage and utility systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- E. **Proposed Streets** shall extend to the boundary lines of the lot, parcel, or tract being subdivided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the Town Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the land division or for the advantageous development of adjacent lands.
- F. **Arterial Street and Highway Protection.** Whenever an existing or planned arterial street or highway is located adjacent to or within a proposed land division, adequate protection of residential lots, limitation of access to the arterial street or highway, and separation of through and local traffic shall be provided by reverse frontage or through the use of frontage, cul-de-sac, or loop streets. A restricted non-access easement along any property line abutting an arterial street or highway shall be

required (See Section 7.08C). Permanent screening such as earth berms, decorative walls or fencing, landscape plantings, and/or any combination thereof, shall be required in any restricted non-access area.

- G. **Development Control or Reserve Strips** shall not be allowed on any plat or certified survey map to control access to streets, except where control of such strips is placed with the Town under conditions approved by the Town Board upon a recommendation from the Town Plan Commission.
- H. **Street Names** shall be approved by the Town and shall not duplicate or be similar to existing street names elsewhere in the Town. Existing street names shall be continued into the land division wherever possible.
- I. **Private Streets** shall not be approved nor shall public improvements be approved for any private streets. All streets shall be dedicated for public use.

## **7.02 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT**

Whenever a proposed land division contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- A. **Non-Access Easement and Planting Area.** When lots within a proposed land division back upon the right-of-way of an existing or planned limited access highway or railroad, a non-access easement (See Section 7.08C) and planting area (sometimes called a landscaped bufferyard) at least 30 feet in depth shall be provided adjacent to the highway or railroad right-of-way. The minimum lot depth required by the Town zoning ordinance shall be increased by 30 feet to accommodate the non-access easement and planting area. This non-access easement and planting area shall be a part of all lots and shall have the following restriction lettered on the face of the plat or certified survey map:

"This area is reserved for the planting of trees and shrubs. No access shall be permitted across this area. The building of structures, except public or private utility structures and fences, is prohibited hereon."

- B. **Streets Parallel to a Limited Access Highway** or railroad right-of-way, when intersecting an arterial or collector street which crosses said highway, shall be located at a minimum distance of 250 feet from said street or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of desirable approach gradients.
- C. **Minor Land-Access Streets** immediately adjacent to arterial streets and railroad rights-of-way shall be avoided in residential areas.
- D. **Shared Driveway Access.** See Section 7.08C.

### 7.03 STREET AND OTHER PUBLIC WAY DESIGN STANDARDS

A. **Cross-Sections.** The minimum right-of-way and roadway width of all proposed streets shall be as specified by the comprehensive plan, comprehensive plan component, or jurisdictional highway system plan. If no dimensions are specified therein, the minimum right-of-way and roadway width of all proposed streets shall conform to the Town road standards set forth in Section 82.50 of the Wisconsin Statutes, but no less than those established in Section 82.50(1)(d) with a minimum right-of-way width of 66 feet and a minimum pavement width of 22 feet with 5-foot shoulders. Cross-sections for arterial streets, freeways, or expressways shall be based upon detailed engineering studies.

B. **Cul-de-Sac Streets** designed to have one end permanently closed shall not exceed 1,000 feet in length unless provisions are made for adequate emergency access. For lengths proposed to exceed 1,000 feet, the developer shall show extraordinary circumstances forcing the use of such lengths due to exceptional environmental constraints, the preservation of hilltops, irregular tract shape, or other limiting factors.

These streets shall terminate in a circular turnaround having a minimum right-of-way radius of 80 feet and a minimum pavement radius of 60 feet with 4-foot shoulders. Such turnarounds with landscaped islands shall provide a minimum island radius of 38 feet. Islands within cul-de-sac turnarounds and “eyebrow” turnarounds (half circular cul-de-sacs) may be allowed provided the islands are maintained by private means such as a homeowners association. The Plan Commission may require curb and gutter at the perimeter of such islands.

C. **Temporary Termination** of streets intended to be extended at a later date shall be accomplished with the construction of a temporary circular-shaped turnabout within the street right-of-way. Temporary turnarounds must be connected and extended when the adjoining property is developed.

D. **Bicycle and Pedestrian Ways** with a right-of-way, outlot, or public access easement width of not less than 20 feet may be required where deemed necessary by the Plan Commission to provide adequate bicycle and pedestrian circulation or access to schools, churches, shopping areas, or transportation facilities. Bicycle and pedestrian ways in wooded and wetland areas shall be so designed and constructed as to minimize the removal of trees, shrubs, and other vegetation, and to preserve the natural beauty of the area.

E. **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. All changes in street grades that exceed one (1) percent shall be connected by vertical curves that meet the standards for

stopping sight distance established in the American Association of State Highway and Transportation Officials, *A Policy on Geometric Design of Highways and Streets*.

2. 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 streets: 6 percent.
    - b. Collector streets: 8 percent.
    - c. Minor land-access streets, cul-de-sacs, and frontage streets: 10 percent.
    - d. Bicycle ways: 5 percent; however, steeper grades are acceptable for distances up to 500 feet.
    - e. Pedestrian ways: 12 percent. Steps or stairs shall be provided if the grade will exceed 12 percent.
  3. The grade of any street shall in no case exceed 12 percent or be less than one-half (0.5) of one (1) percent for streets with a rural cross section.
- F. **Crowns.** Unless otherwise approved, roadway pavements shall be designed with a centerline crown. Offset crowns or continuous cross-slopes may be utilized upon approval of the Town Engineer.
- G. **Radii of Curvature.** When a continuous street centerline deflects at any one point by more than 7 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
1. Arterial streets and highways: 500 feet
  2. Collector streets: 300 feet
  3. Minor land-access streets: 100 feet
- A tangent at least 150 feet in length shall be provided between reverse curves on arterial and collector streets.
- H. **Street Elevations in Floodplains.** Elevations of streets passing through floodplains shall be designed in the following manner:
1. Arterials streets shall be designed so that they will not be overtopped by the 50-year recurrence interval flood.
  2. Collector and minor land-access streets shall be designed so that they will not be overtopped by a 10-year recurrence interval flood.
- I. **Bridges and Culverts.** All new and replacement bridges and culverts over navigable waterways, including pedestrian and other minor bridges, shall be designed so as to accommodate the peak rate of discharge of a 100-year recurrence

interval flood event without raising the peak stage, either upstream or downstream, as established by the Wisconsin Department of Natural Resources (WDNR). Larger permissible flood stage increases may be acceptable for reaches having topographic or land use conditions which could accommodate the increased stages without creating additional flood damage potential upstream or downstream of the proposed structure, providing that flood easements or other appropriate legal measures have been secured from all property owners affected by the excess stage increases. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.

All new and replacement bridges shall be constructed in accordance with all applicable State regulations and shall be submitted to the WDNR to assure compliance therewith.

- J. **Half-Streets.** Where an existing dedicated or platted half-street is adjacent to the proposed land division plat, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.
- K. **Passing Lanes and Acceleration/Deceleration Lanes.** When the land to be subdivided is proposed to have a street connection to an arterial street, the Town Plan Commission may require that the subdivider install a “passing” or “bypass” lane adjacent to the traffic lane opposite the intersection as well as an acceleration and a deceleration lane adjacent to the traffic lane nearest the intersection, all of which shall be approved by the Town Engineer.

#### 7.04 STREET INTERSECTIONS

- A. **Right Angle.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- B. **The Maximum Number** of streets converging at one intersection shall not exceed two.
- C. **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.
- D. **Continuation of Minor Land-Access and Collector Streets.** Minor land-access and collector streets shall not necessarily continue across arterial streets; but if the distance between the centerline intersection of such streets is less than 250 feet measured along the centerline of the arterial street, then the location of the collector and/or minor land-access streets shall be adjusted so that the distance is increased or the adjoinment across the intersecting street is continuous and a jog is avoided.
- E. **Corner Curves.** Property lines at street intersections shall be rounded to an arc with a minimum radius of 15 feet, or a greater radius if required by the Town Engineer,

or shall be cut off by a straight line through the points of tangency of an arc having a radius of 15 feet or greater.

F. **Handicap Ramps or Openings.** On all streets where sidewalks are required, ramps or openings to accommodate handicapped individuals or vehicles shall be provided in accordance with Section 66.0909 of the Wisconsin Statutes.

G. **Vision Clearance Easements**

1. No substantial obstructions by such features as structures, vegetation, or parked automobiles shall be permitted between the heights of 2 ½ feet and 10 feet above the plane through the mean curb grade, or if no curb exists, the centerline street grade adjacent to the triangular space formed by any 2 existing or proposed intersecting nonarterial street (collector streets and minor land-access streets) right-of-way lines and a line joining points on such lines located a minimum of 30 feet from their intersection (see Illustration No. 1).

Open fences not exceeding a height of 3 feet with less than 25 percent opaqueness and necessary utility poles and traffic, directional, and street name signs approved by the public agency having jurisdiction may be permitted within such triangular areas. Single poles (not exceeding 12 inches in width) and single trunk trees (not exceeding 24 inches in diameter) may also be allowed provided that they are located as far away from the intersection as possible and that the bottom of the tree canopy and any advertising sign face, if applicable, are at least 10 feet above the adjacent mean curb or pavement grade. Trees, when planted, shall be pruned of branches lower than about 5 feet above grade; thereafter, all trees shall be pruned of branches from the trunk to below the upper height limit when feasible in relation to tree size as it matures. In establishing the vision triangle, the planned or ultimate right-of-way lines shall be used.

2. In the case of any streets intersecting with arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 80 feet (see Illustration No. 1).

3. Vision triangles at intersections with State or County Trunk Highways shall meet the vision corner requirements of the State or Ozaukee County highway agency that has jurisdiction, but in no case shall they be less than those specified in subsections 7.04G1 and 2 above.

**7.05 BLOCKS**

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

## 7.06 LOTS

- A. **General Requirements.** The size, shape, and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site, and a proper architectural setting for the buildings contemplated. Lot lines shall follow municipal boundary lines rather than cross them.
- B. **Side Lot Lines** shall be at right angles to straight street lines or radial to curved street lines on which the lots face, unless a non-conventional lot layout is approved by the Town Plan Commission.
- C. **Double Frontage or Reverse Frontage Lots** shall be prohibited except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.
- D. **Access.** Every lot shall front or abut for a distance of at least 100 feet on a public street, except existing lots on established private roads are exempt, and parcels in agricultural districts shall front or abut for a distance of at least 500 feet on public streets. Also see Section 7.08C pertaining to shared driveways. Lots fronting on the radius of a cul-de-sac or curved street shall have a frontage of at least 66 feet in width at the street right-of-way line, except parcels in agricultural zoning districts shall have a frontage of at least 500 feet.
- E. **The Area and Dimensions of Lots** shall conform to the requirements of the Town zoning ordinance or the Ozaukee County Shoreland and Floodplain Zoning Ordinance. Buildable lots that will not be served by a public sewerage or water service or other approved communal systems shall be of sufficient size to permit the use of a private onsite wastewater treatment system (POWTS), designed in accordance with Chapter SPS 383 of the Wisconsin Administrative Code, and a private water supply system (well), in compliance with Chapter NR 812 of the Wisconsin Administrative Code.
- F. **Lot Sizes for Cluster/Conservation Developments** may be reduced to less than the minimum lot area and dimensions required for a zoning district, but in no case shall the lot size be less than  $\frac{3}{4}$  acre (32,670 square feet) or the density be more than that permitted in such zoning district. The remaining area of the development site shall be maintained in permanent open space, which may include compatible amenities, by proper deed restrictions and/or conservation easements and shall be restricted from further land division.
- G. **Re-Division of Lots.** Wherever a lot, parcel, or tract is subdivided into lots or parcels that are more than twice the minimum lot area required in the zoning district in which the lot or parcel is located, the Plan Commission may require that such lots or parcels be arranged and dimensioned to allow for the possible future re-division of such lots into lot sizes compatible with the zoning district.

- H. **Depth.** Excessive depth in relation to width shall be avoided and a proportion of 2.5 to one (2.5:1) shall be considered a desirable ratio, unless a deeper lot is needed to protect natural resources.
- I. **The Width of Lots** shall conform to the requirements of the Town Zoning Ordinance or other applicable ordinance.
- J. **The Shape** of lots shall be approximately rectangular, with the exception of lots located on a curved street or on a cul-de-sac turnabout. Flag lots or easements or other lot stacking techniques shall be prohibited, except where necessary to accommodate exceptional topography or to preserve natural resources.
- K. **Lands Lying Between the Meander Line and the Water's Edge** and any otherwise unplattable lands which lie between a proposed land division and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream.
- L. **Remnants of Lots** below minimum size left over after subdividing a larger tract must be added to an adjacent lot, or a plan shown as for future use of the remnant, rather than allowed to remain as unusable parcels.
- M. **Restrictions Prohibiting Development.** Whenever a lot appearing on a final plat or certified survey map is not intended to be buildable, or is intended to be buildable only upon certain conditions, an express restriction to that effect, running with the land and enforceable by the Town, shall appear on the face of the plat or map.

#### 7.07 BUILDING SETBACK LINES

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than required in the applicable zoning district, may be permitted or required by the Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, requiring greater setbacks to accommodate a coving design, requiring greater setbacks to avoid placing buildings within easements or vision clearance triangles, setting special yard requirements to protect natural resources, or requiring greater setbacks along arterial streets and highways to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code.

#### 7.08 EASEMENTS

- A. **Utility Easements.** The Plan Commission may require utility easements of widths deemed adequate for the intended purpose as determined by the Town Engineer. Such easements shall be located as determined by the applicable utility company, but preferably should be located along rear and side lot lines and should be designed

to avoid the location of such facilities as electric power transformers in the flow lines of drainage swales and ditches. All lines, pipes, cables, and similar equipment shall be installed underground unless the Town Plan Commission finds that the topography, soils, depth to bedrock, woodlands, wetlands, or other physical barriers would make underground installation impractical, or that the lots to be served by said facilities can be served directly from existing overhead facilities and requiring underground installation would constitute an undue hardship upon the subdivider. Associated equipment and facilities which are appurtenant to underground electric power, communications, and gas facility systems, including but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches, above-grade pedestal-mounted terminal boxes, junction boxes, meter points, and similar equipment may be installed at ground level. All utility easements shall be noted on the final plat or certified survey map followed by reference to the use or uses for which they are intended.

- B. **Drainage Easements.** Where a land division is traversed by a drainageway or stream, an adequate 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 Town Engineer. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Town Engineer.
- C. **Vision Corner Easements and Controlled- and Shared-Access Easements.** The Plan Commission may require vision corner easements, non- or controlled-access easements, and shared-access easements as a condition of plat or certified survey map approval in order to limit potential traffic hazards. Access provisions shall be evaluated on a case-by-case basis to determine the safety and feasibility of shared access.

## **7.09 PROTECTION OF NATURAL RESOURCES**

Where natural drainage channels, floodplains, wetlands, or other environmentally sensitive areas are encompassed in whole or in part within a proposed land division, the Plan Commission may require that such areas be dedicated or that restrictions, including those for conservation easements, be placed on the plat or certified survey map to protect such resources. The Plan Commission may further require that such areas be included in outlots designated on the plat or certified survey map and restricted from development. Conservation easements may be held by the Town of Belgium, a nonprofit conservation organization, or another entity as approved by the Town Board.

## **7.10 PUBLIC SITES AND OPEN SPACES**

- A. **In the Design** of a subdivision plat or a certified survey map, due consideration shall be given to the reservation or dedication of areas for drainageways, trail corridors, public open space sites, public access to navigable waters, and other

public purposes/lands. If designated on the comprehensive plan or comprehensive plan component, such areas, if any, shall be made a part of the plat or certified survey map as stipulated in Section 2.05 of this Ordinance. If not so designated, consideration shall be given to preserving open space sites such as environmental corridors; scenic, cultural, scientific, and historic sites; woodlands; wetlands and marshes; lakes, ponds, and watercourses; and ravines.

- B. **Navigable Streams or Lakeshores** shall have a public access-way at least 60 feet in width platted to the low water mark at intervals of not more than one-half mile and connecting to existing public streets, unless wider access or greater shoreline intervals are agreed upon by the Wisconsin Department of Administration, WDNR, and the Town, as required by Section 236.16(3) of the Wisconsin Statutes.

## **SECTION 8.00 REQUIRED IMPROVEMENTS**

### **8.01 GENERAL REQUIREMENTS**

All required improvements shall be constructed in accordance with plans and specifications approved by the Town Engineer. Such improvements may include those for green development and infrastructure subject to Town Engineer approval on a case-by-case basis in accordance with accepted engineering practices. The cost of all required improvements shall be borne by the subdivider unless alternative arrangements are agreed to and documented in the subdivider's agreement.

### **8.02 SURVEY MONUMENTS**

The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer.

### **8.03 GRADING**

- A. **Following the Installation** of temporary block corner monuments or other survey control points by the subdivider and establishment of street grades by the Town Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and specifications approved by the Town Plan Commission, upon the recommendation of the Town Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade.
- B. **Grading Cut and Filled Lands.** Cut and filled lands shall be graded to slopes not exceeding 4 horizontal to one (1) vertical (4:1), or the soil's angle of repose, whichever is the lesser, and be covered with permanent vegetation. To the extent practicable, grading shall be minimized.
- C. **Streets and Lots** shall be brought to finished grades as specified in a site grading plan approved by the Town Engineer.

#### **8.04 STREET SURFACING**

Following the installation, inspection, and approval by the Town Engineer of utility and stormwater drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the public to widths prescribed by this Ordinance, a comprehensive plan, or component thereof. Said surfacing shall be done in accordance with plans and specifications approved by the Town Engineer.

#### **8.05 CURB AND GUTTER**

- A. **In Land Divisions**, the Town Board may require the subdivider to construct concrete curb and gutters in accordance with plan and standard specifications approved by the Town Plan Commission, upon the recommendation of the Town Engineer. In addition, curbs and gutters may be required on cul-de-sac “islands” and on streets with steep topographical conditions. Opening in curbs for drainage may be allowed, upon approval by the Town Engineer, to accommodate green stormwater management measures such as drainage into street tree wells, infiltration trenches, or bioretention basins with under drains.
  
- B. **Curb Ramps** shall be installed, where applicable, in accordance with Section 66.0909 of the Wisconsin Statutes and as approved by the Town Engineer.

#### **8.06 RURAL STREET SECTIONS**

When permanent rural street sections have been approved by the Town Board, the subdivider 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 specifications approved by the Town Engineer.

#### **8.07 SIDEWALKS AND PEDESTRIAN/RECREATION PATHS**

- A. **Concrete Sidewalks or Asphalt Off-Road Paths** may be required by the Plan Commission to accommodate safe and adequate pedestrian or bicyclist circulation. Such facilities shall be located within a dedicated public right-of-way or a public pedestrian/recreation access easement. If located within a public access easement, said easement shall be a minimum of 20 feet in width. The construction of all sidewalks or asphalt paths shall be in accordance with plans and specifications approved by the Town Engineer.
  
- B. **Wider Than Standard** sidewalks or off-road paths may be required by the Town Engineer in the vicinity of schools, churches, shopping areas, and other places of public assembly, and the Town Board may require the construction of such facilities in locations other than required under the preceding provisions of this Ordinance if such walks or paths are necessary, in their opinion, for safe and adequate pedestrian or bicyclist circulation. The Town Board, upon a recommendation of the Plan Commission, may waive the requirement for sidewalks or paths upon a finding that

such walks or paths are not required because of the provision of a separate network of pedestrian ways, low vehicular or pedestrian traffic volumes, or lot arrangement.

## **8.08 SANITARY SEWERAGE DISPOSAL SYSTEMS**

- A. **The Subdivider Shall Make Provision** for adequate private onsite wastewater treatment systems (POWTS), as specified by the Town, County, and State agencies concerned, where public sanitary sewer facilities are not available. When public sanitary sewerage facilities are available, the subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the land division. The Plan Commission may require the installation of sewer laterals to the street lot line. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Engineer. The subdivider shall assume the cost of installing all sanitary sewers, laterals, and appurtenances within the proposed land division.
- B. **The Subdivider Shall Assume** the cost of installing all sewers eight inches in diameter or less in size. If sewers greater than eight inches in diameter are required to serve areas outside the proposed development, the cost of such larger sewers shall be prorated either in proportion to the ratio of the total area of the land division development to the total tributary drainage area to be served by such larger sewer, or in proportion to the contributing sewage flows, as may be agreed upon between the subdivider and the Town, and the excess cost either borne by the Town or assessed against the total tributary drainage area.

## **8.09 STORMWATER MANAGEMENT FACILITIES**

- A. **The Subdivider Shall Construct** stormwater drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, and water retention and detention facilities, and settling basins including bioretention basins and infiltration trenches, as may be required. Such facilities are to be of adequate size and grade to hydraulically accommodate potential volumes of flow. The type of facilities required and the design criteria shall be determined by the Town Engineer. Storm drainage facilities shall be so designed as to prevent and control soil erosion and sedimentation and present no hazard to life or property. The size, type, and installation of all stormwater management facilities proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Engineer. The subdivider shall assume the cost of installing all stormwater facilities within the proposed subdivision or minor land division.
- B. **The Subdivider Shall Assume** the costs entailed in constructing stormwater conveyances and storage facilities necessary to serve the proposed development and to carry the existing stormwater flows through the proposed development. If larger conveyance and storage facilities are required to accommodate flows originating from outside of the proposed development, or to avoid flooding attendant to

increased flows downstream of the proposed development caused not by the development but by preexisting development upstream, the cost of such facilities shall be prorated in proportion to the contributing rates of flows, and the excess cost shall be borne by the Town or assessed against the tributary drainage areas concerned.

#### **8.10 WATER SUPPLY FACILITIES**

- A. **The Subdivider Shall Make Provision** for adequate private water systems, as specified by the Town, County, and State agencies concerned, if municipal water service is not available. When public water supply and distribution facilities are available, the subdivider shall cause water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the land division. The Town Plan Commission may require the installation of water laterals to the street lot line. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the Town Engineer. The subdivider shall assume the cost of installing all water mains, water laterals, and water system appurtenances within the proposed land division.
- B. **The Subdivider Shall Assume** the cost of installing all water mains eight inches in diameter or less in size. If water mains greater than eight inches in diameter are required to serve areas outside the proposed development, the excess cost shall be borne by the Town.

#### **8.11 OTHER UTILITIES**

- A. **The Subdivider Shall Cause** gas, electrical power, telephone, television cable, and other communication facilities to be installed, where available, in such a manner as to make adequate service available to each lot in the land division, in accordance with Section 7.08.
- B. **Plans Indicating** the proposed location of all gas, electrical power, telephone, and other communications distribution and transmission lines required to serve the land division shall be approved by the Town Engineer.

#### **8.12 STREET LAMPS**

The Town Plan Commission may permit the installation of private post lamps of a design compatible with the neighborhood and type of development proposed on each lot of a land division or at appropriate locations within a subdivision. The specific type and location of such post lamps shall be approved by the Town Engineer. Shielded luminaries with downward reflections, or luminaries with cutoff optics, and careful fixture placement shall be required.

### 8.13 STREET SIGNS

The subdivider 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. **The Design and Placement** of traffic control signs shall follow state regulations.
- B. **The Subdivider Shall Install** at least 2 street name signs, of a design and color compatible with the neighborhood and as approved by the Town Engineer, at each four-way street intersection proposed to be dedicated and one (1) at each “T” intersection. Street name signs shall be installed so as to be free of visual obstructions.

### 8.14 EROSION AND SEDIMENTATION CONTROL

- A. **The Subdivider Shall Prepare** an erosion and sedimentation control plan addressing the installation and maintenance of soil erosion and sedimentation control measures. Such plans shall follow sound erosion and sedimentation control practices as referenced in Section 4.06 of this Ordinance and shall be subject to approval by the Town Engineer.
- B. **The Subdivider Shall Plant** those grasses, trees, and groundcover of species and size specified by the Plan Commission, upon recommendation of the Town Engineer, necessary to prevent soil erosion and sedimentation, in accordance with the approved erosion and sedimentation control plan.
- C. **The Subdivider Shall Install** those protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures, set forth in the approved erosion and sedimentation control plan.

### 8.15 LANDSCAPING

- A. **The Subdivider Shall Install** landscaping in accordance with landscape plans and specifications approved by the Town Plan Commission as required by Section 9.04. Such landscaping may include landscaping in common open areas and landscape screenings within buffer areas in conservation subdivisions, sometimes called cluster developments. If plantings are not installed prior to approval of a final plat, a landscaping schedule shall be specified in the Development Agreement and appropriate sureties shall be provided.
- B. **Maintenance of All Landscaping** included in an approved landscaping plan shall be the responsibility of the property owner, or, for landscaping installed in common areas, the homeowners association. Provisions for the maintenance of such landscaping shall be included in the homeowners association documents required under Section 2.06.

## **SECTION 9.00 CONSTRUCTION**

### **9.01 COMMENCEMENT**

No construction or installation of improvements shall commence in a proposed land division until the preliminary plat or certified survey map has been approved, a development agreement has been executed, the Town Board has given written authorization to proceed upon receipt of all necessary and required permits, and a preconstruction meeting of concerned parties, such as the utilities and contractors concerned, has been called by the Town Engineer.

### **9.02 PHASING**

The Town Board may permit the construction and installation of public improvements in phases corresponding to the development phases of a final plat.

### **9.03 BUILDING PERMITS**

No building permits shall be issued for a structure on any lot not of record on the date of adoption of this Ordinance until all the requirements of this Ordinance have been met.

### **9.04 PLANS**

Each of the following plans and accompanying construction specifications, except for the landscaping plan, shall be approved by the Town Engineer and any other agency having relevant approving authority before commencement of the installation of the relevant improvement. The landscaping plan shall be approved by the Town Plan Commission.

- A. **Street Plans** and profiles showing existing and proposed grades, elevations, cross-sections, materials, and other details of required improvements.
- B. **Sanitary Sewer Plans** and profiles showing the locations, grades, sizes, elevations, materials, and other details of required facilities.
- C. **Stormwater Management Plans**, calculations, and profiles showing the locations, grades, sizes, elevations, materials, and other details of required facilities, together with the path of drainage to the receiving storm sewer, drainage channel, or watercourse.
- D. **Water Supply and Distribution Plans** and profiles showing the locations, sizes, elevations, materials, and other details of required facilities.
- E. **Utility Plans** showing the location and size, where applicable, of all gas, electrical power, telephone, and other communication facilities.

- F. **Grading Plans** showing existing and proposed topographic contours, mass and finished grading plans, proposed top of building foundation and finished yard grade elevations, and such supplemental information as required by the Town Engineer.
- G. **Erosion and Sedimentation Control Plans** showing those structures necessary to retard the rate of runoff water and those measures and practices that will minimize erosion and sedimentation, in accordance with Section 8.14.
- H. **Landscaping Plans** showing and describing in detail the location, size, and species of any proposed new trees, shrubs, grasses, and other vegetation; existing trees, shrubs, and other vegetation proposed to be retained; nonliving durable material such as rocks, sand, gravel, or mulch; and structures such as walls, fences, and entrance signs.
- I. **Additional Special Plans** or information as required by the Town Engineer, Town Plan Commission, or Town Board which may include lighting plans, land stewardship plans, hydraulic and hydrologic studies, additional design considerations, and computations involved in preparing required plans.

**9.05 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, channeling, clearing, ditching, drain tile removal or laying, dredging, and lagooning, shall be so conducted as to minimize erosion and sedimentation and disturbance of the natural fauna, flora, watercourse, water regimen, and topography, and shall comply with all applicable Town, County, and State requirements.

**9.06 PRESERVATION OF EXISTING VEGETATION**

The subdivider shall make every effort to protect and retain all existing desirable trees, shrubs, grasses, and groundcover not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, and pedestrian/recreation pathways. Trees shall be protected and preserved during construction in accordance with the approved landscaping plan and with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

**9.07 INSPECTION**

The subdivider, prior to commencing any work within the land division, shall notify the Town Clerk to make arrangements with the Town Engineer to provide for inspection. The Town Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

**9.08 COMPLETION OF IMPROVEMENTS**

All of the improvements required under this Ordinance shall be completed prior to the final approval of a subdivision plat by the Town Board, except that in lieu of completion

of construction, a certified check, surety bond, or letter of credit approved by the Town Attorney may be furnished as provided in Section 2.07.

#### **9.09 AS-BUILT PLANS**

Within 30 days following completion and acceptance by the Town Engineer of all improvements, the subdivider shall provide 2 complete sets of plans and profiles that accurately show the location, extent, and horizontal and vertical location and alignment of all improvements as actually constructed. Horizontal locations shall be expressed in terms of Wisconsin State Plane Coordinates, North American Datum of 1927 and vertical locations shall be referenced to the National Geodetic Vertical Datum of 1929.

### **SECTION 10.00 FEES**

#### **10.01 GENERAL**

The subdivider shall pay the Town Clerk all fees as hereinafter required and at the times specified before being entitled to record the Plat or Certified Survey Map concerned.

#### **10.02 PRELIMINARY PLAT OR CERTIFIED SURVEY MAP REVIEW FEE**

- A. **The Subdivider Shall** pay a fee as set forth in the Town fee schedule to the Town Clerk at the time of first application for approval of any preliminary plat or certified survey map to assist in defraying the cost of review.
- B. **A Reapplication Fee** as set forth in the Town fee schedule shall be paid to the Town Clerk at the time of reapplication for approval of any preliminary plat or certified survey map which has previously been reviewed.

#### **10.03 IMPROVEMENT REVIEW FEE**

- A. **The Subdivider Shall** pay a fee or present a letter of credit or a bond equal to one (1) percent of the cost of the required public improvements as estimated by the Town Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Town of reviewing such plans and specifications.
- B. **The Fee May** be recomputed, upon demand of the subdivider or Town Engineer, after completion of improvement construction in accordance with the actual cost of such improvements to defray the cost for reviewing all improvement plans and specifications, and the difference, if any, shall be paid by or remitted to the subdivider. Evidence of cost shall be in such detail and form as required by the Town Engineer.

**10.04 INSPECTION FEE**

The subdivider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications, and ordinances of the Town.

**10.05 FINAL PLAT REVIEW FEE**

- A. **The Subdivider Shall** pay a fee as set forth in the Town fee schedule for each lot or parcel within the final plat to the Town Clerk at the time of first application for approval of said plat to assist in defraying the cost of review.
  
- B. **A Reapplication Fee** as set forth in the Town fee schedule shall be paid to the Town Clerk at the time of a reapplication for approval of any final plat which has previously been reviewed.

**10.06 ENGINEERING FEE**

- A. **The Subdivider Shall** pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat.
  
- B. **Engineering Work** shall include the preparation of any construction plans and standard specifications. The Town Engineer may permit the subdivider to furnish all, some, or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

**10.07 SPECIAL LEGAL AND FISCAL REVIEW FEES**

The subdivider shall pay a fee equal to the cost of any special legal or fiscal analyses which may be undertaken by the Town in connection with the proposed land division, including the drafting of contracts between the Town and the subdivider. These fees may also include the cost of obtaining independent professional opinions of engineers, landscape architects, and land planners requested by the Town Plan Commission in connection with the review of the land division being considered.

**10.08 APPEAL OF FEES**

The Subdivider shall have the right to challenge the amount of any fees levied under Sections 10.03, 10.04, 10.06, and 10.07 of this Ordinance by an appeal to the Town Board. Upon receipt of such an appeal, the Town Board, upon due notice, shall hold a public hearing at which the Subdivider and the Town officials concerned can present their case. Based upon review of relevant records and the testimony presented at the public hearing, the Town Board shall make a determination with respect to the fairness of the amount of the fees challenged and shall make a determination to decrease, affirm, or increase the fees concerned.

**10.09 PAYMENT**

All fees shall be paid in full within 30 days of invoicing

## **SECTION 11.00 DEFINITIONS**

### **11.01 GENERAL DEFINITIONS**

For the purpose of this Ordinance, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this Ordinance include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "he" includes the word "she". The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this Ordinance shall be presumed to have their customary dictionary definitions.

### **11.02 SPECIFIC WORDS AND PHRASES**

**Advisory Agency.** Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the Town and suggest that certain changes be made to the plat or certified map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Town Board or Plan Commission. Examples of advisory agencies include the Southeastern Wisconsin Regional Planning Commission (SEWRPC), school districts, and local utility companies.

**Approving Authorities.** Each governmental body having authority to approve or reject a preliminary or final plat. Approving authorities are set forth in Section 236.10 of the Wisconsin Statutes. Governing bodies with approving authority include the Town Board, the governing body of the municipality having extraterritorial plat approval authority such as the Villages of Belgium or Fredonia, and the Ozaukee County planning agency.

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

**Block.** An area of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways, and village or town boundaries.

**Building.** Any structure having a roof supported by columns or walls.

**Building Line.** A line parallel to a lot line and at a specified minimum distance from the lot line to comply with the yard or building setback requirements of the Town Zoning Ordinance and the requirements of this Ordinance.

**Building Setback Line.** See Building Line.

**Certified Survey Map.** A map, prepared in accordance with Section 236.34 of the Wisconsin Statutes and this Ordinance, for the purpose of dividing land into not more than 4 parcels or building sites (also referred to as a minor land division); or used to document, for recording purposes, survey and dedication data relating to single parcels.

**Collector Street.** A street used, or intended to be used, to carry traffic from minor land-access streets to the system of arterial streets, including the principal entrance streets to residential developments and/or activity or employment centers.

**Common Open Space.** See Open Space, Common.

**Comprehensive Plan.** The extensively developed plan, sometimes called a master plan, adopted by the Plan Commission and certified to the Town Board pursuant to Section 62.23 of the Wisconsin Statutes, or a Comprehensive Plan adopted by the Town Board pursuant to Section 66.1001 of the Wisconsin Statutes. Components of a comprehensive plan include, but are not limited to, a land use, transportation system, park and open space, sanitary sewer, public water supply, and stormwater management system elements, and neighborhood unit development plans. Devices for the implementation of such plans include zoning, official mapping, land division control, and capital improvement programs.

**County Planning Agency.** The agency (the Ozaukee County Environmental and Land Use Committee) created by the County Board and authorized by Statute to plan land use and to review subdivision plats and certified survey maps.

**Covenant.** A restriction on the use of land, usually set forth in the deed.

**Cul-de-sac Street.** A local street with only one (1) outlet and having an appropriate turn-about for vehicular traffic.

**Deed Restriction.** A restriction on the use of a property set forth in the deed.

**Development Agreement.** An agreement entered into by and between the Town and a subdivider whereby the Town and subdivider agree as to the design, construction, and installation of required public improvements; the payment for such public improvements; dedication of land; and other matters related to the requirements of this Ordinance. The Development Agreement shall not come into effect unless and until a Letter of Credit or other appropriate surety has been provided to the Town by the subdivider.

**Engineer, Town.** A registered professional engineer who provides consulting or resident staff services to the Town, and who is duly appointed by the Town Board to the position.

**Environmental Corridor.** See “Primary Environmental Corridor,” “Secondary Environmental Corridor,” and “Isolated Natural Resource Area”.

**Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within 1.5 miles of a fourth class city or a village and within 3 miles of all other cities. Where such jurisdictions overlap, the jurisdiction over the overlapping area is divided on a line, all parts of which are equidistant from the boundaries of each municipality, so that not more than one (1) municipality exercises extraterritorial plat approval jurisdiction over any area.

**Final Plat.** A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Ordinance for the purpose of creating a subdivision.

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

**Frontage.** The total dimension of a lot abutting a public street measured along the street line.

**Frontage Street.** A minor land-access street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

**Green Development.** The integration of techniques that help conserve natural resources by arranging land uses and site features (i.e. lots, buildings, and infrastructure) to include or be close to services, employment centers and alternative transportation systems (i.e. public transit, sidewalks, and bicycle facilities); protecting existing natural resources; providing opportunities to practicably harness renewable energy sources, where possible (i.e. south-oriented buildings capturing passive solar radiation); utilizing sun, wind, and/or earth for natural lighting, ventilation, heating, cooling, and other purposes (i.e. solar panels, wind turbines, wind catchers/ventilation shafts, and geothermal systems); using green infrastructures; incorporating local, reused, recycled, recyclable, or eco-friendly construction materials and energy efficient appliances; and including other energy and water conservation and efficiency measures into site and building designs. The term is also sometimes referred to as “low impact development (LID).”

**Green Infrastructure.** Incorporating stormwater management systems (sometimes called “green stormwater infrastructure”) that mimic nature to improve water quality and reduce flooding by storing, infiltrating, or evapotranspiring stormwater through the use of bioswales, infiltration trenches, bioretention basins with under drains, rain gardens and barrels or cisterns, rooftop and wall or “vertical” gardens, porous or permeable pavements with restricted salt and pollutants in such areas, xeriscaping (landscaping that conserves water by using drought-tolerant plants and ornate hardscapes or mulch versus traditional mowed turf/grass), and other energy and water conservation and efficiency measures into site and building designs. It also means to include or use natural hydrologic features of an ecological system such as vegetation (wetlands and woodlands), soil, waterways and other natural processes often located in environmental corridors that provide habitat, flood protection, and cleaner air and water.

**Hedgerow.** A row of shrubs or trees planted for enclosure or separation of fields.

**Homeowners Association.** An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division.

**Isolated Natural Resource Area.** An area containing significant remnant natural resources at least 5 acres in area and at least 200 feet in width, as delineated and mapped by the SEWRPC.

**Land Division.** A generic term that includes both subdivisions and minor land divisions, as those terms are defined in this Section.

**Landscaping.** Living plant material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark; and structures such as walls and fences.

**Letter of Credit.** A irrevocable written agreement guaranteeing payment for improvements, entered into by a bank, savings and loan, or other financial institution authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Town, which secures a subdivider's obligation to pay the cost of designing, constructing, and installing required public improvements and certain other obligations in connection with an approved land division.

**Lot.** A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet lot width, lot frontage, lot area, setback, yard, parking, and other requirements of the Town Zoning Ordinance.

**Lot, Corner.** A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less.

**Lot, Double Frontage.** A lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have 2 front yards and 2 side yards and no rear yard.

**Lot, Flag.** A lot not fully fronting on or abutting a public street and where access to the public street system is by a narrow strip of land, easement, or private right-of-way. Flag lots generally are not considered to conform to sound planning principles.

**Minor Land-Access Street.** A street used, or intended to be used, primarily for access to abutting properties.

**Minor Land Division.** A minor land division is any division of land that:

1. Creates more than one (1), but less than 5, parcels or building sites, inclusive of the original remnant parcel, any one of which is less than 35 acres in size, by a division or by successive divisions of any part of the original parcel within a period of 5 years; or
2. Divides a block, lot, or outlot within a recorded subdivision plat into more than one (1), but less than 5, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of said plat or the exterior boundaries of blocks within the plat, and the division does not result in a subdivision.

**Municipality.** An incorporated city or village.

**National Map Accuracy Standards.** Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all Federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, *Horizontal and Vertical Survey Control in Southeastern Wisconsin*.

**Navigable Water.** Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin which are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable all 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. The Wisconsin Department of Natural Resources is responsible for determining if a water body or watercourse is navigable.

**Objecting Agency.** An agency empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin Statutes. The Town may not approve any plat upon which an objection has been certified until the objection has been satisfied. Objecting agencies include the Wisconsin Department of Administration, the Wisconsin Department of Commerce, and the Wisconsin Department of Transportation.

**Official Map.** A document prepared and adopted pursuant to Section 62.23(6) of the Wisconsin Statutes, which shows the location of existing and planned streets, parkways, parks, playgrounds, railway rights-of-way, waterways, and public transit facilities.

**Open Space.** Any site, parcel, lot, area, or outlot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately or publicly owned, and shall be substantially free of structures, but may contain recreational facilities approved by the Town.

**Open Space, Common.** Privately-owned land within a land division that has been restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the land division. Common open space shall not be part of

individual residential lots, and shall be substantially free of structures, but may contain recreational facilities approved by the Town.

**Open Space, Public.** Land within a land division that has been dedicated to the public for recreational or conservation purposes. Open space lands shall be substantially free of structures, but may contain recreational facilities approved by the Town.

**Ordinary High Water Mark.** The point on the bank or shore 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 characteristic.

**Outlot.** A parcel of land, other than a buildable lot or block, so designated on the plat, which is used to convey or reserve parcels of land. Outlots may be created to restrict a lot which is unbuildable due to high groundwater, steep slopes, or other physical constraints, or to create common open space. Outlots may also be parcels of land intended to be re-divided into lots or combined with lots or outlots in adjacent land divisions in the future for the purpose of creating buildable lots. An outlot may also be created if a lot fails to meet requirements for a private onsite wastewater treatment system, but which may be buildable if public sewer is extended to the lot or land division.

Section 236.13(6) of the Wisconsin Statutes prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots. The Town will generally require that any restrictions related to an outlot be included on the face of the plat.

**Parcel.** A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately. For the purpose of this Ordinance, public dedications and public rights-of-way are not considered parcels.

**Plat.** A map prepared, as required by Section 2.02 of this Ordinance, for the purpose of recording a subdivision.

**Preliminary Plat.** A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements.

**Primary Environmental Corridor.** A concentration of significant natural resources at least 400 acres in area, at least 2 miles in length, and at least 200 feet in width, as delineated and mapped by the SEWRPC.

**Public Improvement.** Any sanitary sewer, storm sewer, open channel, water main, street, park, sidewalk, bicycle or pedestrian way, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

**Public Way.** Any public street, highway, bicycle or pedestrian way, drainageway, or part thereof.

**Replat.** The process of changing, or the plat or map which changes, the boundaries of a recorded subdivision plat, certified survey map, or a 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.

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

**Secondary Environmental Corridor.** A concentration of significant natural resources at least 100 acres in area and at least one (1) mile in length. Where such corridors serve to link primary environmental corridors, no minimum area or length criteria apply. Secondary environmental corridors are delineated and mapped by the SEWRPC.

**Shorelands.** Those lands lying within the following distances: 1,000 feet from the ordinary high water elevation of a navigable lake, pond, or flowages; or 300 feet from the ordinary high water elevation of a navigable stream, or to the landward edge of the floodplain, whichever is greater.

**Soil Mapping Unit.** Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U. S. Soil Conservation Service (now known as the Natural Resources Conservation Service).

**Subdivider.** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division, or replat.

**Subdivision.** A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of transfer of ownership or of building development where the act of division creates 5 or more parcels or building sites, inclusive of the original remnant parcel, any one of which is less than 35 acres in area, by a division or by successive divisions of any part of the original property within a period of 5 years.

**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.

**Sustainability.** Creating and maintaining the conditions under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirements of present and future generations, as defined by the U.S. Environmental Protection Agency.

**Tract.** A parcel lying in more than one U. S. Public Land Survey section.

**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.

**Woodlands.** Upland areas at least one (1) acre in extent covered by deciduous or coniferous trees as delineated and mapped by the SEWRPC.

**Wind Energy System.** Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy such as electrical energy.

**Wind Energy System, Large.** A wind energy system that has a total installed nameplate capacity of greater than 300 kilowatts and that consists of individual wind turbines that have an installed nameplate capacity of more than 100 kilowatts. Large wind energy systems essentially exceed the capacity specifications for a small wind energy system. The height of such systems is usually over 250 feet, with “utility-scale” systems about 400-500 feet in height.

**Wind Energy System, Small.** A wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts. The average height of “small” wind energy systems is approximately 80 feet, but small systems may be up to 250 feet in height.

**Yard.** An open space on the same lot or parcel with a structure, unoccupied and unobstructed, from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

**Yard, Rear.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal or accessory building (see Illustration No.11.0C). This yard shall be opposite the street yard or one of the street yards on a corner lot, which is usually opposite the face of the dwelling or building containing the “front door” or main entryway.

**Yard, Shore.** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the ordinary highwater mark of the lake or stream upon which the lot abuts and a line parallel thereto through the nearest point of a building or structure. (Contact the Ozaukee County Department of Land and Water Management for shoreland requirements including shoreland setback which is generally 75 feet but contains certain exemptions).

**Yard, Side.** A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal or accessory building. Lots generally have two side yards; however, a corner lot has only one side yard. The side

yard setback area does not extend beyond the front building face into the street yard, or beyond the rear building face into the rear yard (see Illustration No. 11.0C)

**Yard, Street or Front.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the planned street or highway right-of-way and a line parallel thereto through the nearest point of the principal or accessory building (see Illustration No. 11.0C) excluding uncovered steps, landings, and roof overhangs. Where the street right-of-way line is an arc (curve), the street yard shall be measured from the arc. Street yards/setbacks shall be measured at the end of the “stem” providing access from the street to the lot. Corner lots shall have two such yards, one side yard, and one rear yard.

**SECTION 12.00 ADOPTION AND EFFECTIVE DATE**

**12.01 PLAN COMMISSION RECOMMENDATION**

The Town Plan Commission recommended the adoption of this Land Division Ordinance at a meeting held on the 28th day of June, 2006.

**12.02 PUBLIC HEARING**

The Town Plan Commission and Town Board held a joint public hearing on the proposed Land Division Ordinance on the 28th day of June, 2006.

**12.03 TOWN BOARD APPROVAL**

The Town Board of the Town of Belgium concurred with the recommendations of the Plan Commission and adopted the Land Division Ordinance at a meeting held on the 7th day of August, 2006.

**12.04 EFFECTIVE DATE**

This Land Division Ordinance shall take effect upon adoption by the Town Board and the filing of proof of posting or publication in the office of the Town Clerk.

Date of Posting or Publication: August 9, 2006

Effective Date: August 10, 2006

s/Francis Kleckner  
Chairperson

ATTEST:

s/ Ginger Murphy  
Town Clerk

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