

TITLE 12

Land Division Ordinance

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CHAPTER 1

Introduction

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SEC. 12-1-1 AUTHORITY.

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

SEC. 12-1-2 SHORT TITLE.

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

SEC. 12-1-3 PURPOSE.

The purpose of this Ordinance is to regulate and control the division of land within the corporate limits of the Town of Waukesha, Wisconsin in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Town of Waukesha and its environs.

SEC. 12-1-4 INTENT.

It is the general intent of this Ordinance to regulate the division of land so as to:

- (a) Promote the wise use, conservation, protection, and proper development of the Town of Waukesha's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;
- (b) Lessen congestion in the streets and highways;
- (c) Further the orderly layout and appropriate use of land;
- (d) Secure safety from fire, panic and other dangers;
- (e) Provide adequate light and air;
- (f) Facilitate adequate provision for housing, transportation, water supply, waste water schools, parks, playgrounds, and other public facilities and services;
- (g) Secure safety from flooding, water pollution, disease, and other hazards;
- (h) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects;
- (i) Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters;
- (j) Preserve natural vegetation and cover and promote the natural beauty of the Town of Waukesha and its environs;
- (k) Restrict building sites on floodlands, shorelands, areas covered by poor soils, or in other areas poorly suited for development.
- (l) Facilitate the Further Division of larger tracts into smaller parcels of land;
- (m) Ensure adequate legal description and proper survey monumentation of subdivided land;
- (n) Provide for the administration and enforcement of this Ordinance;
- (o) Provide Penalties for its violation; and
- (p) Implement those municipal, watershed, or plan components adopted by the Town of Waukesha, and in general to facilitate enforcement of Town of Waukesha development standards as set forth in the adopted local comprehensive plans and adopted plan components, Town Zoning Ordinance, Town Building Code and Town Municipal Code.

SEC. 12-1-5 ABROGATION AND GREATER RESTRICTIONS.

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

SEC. 12-1-6 INTERPRETATION.

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

SEC. 12-1-7 SEVERABILITY.

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.

SEC. 12-1-8 DISCLAIMER OF LIABILITY.

The Town of Waukesha does not guarantee, warrant, or represent that only those areas designated as floodlands 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 unsuited soils within the jurisdiction of the Ordinance; and thereby asserts that there is no liability on the part of the Town Board, its agencies, 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.

SEC. 12-1-9 INCONSISTENCY WITH OTHER ORDINANCES.

This Ordinance shall supersede all other general and Zoning Ordinances, or parts thereof, inconsistent or in conflict with this Ordinance, to the extent of the inconsistency only.

CHAPTER 2

Definitions

- 12-2-1 General Definitions
- 12-2-2 Specific Words and Phrases

SEC. 12-2-1 GENERAL DEFINITIONS.

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not discretionary.

SEC. 12-2-2 SPECIFIC WORDS AND PHRASES.

- (1) 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 of Waukesha and may 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 on the Town Plan Commission. Examples of advisory agencies include the Waukesha County Department of Parks and Land Use, Land Conservation Division, the Southeastern Wisconsin Regional Planning Commission, school districts and local utility companies.

- (2) Alley

A public or private right-of-way shown on a plat which provides secondary access to a lot, block, or parcel of land. S.236.02 (1), Wisconsin Statutes.

- (3) Approving Agency

An agency empowered to approve a subdivision plat pursuant to Wisconsin Statutes. The Wisconsin Department of Commerce, Department of Administration (DOA), Waukesha County Department of Parks and Land Use-Planning Division and Town Board are approving agencies for any plat. For Certified Survey Maps the Waukesha County Department of Parks and Land Use-Planning Division is an approving agency only if all or part of the CSM is within the Waukesha County Shoreland Protection Ordinance Jurisdictional Area.

- (4) Arterial Street (See "Street, Arterial")

- (5) Block

A tract of land bounded by streets, or by a combination of streets, public parks, cemeteries, railway right-of-way, bulkhead lines, or shorelines of navigable waterways and municipal boundaries.

- (6) Building

Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

(7) Building Line

A line parallel to any lot line and at a specified minimum distance from the lot line to comply with terms of this Ordinance and the Town Zoning Ordinance.

(8) Certified Survey Map

A map prepared by a Registered Land Surveyor in accordance with Section 236.34, Wisconsin Statutes. Certified Survey Maps may, under the terms of this Ordinance, be used to create "minor land divisions". Certified Survey Maps are prepared on map sheets measuring 8 1/2 inches by 14 inches at a map scale not to exceed 1 inch equals 200 feet.

(9) Collector Street (See "Street Collector")

(10) Community

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

(11) Comprehensive Plan

Any extensively developed plan also called a master plan prepared and adopted by the Town of Waukesha Plan Commission and certified to the Town Board pursuant to Sections 66.945, 59.97, and 62.23 of the Wisconsin Statutes including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official mapping, land division control ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

(12) Copy

A true and accurate copy of all sheets of the original subdivision plat. Such copy shall be on durable white matte finished paper with legible dark lines and lettering.

(13) Cul-de-Sac Street (See "Street, Cul-de-sac")

(14) Department

The Department of Administration.

(15) Dwelling Unit

A building or part of a building used for a place of abode and occupied by one family.

(16) Environmental Corridor

Those lands containing concentrations of scenic, recreational and other natural resources as identified and delineated in the comprehensive planning program of the Southeastern Wisconsin Region by the Southeastern Wisconsin Regional Planning Commission. These natural resource and resource-related elements include the following: 1) lakes, rivers and streams, together with their natural floodplains; 2) wetlands; 3) forest and woodlands; 4) wildlife habitat areas; 5) rough topography; 6) significant geological formations; 7) wet or poorly drained soils; 8) existing outdoor recreation sites; 9) potential outdoor recreation and related open-space sites; 10) historic sites and structures; and 11) significant scenic areas of vistas. The Town only recognizes wetlands through conservancy zoning.

(17) Financial Guarantee

A letter of credit, cash or certified check guaranteeing performance of a contract or obligation through possible forfeiture of the letter of credit, cash or certified check if said contract or obligation is unfilled by the Subdivider.

(18) Fill

Sand, gravel, earth or other materials of any composition whatever placed or deposited by human beings.

(19) Final Plat

A map prepared in accordance with the requirements of Chapter 236, Wisconsin Statutes and this Ordinance for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.

(20) Floodlands

Those lands, including the floodplains, floodways, floodfringe, and channels, subject to inundation by the one hundred (100) year recurrence interval flood.

(21) Frontage (Lot)

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

(22) Frontage Street (See "Street, Frontage")

(23) High Groundwater Elevation

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

(24) Improvement, Public

Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, or other facility for which the Town of Waukesha may ultimately assume the responsibility for maintenance and operation.

(25) Irrevocable Letter of Credit

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

The Letter of Credit shall be automatically renewed, cannot be canceled or terminated without 90-day written notice to the Town and shall contain a cost of living escalator clause.

- (26) 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 the lot width, lot frontage, lot area, yard, parking area and other open space provisions of the Town of Waukesha Zoning Ordinance.
- (27) 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, measured on the lot side.
- (28) 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 two (2) front yards and two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.
- (29) Lot, Flag
A lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land, and where the area of the lot, for zoning purposes, shall not include the narrow strip.
- (30) Lot, Interior
A lot other than a corner lot, with frontage on one street.
- (31) Mean Sea Level Datum
Mean Sea Level Datum, 1929 Adjustment as established by the U.S. Coast and Geodetic Survey.
- (32) Minor Land Division
Any division of land not defined as a "subdivision". Such minor land divisions shall be made by Certified Survey Map.
- (33) Minor Street (See "Street, Minor")
- (34) Municipality
A town, village or city.
- (35) 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.

(36) Navigable Water

Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared as navigable, bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis.

(37) Objecting Agency

An agency empowered to object to a subdivision plat or Certified Survey Map pursuant to Chapter 236 of the Wisconsin Statutes. The Town of Waukesha may not approve any plat or Certified Survey Map upon which an objection has been certified until the objection has been satisfied. On any plat, the objecting agencies may include the Wisconsin Department of Administration, the Wisconsin Department of Transportation (WDOT), the Wisconsin Department of Commerce (DOC), and the Wisconsin Department of Natural Resources (WDNR). The Waukesha County Department of Public Works is an objecting agency on any plat or Certified Survey Map abutting a County Trunk Highway. On any Certified Survey Map, the objecting agencies may be Wisconsin Department of Transportation, Division of Highways, Waukesha County Department of Public Works, Waukesha County Department of Parks and Land Use (if within Shoreland Protection Zoning Jurisdictional Area).

(38) Ordinary High Water Mark (Surface Water)

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.

(39) 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 ground water, 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.

(40) Owner

A individual, firm, association, syndicate, partnership, or corporation having a proprietary interest in a parcel of land.

(41) Plat

A map of a subdivision.

- (42) 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.
- (43) Public Way
- Any public road, street, highway, walkway, drainageway, or part thereof.
- (44) Recording a Plat
- The filing of the Final Plat with the Waukesha County Register of Deeds.
- (45) Replat
- The process of changing, or the map or plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat or Certified Survey Map without changing exterior boundaries of said block, lot or outlot is not a replat.
- (46) Sanitary Sewer Service Area
- The area within and surrounding a City, Village, or other community that is planned to be served with public sanitary sewerage facilities as determined by the respective facility plan as updated from time to time.
- (47) Shorelands
- Those lands lying within the following distances; one thousand (1,000) feet from the high water elevation of navigable lakes, ponds, and flowages or three hundred (300) feet from the high water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (48) Soil Mapping Unit
- Soil types, slopes, and erosion factors delineated on detailed operational soil survey maps prepared by the U.S. Soil Conservation Service.
- (49) Solar Access
- Access to solar rays so there is no shading to the south wall or rooftop of any proposed structure.
- (50) South Wall
- Any wall facing within 45 degrees of due south.
- (51) Street, Arterial
- A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highway and parkways.

- (52) Street, Collector
A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.
- (53) Street, Cul-de-sac
A minor street with only one (1) outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.
- (54) Street, Frontage
A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (55) Street, Minor (Local)
A street used, or intended to be used, primarily for access to abutting properties.
- (56) Subdivider
Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, replat, certified survey map or condominium.
- (57) Subdivider's Agreement (Developer's Agreement)
An agreement entered into by and between the Town and a subdivider whereby the Town and the 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.
- (58) Subdivision
The division of a lot, parcel, or tract of land by the Owners thereof, or the Owner's Agent(s), or a subdivider for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites inclusive of the original remnant parcel of one and one-half (1 & 1/2) acres each or less in area; or where the act of division creates five (5) or more parcels or building sites inclusive of the original remnant parcel of one and one-half (1 & 1/2) acres each or less in area by successive divisions of any part of the original property by any person within a period of five (5) years; or where the act of division creates six (6) or more parcels or building sites for single family residential development inclusive of the original remnant parcel of any size by successive divisions of any part of the original property by any person within a period of five (5) years. Other divisions of land shall be termed "minor land divisions".
- (59) Town Plan Commission
The Commission created by the Town Board of the Town of Waukesha pursuant to Section 62.23 of the Wisconsin Statutes and authorized to plan land use within the Town of Waukesha.
- (60) Wetlands
An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

(61) Wisconsin Administrative Code

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

(62) Zoning Administrator

The officer designated by the Town Board to administer this Ordinance.

CHAPTER 3

General Provisions

12-3-1	Jurisdiction
12-3-2	Compliance
12-3-3	Dedication and Reservation of Lands
12-3-4	Improvements
12-3-5	Exceptions and Modifications
12-3-6	Land Suitability
12-3-7	Violations
12-3-8	Drainage to be Maintained
12-3-9	Administration
12-3-10	Penalties and Remedies
12-3-11	Appeals

SEC. 12-3-1 JURISDICTION.

Jurisdiction of these regulations shall include all lands and waters within the corporate limits of the Town of Waukesha as established in Sections 61.35 and 62.23(2), and 236.10, Wisconsin Statutes. The provisions of this Ordinance as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:

- (a) Transfers of interest in land by will or pursuant to court order.
- (b) Leases for a term not to exceed ten (10) years, mortgages or easements.
- (c) Sale or Exchange of parcels of land between Owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the Zoning Ordinance, or other applicable laws or ordinances.
- (d) Cemetery Plats made under Wisconsin Statutes 157.07.
- (e) Assessors' Plats made under Wisconsin Statutes 70.27 but such assessors' plats shall comply with Wisconsin Statutes 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e).
- (f) Remnant parcels larger than 20 acres in size may be excluded from a plat or Certified Survey Map by waiver of Town Plan Commission and Board.

SEC. 12-3-2 COMPLIANCE.

No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations so that such division results in a subdivision, minor land division, or replat 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 all requirements of this Ordinance and the following documents:

- (a) Provisions of Chapter 236, Wisconsin Statutes.
- (b) Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.

- (c) Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the Subdivider abuts on a state trunk highway or connecting street.
- (d) Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodland, wetland, and shoreland areas.
- (e) Duly Approved Comprehensive Plan or comprehensive plan components of the Town of Waukesha.
- (f) The Town of Waukesha Zoning Ordinance and all other applicable local and county ordinances.

SEC. 12-3-3 DEDICATION AND RESERVATION OF LANDS.

- (a) **Streets, Highways, and Drainageways:** Whenever a tract of land to be subdivided within the jurisdiction of this Ordinance encompasses all or any part of an arterial or collector street, drainageway, other public way, or public access to navigable lakes or streams which has been designated in the duly adopted Town of Waukesha Comprehensive Plan or adopted comprehensive plan components or on the official map of the Town of Waukesha, 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, comprehensive plan component, or map and as set forth in Section 12-8 of this Ordinance and directed by the Town Board.
- (b) **Schools, Parks, Environmental Corridors, and Other Open Spaces:** Whenever a tract of land to be divided within the Town of Waukesha encompasses all or part of a school site, park site, or other open space, other than streets, highways, drainageways, other public ways or public access to navigable lakes or streams which has been designated on a duly adopted Town of Waukesha Comprehensive Plan or adopted comprehensive plan component of the Town of Waukesha, said school site, park site, or other open space 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 as directed by the Town Board.

SEC. 12-3-4 IMPROVEMENTS.

Before installation of any improvements, the subdivider shall enter into a contract with the Town of Waukesha agreeing to install the required improvements and shall file with said contract a letter of credit, cash or certified check meeting the approval of the Town Attorney in an amount equal 120 percent to the estimated cost of the improvements, plus the estimated Construction Review fees, said estimate to be made by the Town Board upon the recommendation of the Town Engineer, as a guarantee that such improvements will be completed by the Subdivider or his subcontractors not later than one (1) year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. In addition:

- (a) Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street rights-of-way shall be subject to the review and recommendation of approval of the Town Engineer, and approval of the Town of Waukesha.
- (b) Governmental units to which these bonds 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 or Certified Survey Map within the corporate limits of the Town of Waukesha or its extraterritorial jurisdictional limits, the Subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Town.

- (d) The Town Plan Commission may waive the placing of monuments, required under Section 236.15(b)(c) and (d) for a reasonable time on condition that the Subdivider file with the Town a Letter of Credit, cash or certified check to insure the placing of such monuments within the time required.
- (e) The Subdivider shall pay and reimburse the Town of Waukesha in advance of signing the Subdivider's Agreement all fees, expenses and disbursements which are incurred by the Town of Waukesha and shall pay and reimburse the Town of Waukesha without limitation by reason of enumeration, design, engineering, preparing, checking and review of designs, plans and specifications; supervision, inspection to insure that construction is in compliance with the applicable plans, specifications, regulations and ordinances; legal, administrative and fiscal work undertaken to assure and implement such compliance.

12-3-5 EXCEPTIONS AND MODIFICATIONS.

Where in the judgment of the Town of Waukesha Plan Commission, it would be inappropriate to apply literally the provisions of Section 12-8 and where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of Section 12-9 of this Ordinance because exceptional or undue hardship would result, the Town of Waukesha Plan Commission and Town Board may waive or modify any requirement to the extent deemed just and proper.

No waiver to the provisions of this Ordinance shall be granted unless the Town of Waukesha Plan Commission and Board 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 the Land Division Ordinance should be changed).
- (b) **Preservation of Property Rights:** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- (c) **Absence of Detriment.** That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- (d) A majority of the Town of Waukesha Board member votes in the affirmative shall be required to grant any variance of this Ordinance.

When such relief is granted it shall be without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the Town of Waukesha in accordance with the adopted regional; County or Town of Waukesha comprehensive plans or adopted plan components. The reasons shall be entered in the minutes of the Plan Commission and Town Board.

SEC. 12-3-6 LAND SUITABILITY.

No land shall be subdivided as a Plat or Certified Survey Map which is determined to be unsuitable for such a use by the Town of Waukesha Plan Commission, upon the recommendation of the Town Engineer or any other agency as determined by the Town of Waukesha Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the Town of Waukesha. In addition:

- (a) Floodland and Shorelands.

- (1) All lots partially or entirely within the Floodland-Shoreland jurisdictional area shall comply with the Waukesha County Shoreland and Protection Ordinance and shall be subject to the approval of the Waukesha County Department of Parks and Land Use-Planning Division.
- (b) Fill Materials (sewage disposal). Lands made, altered, or filled with non-earth materials within the last ten (10) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.
- (c) Fill Materials. (sewage disposal) Lands made, altered, or filled with non-earth materials within the preceding 20 years shall not be divided into building sites which are to be served by soil absorption waste disposal systems except where soil tests prepared by a professional 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 lot shall be made initially additional tests may be required by the Town. The Town of Waukesha 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 or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- (d) Steep Slopes. Each lot proposed to be served by an on-site soil absorption sewerage disposal system shall have fifty (50) percent of its minimum required lot area, or 20,000 square feet, whichever is less, in slopes of less than twelve (12) percent.
- (e) Shallow Bedrock. Lands having bedrock within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage disposal system.
- (f) Shallow Groundwater Table. Lands having ground water within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage disposal systems without approval of Town Plan Commission, Town Board and Waukesha County Department of Parks and Land Use-Environmental Resources Division.
- (g) Soil Tests. Shall be per appropriate agency requirements.
- (h) Holding Tanks. No residential lots shall be developed which require holding tanks. Other properties shall comply with Sewerage Holding Tanks, Installation and Maintenance of, as described in the appropriate section of the Town Building Code.
- (i) The Town of Waukesha Plan Commission and Board, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the Subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he so desires. Thereafter the Town of Waukesha Plan Commission and Board may affirm, modify, or withdraw its determination of unsuitability.

SEC. 12-3-7 VIOLATIONS.

- (a) It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes; and no person, firm, or corporation shall be issued a Town of Waukesha Zoning, Building, or Plumbing Permit, authorizing the building on, or improvement of, any lot, block, parcel, Certified Survey Map or any part of any subdivision 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 of Waukesha may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

- (b) Every structure, fill, or development placed or maintained on floodlands in violation of this Ordinance is hereby declared a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the State, the Town of Waukesha or any citizen thereof

SEC. 12-3-8 DRAINAGE TO BE MAINTAINED.

It shall be unlawful to obstruct or divert the flow of surface water so as to prevent surface water from reaching a storm sewer or drainage channel without interim ponding, except as provided in an approved storm water and drainage plan.

SEC. 12-3-9 ADMINISTRATION.

This Ordinance shall be administered by the Town of Waukesha clerk or designee. The Town of Waukesha clerk or designee, in the administration of this Ordinance, shall:

- (a) Receive plats and Certified Survey Maps from the Subdivider. The Town of Waukesha Clerk or designee shall distribute copies of plats and Certified Survey Maps as provided for in this Ordinance and shall receive review comments from review agencies, boards, and committees required to comment on such land division.
- (b) Advise the Subdivider of all recommendations made by the Town of Waukesha Plan Commission and actions taken by the Town Board.
- (c) Maintain records of plat and Certified Survey Map filings, approvals, fees paid, and other sureties.
- (d) Determine that all land divisions within the jurisdiction of this Ordinance requiring review by this Ordinance have secured the necessary review and approvals.
- (e) Assist the Town Attorney in the prosecution of Ordinance violations.
- (f) Use the attached checklist as a guide when reviewing applications.

SEC. 12-3-10 PENALTIES AND REMEDIES.

Any person, firm or corporation who violates or fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) plus the costs of prosecution 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 six (6) months. Provided however, that the maximum forfeiture where a violation of any provision of this Ordinance which is also a violation of a State Statute, shall not exceed the maximum fine imposed by the statute. In addition, the Town of Waukesha may seek injunctive relief or other appropriate remedial action and in addition to the forfeiture, may order an assessor's plat to be made under Section 70.27 Statutes at the expense of the Subdivider or his agent, when a subdivision is created by successive divisions of land. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include:

- (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.

SEC. 12-3-11 APPEALS.

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Section 236.13(5) of the Wisconsin Statutes, within thirty (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.

CHAPTER 4

Land Division Procedures

12-4-1	Pre-Application
12-4-2	Preliminary Plat Review
12-4-3	Preliminary Plat Approval
12-4-4	Final Plat Review
12-4-5	Final Plat Approval
12-4-6	Minor Land Division Review and Approval (Certified Survey Map)
12-4-7	Replat
12-4-8	Condominium Plats

SEC. 12-4-1 PRE-APPLICATION.

- (a) It is recommended that, prior to the filing of an application for the approval of a Preliminary Plat, or Certified Survey Map, the Subdivider consult with the Town of Waukesha Clerk and all affected utilities in order to obtain advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the Subdivider of the purpose and objectives of these regulations, the adopted regional, county or Town of Waukesha comprehensive plans or adopted plan components, and duly adopted plan implementation ordinances of the Town of Waukesha and to otherwise assist the Subdivider in planning his development. In so doing, both the Subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and Town of Waukesha and the Subdivider will gain a better understanding of the subsequent required procedures.
- (b) Prior to formal submittal of a Preliminary Plat as outlined below, the Subdivider shall submit a preliminary sketch or concept plan for review by the Plan Commission. The purpose of such a sketch is to gain tentative approval from the Plan Commission prior to expending time and resources on a Preliminary Plat. This review by the Plan Commission is not binding on either the Town of Waukesha or the Subdivider.
- (c) Subdivider must submit twenty-one (21) copies to the Town Clerk at least twenty-one (21) days before the meeting at which action is desired.

SEC. 12-4-2 PRELIMINARY PLAT REVIEW.

Before submitting a Final Plat for approval, the Subdivider shall prepare a Preliminary Plat which shall be clearly marked "Preliminary Plat" and a letter of application. The Preliminary Plat shall be prepared in accordance with this Ordinance, and the Subdivider shall file folded copies of the Plat as per Waukesha County requirements with the Waukesha County Department of Parks and Land Use or designee at least forty-five (45) days prior to the meeting of the Town of Waukesha Plan Commission at which action is desired. The subdivider shall simultaneously submit nineteen (19) folded copies of the plat to the Town Clerk. The statutory time limit(s) shall commence with the later filing date stamp between the County and the Town. In addition:

- (a) The Waukesha County Department of Parks and Land Use, or designee shall, within two (2) normal work days after filing, transmit one (1) copy to the Town of Waukesha Clerk and all other required copies to appropriate regulatory approving and objecting agencies.

- (b) The Town Clerk or designee shall transmit seven (7) copies to the Town Plan Commission, and one (1) copy each to the following Building Inspector, Town Supervisor not on Plan Commission, Town Engineer and Fire Department, for their review and recommendations concerning matters within their jurisdiction. The recommendations, if any, of Town boards, commissions, and departments shall be transmitted to the Town Plan Commission. The Preliminary Plat shall then be reviewed by the Town Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components.
- (c) The Town Clerk or designee shall transmit two copies to the Gas Company, and one copy each to the Electric Company, Ameritech Telephone Company, PTI Communications, the Cable Television franchise, and the School District for their review and information concerning matters within their jurisdiction. Their comments, if any, shall be transmitted to the Town Plan Commission within 30 days from the date the Plat is filed.
- (d) The Town Plan Commission is designated as the recommending agency with respect to design and layout of the Preliminary Plat pursuant to the provisions of Section 12-8 and Section 12-9.
- (e) The Wisconsin Department of Commerce (DOC), the Wisconsin Department of Transportation (WDOT), the Wisconsin Department of Natural Resources, and the Waukesha County Department of Transportation, shall be hereinafter referred to as objecting agencies. The Southeastern Wisconsin Regional Planning Commission is an advisory planning agency created pursuant to Section 66.945 of the Wisconsin Statutes in part for the purpose of serving the Town and its Commissions; the County and its Commissions, and state agencies having jurisdiction under the provisions of this Ordinance.

SEC. 12-4-3 PRELIMINARY PLAT APPROVAL.

The objecting agencies shall, within twenty (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 of Waukesha Plan Commission. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.

- (a) The Town of Waukesha Plan Commission shall, within 90 days of the date of filing of a Preliminary Plat with the Town Clerk, examine the Preliminary Plat as to its conformance with this Ordinance; consider review comments from objecting agencies, Town of Waukesha staff, and other agencies required to review and comment on the Preliminary Plat; and shall recommend approval, approval with conditions, or rejection of the Preliminary Plat to the Town Board.
- (b) The Town Board shall, within ninety (90) days of the date of filing a Preliminary Plat with the Town Clerk or designee, shall approve, approve conditionally, or reject such Plat. If the Preliminary Plat is approved conditionally or rejected, the Town of Waukesha shall state, in writing, any conditions of approval or the reasons for rejection. One copy each of the Plat and letter shall be placed in the Town of Waukesha Plan Commission permanent files.
- (c) Failure of the Town Board to act within ninety (90) days of the date of filing or within the times as extended by agreement with the Subdivider, shall constitute an approval.
- (d) Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout as provided under Section 236.11(1)(b) of the Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout unless changes are mandated by construction or storm water management plans as approved by regulating agencies

having jurisdiction and the Town Board. If the Final Plat is not submitted within 6 months of the last required approval of the Preliminary Plat, any approving authority may refuse to approve the Final Plat. In addition, the approval or conditional approval of a Preliminary Plat shall become null and void if the Final Plat is not submitted within one (1) year of the last required approval of the Preliminary Plat. An approved Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted, and used as a guide in the preparation of the Final Plat which will be subject to further consideration by the Town of Waukesha Plan Commission and Town Board at the time of its submission.

- (e) Upon approval or conditional approval of a Preliminary Plat from the Plan Commission or the Town Board, the Subdivider may proceed with installation of subdivision improvements after review and recommendation of approval of the engineering plans by the Town Engineer and approval of the Town of Waukesha Town Board and approval of all other applicable agencies and submittal to the Town of Waukesha of copies of all permits and letters of approval, and/or may submit a Final Plat for review.

The Subdivider shall, as per Section 12-3-4 of this ordinance, enter into a contract with the Town of Waukesha agreeing to install the required improvements and shall file with said contract a letter of credit, cash or certified check meeting the approval of the Town Attorney in an amount equal to 120 percent of the estimated cost of the improvements, plus the estimated Construction Review fees, said estimate to be made by the Town Board upon the recommendation of the Town Engineer, as a guarantee that such improvements will be completed by the Subdivider or his subcontractors not later than one (1) year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. If after the approval or conditional approval of the Preliminary Plat by either the Plan Commission or the Town Board, the Subdivider creates a substantial change to the subdivision layout, the Town of Waukesha shall require the re-submittal of a Preliminary Plat in conformance with Section 12-4-2 of this Ordinance. A substantial change to the subdivision layout will have presumed to occur if the external boundaries of the subdivision plat are changed in any manner, or there is an increase in the number of lots by more than 5 percent, or there is a change in street configuration, or if a permitting agency denies a permit on which the plat depends. If the change is made at the request of the Town of Waukesha a substantial change shall not be presumed to occur and the Subdivider may proceed with submittal of a Final Plat.

SEC. 12-4-4 FINAL PLAT REVIEW.

The Subdivider shall prepare a Final Plat and a letter of application in accordance with this Ordinance and shall file as many folded copies of the Plat as per Waukesha County requirements with the Waukesha County Department of Parks and Land Use or designee at least thirty (30) days prior to the meeting of the Town of Waukesha Plan Commission at which action is desired. The subdivider shall simultaneously submit nineteen (19) folded copies of the plat to the Town Clerk. The statutory time limit(s) shall commence with the later filing date stamp between the County and the Town. In addition:

- (a) The Waukesha County Department of Parks and Land Use, or designee, shall, within two (2) normal work days after filing, transmit to the Town of Waukesha Clerk one (1) copy and all other required copies to appropriate regulatory approving and objecting agencies.
- (b) The Town Clerk or designee shall transmit seven (7) copies to the Town Plan Commission, and one (1) copy each to the following Building Inspector, Town Supervisor not on Plan Commission Town Engineer and Fire Department, for their review and recommendations concerning matters within their jurisdiction. The recommendations, if any, of Town boards, commissions, and departments shall be transmitted to the Town Plan Commission within 30 days from the date the Plat is filed. The Final Plat shall then be reviewed by the Town Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components.

- (c) The Town Clerk or designee shall transmit two copies to the Gas Company, and one copy each to the Electric Company, Ameritech Telephone Company, PTI Communications, the Cable Television franchise, and the School District for their review and information concerning matters within their jurisdiction. Their comments, if any, shall be transmitted to the Town Plan Commission within 20 days from the date the Plat is filed.
- (d) The Town of Waukesha Plan Commission is designated as the recommending agency with respect to design and layout of the Final Plat pursuant to the provisions of Section 12-8 and the Town Board is designated as the approving authority with respect to all sections of this Ordinance.
- (e) The Wisconsin Department of Commerce (DOC), the Wisconsin Department of Transportation (WDOT), the Wisconsin Department of Natural Resources, and the Waukesha County Department of Transportation, shall be hereinafter referred to as objecting agencies. The Southeastern Wisconsin Regional Planning Commission is an advisory planning agency created pursuant to Section 66.945 of the Wisconsin Statutes in part for the purpose of serving the Town of Waukesha and its Commissions; the County and its Commissions, Town Board or Commissions and state agencies having jurisdiction under the provisions of this Ordinance.
- (f) The Town of Waukesha Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat; any conditions of approval of the Preliminary Plat; this Ordinance and all Ordinances, rules, regulations, adopted regional, county or Town of Waukesha comprehensive plans and adopted components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Town Board.
- (g) Partial Platting. The approved Preliminary Plat may be Final Platted in phases with each phase encompassing only that portion of the approved Preliminary Plat which the Subdivider proposes to record at one time, however, it is required that each such phase be Final Platted and be designated as a phase of the approved Preliminary Plat.
- (h) Upon approval of the Final Plat from the Plan Commission and Town Board, the Subdivider may proceed with installation of subdivision improvements after review and recommendation of approval of the engineering plans by the Town Engineer and approval of the Town of Waukesha Town Board and approval of all other applicable agencies and submittal to the Town of Waukesha of copies of all permits and letters of approval. The Subdivider shall, as per Section 12-3-4 of this ordinance, enter into a contract with the Town of Waukesha agreeing to install the required improvements and shall file with said contract a letter of credit, cash or certified check meeting the approval of the Town Attorney in an amount equal to 120 percent of the estimated cost of the improvements, plus the estimated Construction Review fees, said estimate to be made by the Town of Waukesha Town Board upon the recommendation of the Town Engineer, as a guarantee that such improvements will be completed by the Subdivider or his subcontractors not later than one (1) year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. If after the approval or conditional approval of the Final Plat by the Plan Commission and Town Board, the Subdivider creates a substantial change to the subdivision layout, the Town of Waukesha shall require the re-submittal of a Preliminary Plat in conformance with Section 12-4-2 of this Ordinance. A substantial change to the subdivision layout will have presumed to occur if the external boundaries of the subdivision plat are changed in any manner, or there is an increase in the number of lots by more than 5 percent, or there is a change in street configuration, or if a permitting agency denies a permit on which the plat depends. If the change is made at the request of the Town of Waukesha a substantial change shall not be presumed to occur.

The objecting agencies shall, within twenty (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 of Waukesha Plan Commission. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the plat. In addition:

SEC. 12-4-5 FINAL PLAT APPROVAL.

- (a) Submission. If the Final Plat is not submitted within six (6) months of the last required approval of the Preliminary Plat, the Town Board may refuse to approve the Final Plat.
- (b) The Town of Waukesha Plan Commission shall, within sixty (60) days of the date of filing of the Final Plat with the Town Clerk or designee, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Town Board.
- (c) The Town Board may refuse to approve the Final Plat if the required improvements are not installed or the Construction Plans, Developer's Agreement, and Financial Guarantees are not submitted to and recommended for approval by the Town Plan Commission.
- (d) The Town Board shall, within sixty (60) days of the date of filing the original Final Plat with the Clerk or designee, approve or reject such Plat unless the time is extended by agreement with the Subdivider. All corrections as required by the objecting and approving agencies shall be made to the Final Plat, Construction Plans, Financial Guarantees, and Subdivider's Agreement prior to placement on the Town Board agenda. 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 and surveyor. The Town Board may 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 the objecting agencies as required herein, the date thereof, and that no objections have been filed within twenty (20) days or, if filed, have been met.
- (e) Failure of the Town Board to act within sixty (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, the plat shall be deemed approved.
- (f) Recordation. After the Final Plat has been approved by the Town Board and required improvements as shall be required by the Town Board either installed or a Subdivider's Agreement 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. The Town Clerk shall record the Plat with the Waukesha County Register of Deeds after receipt of all fees from the subdivider. The Clerk or designee shall verify the original Final Plat meets all approval requirements and shall cause the original to be reproduced for recording as per State Statutes. The Register of Deeds shall not record the Plat unless it is offered within (30) days from the date of the last approval or twenty-four (24) months of first approval per ss 236.25(2)(b).
- (g) Copies. Prior to the recording of the Final Plat, the Subdivider shall reimburse to Town for all reproduction costs including a reproducible mylar and five (5) folded copies of the Final Plat. The Town Clerk or designee will distribute to the Town Assessor, Town of Waukesha Building Inspector, Fire Department, and other affected departments and agencies for their files.
- (h) Upon approval of the Final Plat from the Plan Commission and Town Board, the Subdivider may proceed with installation of subdivision improvements after review and recommendation of approval of the engineering plans by the Town Engineer and approval of the Town of Waukesha Town Board and approval of all other applicable agencies and submittal to the Town of Waukesha of copies of all permits and letters of approval. The Subdivider shall, as per Section 12-3-4 of this Ordinance, enter into a contract with the Town of Waukesha agreeing to install the required improvements and shall file with said contract a letter of credit, cash or certified check meeting the approval of the Town Attorney in an amount equal to 120 percent of the estimated cost of the improvements, plus the estimated Construction Review fees, said estimate to be made by the Town Board upon the recommendation of the Town Engineer, as a guarantee that such improvements will be completed by the Subdivider or his subcontractors not later than one (1) year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. If after the approval or conditional approval of the Final Plat by the Plan Commission and Town Board, the Subdivider creates a

substantial change to the subdivision layout, the Town of Waukesha shall require the re-submittal of a Preliminary Plat in conformance with Section 12-4-2 of this Ordinance. A substantial change to the subdivision layout will be presumed to occur if the external boundaries of the subdivision plat are changed in any manner, or there is an increase in the number of lots by more than 5 percent, or there is a change in street configuration, or if a permitting agency denies a permit on which the plat depends. If the change is made at the request of the Town of Waukesha a substantial change shall not be presumed to occur and the Subdivider may proceed with submittal of a Final Plat.

SEC. 12-4-6 MINOR LAND DIVISION REVIEW AND APPROVAL (CERTIFIED SURVEY MAP).

Any division of land not defined as a "subdivision" is a minor land division. The Certified Survey Map shall include all parcels of land under ownership or control of the Subdivider. The Certified Survey Map shall be prepared in accordance with Section 12-7 of this Ordinance. Exception: When the parcel(s) to be created by a land division is/are 20 acres or more in area and is/are not intended for development, the Plan Commission and Town Board may waive the requirement of a Certified Survey Map.

- (a) A pre-application conference similar to the consultation suggested in Section 12-4-1 of this Ordinance is recommended prior to submitting the sketch or preliminary map for approval. Prior to submitting a Certified Survey Map or plat of survey for approval, the Subdivider shall submit a preliminary map or sketch to the Town of Waukesha Plan Commission for approval, which shall be sufficient in detail to determine whether the final Certified Survey Map will meet the requirements of this Ordinance and all Ordinances, rules, regulations, adopted regional, county and Town of Waukesha comprehensive plans, or adopted plan components which affect it. At a minimum, all sketches shall be submitted using the Town of Waukesha Cadastral Map as the base map.
- (b) The Town Clerk or designee shall, transmit seven (7) copies of the map and letter of application to the Town of Waukesha Plan Commission.
- (c) The Town of Waukesha Clerk shall transmit a copy of the map to all approving or objecting agencies affected Town departments and the Town Engineer for their review and recommendations concerning matters within their jurisdiction. The recommendation shall be transmitted to the Town of Waukesha Plan Commission.
- (d) Upon approval of the Certified Survey Map from the Plan Commission and Town Board, the Subdivider may proceed with installation of subdivision improvements after approval of the engineering plans by the Town Board and approval of all other applicable agencies and submittal to the Town of Waukesha of copies of all permits and letters of approval. The Subdivider shall, as per Section 12-3-4, enter into a contract with the Town of Waukesha agreeing to install the required improvements and shall file with said contract a letter of credit, cash or certified check meeting the approval of the Town Attorney in an amount equal to 120 percent of the estimated cost of the improvements, plus the estimated Construction Review fees, said estimate to be made by the Town Board upon the recommendation of the Town Engineer, as a guarantee that such improvements will be completed by the Subdivider or his subcontractors not later than one (1) year from the date of recording of the certified survey map or as modified by the Town Board by a Developer's Agreement and as a further guarantee that all obligations to subcontractors for work on the development are satisfied.
- (e) The Town of Waukesha Plan Commission shall approve, approve conditionally or reject the map within 60 days from the date of filing of the map, unless time is extended by agreement with the Subdivider, and shall transmit the map along with its recommendations to the Town Board.

- (f) The Town Board shall approve, approve conditionally or reject the map within 60 days from the date of filing of the map, unless time is extended by agreement with the Subdivider. All corrections, as required by the objecting and approving agencies shall be made to the Certified Survey Map, and construction plans; financial guarantees and developer's agreement if improvements are required, prior to placement on the Town Board agenda. If the map is rejected, the reasons shall be stated in the resolution and a written statement forwarded to the Subdivider and surveyor.
- (g) The Town Board may refuse to approve the Certified Survey Map if the required improvements are not installed or the construction plans, developer's agreement and financial guarantees are not submitted to and recommended for approval by the Town Plan Commission.
- (h) Recordation. After the Certified Survey Map, Construction Plans, Developer's Agreement and financial guarantees have been approved by the Town Board, the Town Clerk shall cause the certificate to be inscribed upon the Map attesting to such approval and the Town Clerk or designee shall record the Map with the Waukesha County Register of Deeds at the Subdivider's expense. The Register of Deeds shall not record the Map unless it is offered within 30 days from the date of the last approval. The Town of Waukesha shall not permit the applicant, title company, or any other entity to record the Certified Survey Map.

SEC. 12-4-7 REPLAT.

When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the Subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Section 236.40 through 236.44 of the Wisconsin Statutes. The Subdivider, or person wishing to replat, shall then proceed as specified in Sections 12-4-1 through 12-4-5 of this Ordinance.

The Town Clerk shall schedule a Public Hearing before the Town of Waukesha Plan Commission when a Preliminary Plat of a replat of lands within the Town of Waukesha is filed, and shall cause notices of the proposed replat Public Hearing to be mailed to the Owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the Owners of all properties within 200 feet of the exterior boundaries of the proposed Replat.

SEC. 12-4-8 CONDOMINIUM PLATS.

A condominium plat prepared pursuant to Section 703.11, Wisconsin Statutes shall be reviewed in the same manner as a subdivision plat as set forth in Section 12-4-1 of this Ordinance.

CHAPTER 5

Preliminary Plat Submittal Requirements

12-5-1	General
12-5-2	Plat Data
12-5-3	Street Plans and Profiles
12-5-4	Testing
12-5-5	Soil and Water Conservation
12-5-6	Covenants
12-5-7	Easements
12-5-8	Affidavit

SEC. 12-5-1 GENERAL.

A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a Registered Land Surveyor (RLS) and the plat prepared on reproducible drafting film, or paper of good quality at a preferred sheet size of 22 inches by 30 inches and a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- (a) Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat unless it is an addition to a previously recorded plat and is so stated on the plat.
- (b) Property location of the proposed subdivision by: government lot, quarter section, section, township, range, county and state.
- (c) General location sketch showing the location of the subdivision within the U.S. Public Lands Survey section.
- (d) Date, graphic scale and north arrow.
- (e) Names, Addresses and daytime phone numbers of the Owner, Subdivider and Land Surveyor preparing the plat.
- (f) 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 of Waukesha Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and severe hardship would result from strict application thereof.

SEC. 12-5-2 PLAT DATA.

All Preliminary Plats shall show the following:

- (a) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- (b) Locations of all existing property boundary lines, structures and the first floor elevations thereof, drives, visible and known wells, streams and watercourses, all wetlands, rock outcrops, wooded areas, railroad tracks and other similar significant natural and man-made features within the tract being subdivided or immediately adjacent thereto, within a distance of 200 feet.

- (c) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto, within a distance of 200 feet.
- (d) Location and names of any adjacent subdivisions, parks and cemeteries, and Owners of record of abutting unplatted lands.
- (e) As required by the Town, type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, based on the National Geodetic Vertical Datum of 1929.
- (f) 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 the exterior boundaries of the plat or immediately adjacent thereto, based on the National Geodetic Vertical Datum of 1929. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.
- (g) Corporate Limits Lines.
- (h) Existing Zoning on and adjacent to the proposed subdivision.
- (i) Existing contours to National Map Accuracy Standards at vertical intervals of not more than two (2) feet. Elevations shall be marked on such contours based on the National Geodetic Vertical Datum of 1929. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to the National Geodetic Vertical Datum of 1929, and the monumentation of the bench marks clearly and completely described.
- (j) High-water elevation of all ponds, streams, lakes, flowages, and wetlands, within the exterior boundaries of the plat or located within one hundred (100) feet therefrom referenced to the National Geodetic Vertical Datum of 1929.
- (k) Water elevations of all streams, ponds, lakes, flowages, and wetlands within the exterior boundaries of the plat and located within one hundred (100) feet therefrom at the date of the survey, referenced to the National Geodetic Vertical Datum of 1929.
- (l) Floodplain limits of the 100-year recurrence interval flood as determined by the federal flood insurance study or other technical document, or where such data is not available, the elevation shall be five (5) feet above the highest flood of record within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (m) Location and Results of soil boring tests within the exterior boundaries of the plat made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depth of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The Town Plan Commission may require that additional tests be provided. The results of such tests shall be submitted along with the Preliminary Plat.
- (n) Location of soil boring tests where required by Section COMM 85 of the Wisconsin Administrative Code, taken at the location and depth in which the soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the Final Plat.

- (o) Location, width and names of all proposed streets and public rights-of-way such as alleys and easements.
- (p) Approximate Dimensions of All Lots together with proposed lot and block numbers.
- (q) Location and approximate dimensions of any sites to be reserved or dedicated for schools, parks, environmental corridors, drainageways, or other public use or open space, or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring lotting.
- (r) Approximate radii of all curves.
- (s) Any proposed riparian lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- (t) Any proposed lake and stream improvement or relocation, and notice of application for approval by the Department of Natural Resources, when applicable.
- (u) Any additional information required by the Town Board, Town Engineer, or Town of Waukesha Plan Commission including the location of the area on the lot where a structure may be built to afford solar access to the rooftop and south wall.
- (v) Approximate location of all wetlands based on aerial photographs provided by Southeastern Wisconsin Regional Planning Commission or field survey of delineation of wetlands by an approved agency.
- (w) Lake and stream meander lines, existing or proposed to be established.

SEC. 12-5-3 STREET PLANS AND PROFILES.

The Town of Waukesha Plan Commission and Board, upon the recommendation of the Town Engineer may require that the Subdivider provide street plans and profiles showing 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 mean sea level (1929) datum, and plans and profiles shall be subject to the review and recommendation of approval of the Town Engineer and approval of the Town Board.

SEC. 12-5-4 TESTING.

The Town of Waukesha Plan Commission and Board, upon the recommendation of the Town Engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. The Town of Waukesha does not guarantee, warrant, or represent that only those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the Town of Waukesha and thereby asserts that there is no liability on the part of the Town Board, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance. Where the subdivision will not be served by public sanitary sewer service, the provisions of Chapter COMM 85 of the Wisconsin Administrative Code shall be complied with; and the appropriate data submitted with the Preliminary Plat.

SEC. 12-5-5 SOIL AND WATER CONSERVATION.

The Town Board shall require the Subdivider to file with the Town Clerk a copy of the Erosion Control Plan, Erosion Control Permit, and Letter of Credit set and approved by the Waukesha County Department of Parks and Land Use-Environmental Resources Division prior to approval of construction plans and the commencement of any land disturbance.

SEC 12-5-6 COVENANTS.

The Town of Waukesha Plan Commission shall require submission of a draft of protective covenants, where a covenant is proposed, whereby the Subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and approval of the Town Planner for less restrictive regulations than the Town Zoning Code. The Town of Waukesha shall not be responsible for enforcing private covenants.

SEC. 12-5-7 EASEMENTS.

Easements shall be shown on the Preliminary Plat and shall be limited to utility easements, drainage easements, conservation easements, access easements, scenic easements, mineral easements, or air rights easements. Easements shall not be used for the conveyance of street rights-of-way, pedestrian rights-of-way, park or school lands, or other public lands requiring dedication. Drainage easements shall be owned and maintained by the individual lot owners. If an Outlot is created, then the outlot will be owned and maintained by all lot owners.

SEC. 12-5-8 AFFIDAVIT.

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

CHAPTER 6

Final Plat Submittal Requirements

12-6-1	General
12-6-2	Additional Information
12-6-3	Survey Accuracy
12-6-4	Surveying and Monumenting
12-6-5	State Plane Coordinate System
12-6-6	Certificates
12-6-7	Recordation
12-6-8	Duplicate Plat Required

SEC. 12-6-1 GENERAL.

A Final Plat prepared by a Registered Land Surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.

SEC. 12-6-2 ADDITIONAL INFORMATION

The Plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:

- (a) Exact Length and Bearing of the centerline of all streets.
- (b) Exact street width along the line of any obliquely intersecting street.
- (c) Railroad rights-of-way within and abutting the plat.
- (d) Setbacks or building lines required by the Town of Waukesha Plan Commission in accordance with the guidelines set forth in Section 12-8-7 of this Ordinance.
- (e) Easements shall be shown on the Final Plat and shall be limited to utility easements, drainage easements, conservation easements, access easements, scenic easements, mineral easements, or air rights easements. Easements shall not be used for the conveyance of street rights-of-way, pedestrian rights-of-way, park or school lands, or other public lands requiring dedication.
- (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, provisions and plans for its use and maintenance shall be submitted with the plat. A note shall be placed on the face of the Plat noting ownership and maintenance of all common use areas and that deed restriction(s) are on file at the Waukesha County Register of Deeds.
- (g) A note on the face of the plat noting ownership and maintenance obligations of all drainage swales, easements, retention and detention ponds or other facilities shall be required.
- (h) Special restrictions required by the Town of Waukesha Plan Commission and any other approving or objecting agency relating to access control along public ways, the provision of planting strips, solar access restrictions, to preservation of wetlands, to more restrictive yard requirements, or to special restrictions for environmentally significant lands.

- (i) Location, area, depth, and type of the soil absorption waste disposal system for each building site, if applicable.
- (j) Floodplain limits of the 100-year recurrence interval flood as determined by the Federal Flood Insurance Study or other technical document, or where such data is not available, the elevation shall be determined by a Registered Professional Engineer and the sealed documents shall be subject to the review and recommendation of approval of the Town Engineer and approval of the Town of Waukesha. The contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, the elevation shall be determined by a Registered Professional Engineer and the sealed documents shall be subject to the review and recommendation of approval of the Town Engineer and approval of the Town of Waukesha within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (k) Where the Town Board, Town of Waukesha Plan Commission or Town Engineer finds that it requires additional information relative to a particular problem presented by a proposed development to review the Final Plat, it shall have the authority to request in writing such information from the Subdivider.
- (l) Delineation of all wetlands and shoreland/wetlands based on a field staking by the U.S. Army Corps of Engineers, the Wisconsin Department of Natural Resources, the Southeastern Wisconsin Regional Planning Commission, or other agency or firm certified to make such delineation by the Federal Government or the Wisconsin Department of Natural Resources.
- (m) Location of Soil Boring Tests. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the Certified Survey Map.
- (n) Location of Soil Boring Tests where required by Section COMM 85 or COMM 83 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the Certified Survey Map.

SEC. 12-6-3 SURVEY ACCURACY.

The Town Engineer shall examine all Final Plats within the Town of Waukesha and may recommend that the Town of Waukesha make, or cause to be made by a Registered Land Surveyor under the direction of the Town Engineer, such field checks as the Town may deem necessary or desirable for the accuracy and closure of survey, the proper kind and location of monuments and legibility and completeness of the drawing.

- (a) The maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed that which is permitted by state statute.
- (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.
- (c) Where the plat is located within a U. S. Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the Town of Waukesha, or the Southeastern Wisconsin Regional Planning Commission, the tie required by Section 236.20(3) (b) of the Wisconsin Statutes shall be expressed in terms of grid bearing and distance; and the material and Wisconsin State Plane Coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the Plat. 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 and the street, block and lot dimensions shall comply with the requirements of Section 236.15 of the Wisconsin Statutes.

- (d) The Town Board shall receive the results of the Town Engineer's examination prior to approving the Final Plat.

SEC. 12-6-4 SURVEYING AND MONUMENTING.

All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes. The Town Plan Commission may waive setting of monuments for a specific period of time as per Section 12-9-2 of this Ordinance.

SEC. 12-6-5 STATE PLANE COORDINATE SYSTEM.

Where the Plat is located within a U.S. Public Land Survey quarter section the corners of which have been relocated, monumented and placed on the Wisconsin State Plane Coordinate System by the Southeastern Wisconsin Regional Planning Commission, or Waukesha County or the Town of Waukesha, the Plat shall be tied directly to two or more of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the type of monument and Wisconsin State Plane Coordinates of the monument marking, the relocated section or quarter corners to which the Plat is tied shall be indicated on the Plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone. 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 and adjusted to the SEWRPC Section's control survey.

SEC. 12-6-6 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 has fully complied with all the provisions of this Ordinance.

SEC. 12-6-7 RECORDATION.

The Final Plat shall be recorded with the Waukesha County Register of Deeds only after the certificates of the Wisconsin Department of Local Affairs and Development, of the Town Board, of the Surveyor, and those certificates required by Section 236.21 of the Wisconsin Statutes are placed on the face of the plat. The plat shall be recorded by the Town Clerk or designee after receipt of all fees from the Subdivider and within 30 days of its approval by the Town Board.

SEC. 12-6-8 DUPLICATE PLAT REQUIRED.

Prior to the recording of the plat, the Subdivider shall reimburse the Town for all reproductions including a duplicate reproducible copy of the Plat on dimensionally stable polyester film to the Town of Waukesha along with five (5) folded blueline copies, and shall provide the Town with one copy in DXF format on a 3 1/2 inch diskette.

CHAPTER 7

Certified Survey Map Submittal Requirements (Minor Land Division)

12-7-1	General
12-7-2	Required Information
12-7-3	Additional Information
12-7-4	State Plane Coordinate System
12-7-5	Certificates
12-7-6	Recordation
12-7-7	Duplicate Map Required
12-7-8	Notations

SEC. 12-7-1 GENERAL.

A Certified Survey Map prepared by a Registered Land Surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor land division shall comply with the design standards set forth in Section 12-8 and the improvement requirements set forth in Section 12-9 of this Ordinance.

- (a) A Preliminary Map or sketch shall be submitted to the Town of Waukesha Plan Commission for all tracts of land proposed to be divided in accordance with Section 12-4-1 of this Ordinance.

SEC. 12-7-2 REQUIRED INFORMATION.

- (a) Date of the Map.
- (b) Insert showing map of area with property location.
- (c) Graphic Scale and north arrow.
- (d) Name, address and daytime phone number of the Owner, Subdivider and Land Surveyor.
- (e) All existing structures, including square footage and horizontal offset to existing and/or proposed property lines, visible and known wells, watercourses, drainage ditches, existing property lines of abutting property, and other features pertinent to proper division.
- (f) Name of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands.
- (g) Location of the area on the lot where a structure may be built to afford solar access to the rooftop and south wall.
- (h) Additional Setbacks or Building Lines required by the Town of Waukesha Plan Commission 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 protective covenants.
- (i) Additional setbacks or offsets proposed by the Subdivider which are more restrictive than the regulations of the Zoning District in which the plat is located.

- (j) All Lands Reserved for future public acquisition.
- (k) Floodplain limits of the 100-year recurrence interval flood as determined by the federal flood insurance study or other technical document, or where such data is not available, the elevation shall be determined by a Registered Professional Engineer and the sealed documents shall be subject to the review and recommendation of approval of the Town Engineer and the approval of the Town. The contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, the elevation shall be determined by a Registered Professional Engineer and the sealed documents shall be subject to the review and recommendation of approval of the Town Engineer and the approval of the Town within the exterior boundaries of the plat.
- (l) Easements shall be shown on the Certified Survey Map and shall be limited to utility easements, drainage easements, conservation easements, access easements, scenic easements, mineral easements, or air rights easements. Easements shall not be used for the conveyance of street rights-of-way, pedestrian rights-of-way, park or school lands, or other public lands requiring dedication.
- (m) Exact length and bearing of the centerline of all streets.
- (n) Exact street width along the line of any obliquely intersecting street.
- (o) Railroad rights-of-way within and abutting the plat.
- (p) A drainage and grading plan for all lots on the map bearing a statement concerning the relation of all drainage swales, ponds, or other facilities. Grading Plan for the proposed land division extending 150 feet from the proposed property lines.
- (q) Special restrictions required by the Town of Waukesha Plan Commission and any other approving or objecting agency relating to access control along public ways, the provision of planting strips, solar access restrictions, to preservation of wetlands, to more restrictive yard requirements, or to special restrictions for environmentally significant lands.
- (r) Location, area, depth, and type of the soil absorption waste disposal system for each building site, if applicable.
- (s) Delineation of all conservancy zoning district lands, wetlands and shoreland/wetlands based on a field staking by the U.S. Army Corps of Engineers, the Wisconsin Department of Natural Resources, the Southeastern Wisconsin Regional Planning Commission, or other agency or firm certified to make such delineation by the Federal Government or the Wisconsin Department of Natural Resources.

SEC. 12-7-3 ADDITIONAL INFORMATION.

The Town of Waukesha Plan Commission and Board may require that the following additional information be provided when necessary for the proper review and consideration of the map:

- (a) Existing Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less 10 percent, and of not more than five (5) feet where the slopes of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level). The requirement to provide topographic data may be waived if the parcel(s) created are fully developed.
- (b) Soil type, slope, and boundaries as shown on the detailed operational soil survey maps prepared by the U. S. Soil Conservation Service.

- (c) Setbacks or building lines required by the Town of Waukesha Plan Commission and Board in accordance with the guidelines set forth in Section 12-8-7 of this Ordinance.
- (d) Location of Soil Boring Tests. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the Certified Survey Map.
- (e) Location of Soil Boring Tests where required by COMM 85 or COMM 83 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres. The results of such tests shall be submitted along with the Certified Survey Map.
- (f) The Town of Waukesha Plan Commission and Board may waive the requirement that the entire area contiguous to the land outlined in the proposed Certified Survey Map owned or controlled by the Subdivider be included on the Certified Survey Map even though only a portion of said area is proposed for immediate development, however, this waiver may only occur when the parcel(s) to be created by a land division is/are 20 acres or more in area and is/are not intended for development.

SEC. 12-7-4 STATE PLANE COORDINATE SYSTEM.

Where the Map is located within a U.S. Public Land Survey quarter section the corners of which have been relocated, monumented and placed on the Wisconsin State Plane Coordinate System by the Southeastern Wisconsin Regional Planning Commission, or Waukesha County, the Map shall be tied directly to two or more of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the type of monument and Wisconsin State Plane Coordinates of the monument marking, the relocated section or quarter corner to which the Map is tied shall be indicated on the Map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone. 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.

SEC. 12-7-5 CERTIFICATES.

The surveyor shall certify on the face of the Map that he has fully complied with all the provisions of this Ordinance. The Town Board, after approval by the Town of Waukesha Plan Commission and the recommendation by all reviewing agencies, shall certify its approval on the face of the map.

- (a) When a Certified Survey Map includes the dedication of streets and other public areas, an Owner's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes shall be required.
- (b) All Certified Survey Maps shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes.
- (c) When all or part of the Certified Survey Map is located within the Waukesha County Shoreland and Protection Ordinance Jurisdictional area, a Waukesha County Department of Parks and Land Use - Planning Division Certificate shall be placed on the map.

SEC. 12-7-6 RECORDATION.

The Certified Survey Map shall be recorded with the county register of deeds only after the certificates of the Town Board, the Town of Waukesha Plan Commission, the surveyor, and the Owner are placed on the face of the Map. The Map shall be recorded by the Town Clerk or designee after payment of all fees and within 30 days of its last approval by the Town Board. The Town of Waukesha shall not permit the applicant, title company, or any other entity to record the Certified Survey Map.

SEC. 12-7-7 DUPLICATE MAP REQUIRED.

The Subdivider shall provide a duplicate copy of the Certified Survey Map in DXF format on a 3 1/2 inch diskette to the Town of Waukesha.

SEC. 12-7-8 NOTATIONS.

Any notes required by the Town of Waukesha shall be placed on the face of the Certified Survey Map prior to recording by the Town of Waukesha.

CHAPTER 8

Design Standards

12-8-1	Street Arrangement
12-8-2	Limited Access Highway and Railroad Right-of-Way Treatment
12-8-3	Street and Pedestrian Way Design Standards
12-8-4	Street Intersections
12-8-5	Blocks
12-8-6	Lots
12-8-7	Building and Setback Lines
12-8-8	Special Restrictions
12-8-9	Easements

SEC. 12-8-1 STREET ARRANGEMENT.

In any new subdivision or Certified Survey Map the street, block and lot layouts shall conform to the arrangement, width and location indicated on the Town of Waukesha official map, County Jurisdictional Highway System Plan, comprehensive plan or plan component, or neighborhood development plan, if any, of the Town of Waukesha, and shall be so designated as to: be within the capability of the land and water resources; least disturb the existing terrain, flora, fauna and water regimen; and meet all the use, site, sanitary, floodland, and shoreland regulations contained in the Town of Waukesha Zoning Ordinance and the Waukesha County Community Health Code. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory solar access and access to a public street.

- (a) Arterial streets, as heretofore defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. Arterial streets shall also be properly integrated with and related to the existing and proposed area-wide 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.
- (b) Collector streets, as heretofore defined, 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 the mass transportation system, to special traffic generators such as schools, churches, and shopping centers and other concentrations of population and to the arterial streets into which they connect.
- (c) Minor streets, as heretofore defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, as required by the Town and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- (d) Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions, or unless the Town of Waukesha Plan Commission and Town Board finds that such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

- (e) Arterial street and highway protection. Whenever the proposed subdivision contains, or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage with screen planting contained in a non-access reservation along the rear property line, or by the use of frontage streets consistent with Section 12-8-2(a) of this Ordinance.
- (f) Public access shall be provided to all navigable stream or lake shores. Such access shall be at least sixty (60) feet in width platted to the low watermark at intervals of not more than one-half mile as required by Section 236.16(3) unless greater intervals and wider access is agreed upon by the Town of Waukesha Plan Commission, Town Board, the Wisconsin Department of Natural Resources, and the head of the planning function for the Wisconsin Department of Local Affairs and Development. All platted public access shall front on a public street, highway, parkway, or other public way.
- (g) Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Town of Waukesha under conditions approved by the Town of Waukesha Plan Commission and Town Board.
- (h) Street names shall not duplicate or be similar to existing street names, and existing street names shall be projected wherever possible and final approval of street names rests with the Town of Waukesha Town Board upon the recommendation of the Plan Commission and the Fire Department.
- (i) Access shall be provided in commercial and industrial areas for off-street loading and service areas unless otherwise required by the Plan Commission and Town Board.

SEC. 12-8-2 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT.

Whenever the proposed subdivision contains or is adjacent to a Town limited access highway, Town arterial or railroad right-of-way, the design shall provide the following treatment. These standards do not apply to State or County Highways, which are under the jurisdiction of the respective Department of Transportation if said Department of Transportation imposes a more restrictive requirement.

- (a) When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway, arterial or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs and the building of all structures excepting public or private utility structures hereon is prohibited."
- (b) Where commercial and industrial districts are involved there shall be provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but shall not be less than one hundred and fifty (150) feet from the right-of-way of the limited access highway or railroad.
- (c) Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred and fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (d) Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

SEC. 12-8-3 STREET AND PEDESTRIAN WAY DESIGN STANDARDS.

The minimum right-of-way, construction standards and roadway width of all proposed streets and alleys shall be as specified by the Town of Waukesha's Standard Specifications, comprehensive plan, comprehensive plan component, official map, or neighborhood development plan, or County Jurisdictional Highway System Plan, or if no width is specified therein, the minimum width shall be as shown on Table 1.

TABLE 1

URBAN STREET	RIGHT-OF-WAY WIDTH
Arterial	100 Feet (minimum)
Collector	80 Feet (minimum)
Minor	66 Feet (minimum)
Pedestrian Ways	20 Feet (minimum)
RURAL STREET	RIGHT-OF-WAY WIDTH
Arterial	100 Feet (minimum)
Collector	80 Feet (minimum)
Minor	66 Feet (minimum)
Pedestrian Ways	20 Feet (minimum)

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

- (a) Cul-de-Sac Street. Cul-de-Sac streets designed to have one end permanently closed shall not exceed 1,320 feet in length unless waived by the Plan Commission and Town Board. Urban cul-de-sac streets shall typically terminate in a tear-drop turn-around having a minimum right-of-way radius of sixty (60) feet and a minimum outside curb radius of 48 feet. Rural cul-de-sac streets shall typically terminate in a tear drop turn around having a minimum right-of-way radius of sixty-six (66) feet and a minimum outside pavement radius of forty five (45) feet.
- (b) Street Grades. Unless necessitated by exceptional topography, subject to the approval of the Town Board, the maximum centerline grade of any street or public way shall not exceed the following:
 - (1) Arterial streets: six (6) percent
 - (2) Collector streets: eight (8) percent
 - (3) Minor streets, alleys and frontage streets: ten (10) percent.
 - (4) Pedestrian ways: twelve (12) percent unless steps of acceptable design are provided.
 - (5) The Grade of any street shall in no case exceed ten (10) percent or be less than one percent.

When street grades exceed 6%, additional requirements may be required for drainage such as asphalt or concrete flumes meeting Wisconsin Department of Transportation Facilities Design Manual requirements from the road surface to the ditch flow line, curbs, or larger road crown as determined by the Town Board. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to thirty (30) times the algebraic difference in the rates of grade for arterial streets, and fifteen (15) times for all other streets.

- (c) Half-Streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the Subdivider. The platting of new half-streets shall not be permitted.
- (d) Roadway Elevations. Elevations of roadways passing through floodland areas shall be designed in the following manner:
 - (1) At least two (2) feet above the one hundred 100-year recurrence interval flood elevation for arterial streets.
 - (2) At no less than the 100-year recurrence interval flood elevation for collector and minor streets.
- (e) New and Replacement Bridges and Culverts. All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the 100-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than .01 foot above the peak stage for the 100-year recurrence interval flood, as established in the applicable federal flood insurance study or other technical study. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure 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 floes and other debris. All new and replacement bridges shall be constructed in accordance with all applicable State Statutes and Codes and plans shall be submitted to the Wisconsin Department of Natural Resources (DNR) to assure compliance therewith.
- (f) Radii of Curvature. When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
 - (1) Arterial streets and highways: 500 feet.
 - (2) Collector streets: 300 feet.
 - (3) Minor streets: 150 feet or;

Shall not be less than the Wisconsin Department of Transportation Facilities Design Manual for the design speed of the facility and shall use the greater of the two. A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

SEC. 12-8-4 STREET INTERSECTIONS.

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

- (a) The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two without Town of Waukesha Planning Commission and Town Board approval.
- (b) 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 twelve hundred (1200) feet.
- (c) Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the Town of Waukesha Plan Commission and Town Board, or shall be cut-off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.
- (d) Minor streets shall not necessarily continue across arterial or collector streets; but if the centerline of such minor streets approach the arterial streets from opposite sides within three hundred (300) feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the alignment across the arterial or collector street is continuous and a jog is avoided.
- (e) On all streets where sidewalks are required, ramps or openings to accommodate handicapped individuals or vehicles shall be provided in accordance with Section 66.616 of the Wisconsin Statutes.

SEC. 12-8-5 BLOCKS.

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

- (a) The lengths of blocks in residential areas shall not as a general rule be less than six hundred (600) feet nor more than fifteen hundred (1500) feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
- (b) Pedestrian ways of twenty (20) feet in width may be required, where deemed necessary by the Town of Waukesha Plan Commission and Town Board, to provide safe and convenient pedestrian circulation between the individual lots, streams, lakeshores, park lands, or other public areas, or may be required near the center and entirely across any block where deemed essential by the Town of Waukesha Plan Commission and Town Board to provide adequate pedestrian circulation or access to schools, shopping centers, churches, parks, open spaces, or transportation facilities. The Final Plat shall contain a special restriction addressing by whom mid-block pedestrian ways will be maintained.
- (c) The width of blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
- (d) Utility easements shall, where practical, be placed on mid-block easements along rear lot lines minimum of ten (10) feet wide but not within and parallel to drainage easements.

SEC. 12-8-6 LOTS.

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

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

- (b) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (c) Access. Every lot shall front or abut for a distance of at least thirty (30) feet on a public street and shall be at least 45 feet on all proposed cul-de-sacs or on a Town of Waukesha approved access. Driveway location on cul-de-sac turn arounds will be restricted or determined by the Plan Commission and Town Board.
- (d) Area and dimensions of all lots shall conform to the requirements of the Town of Waukesha Zoning Ordinance where the land division occurs. Those building sites not served by a public sanitary sewer system or other approved systems shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with Chapter COMM 83 of the Wisconsin Administrative Code and administered by Waukesha County. In no case shall the width and area of lots located on soils suitable for the use of an on-site soil absorption sewage system shall not be less than one hundred and twenty (120) feet in width and twenty thousand (20,000) square feet in area.
- (e) Whenever a Tract is Subdivided into parcels five (5) acres or less in area and more than twice the minimum lot area required for the Zoning District in which such parcel is located, the Town of Waukesha Plan Commission may require such parcels to be arranged and dimensioned so as to allow re-subdivision of any such parcels in accordance with the provisions of this Ordinance and in conformance with the Town of Waukesha Zoning Ordinance.
- (f) Depth of lots shall be a minimum depth of one hundred fifty (150) feet. Excessive depth in relation to width shall be avoided and a proportion of two and one-half to one (2.5:1) shall be considered a desirable ratio under normal conditions. Depth and width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the zoning restrictions for such use.
- (g) Double frontage and reverse frontage lots, where permitted to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation shall provide an extra lot depth of 30 feet or landscaped buffering unless a greater depth is specified herein.
- (h) Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a stream or lake.
- (i) Width of lots shall conform to the requirements of the Zoning Ordinance, or other applicable Ordinance, and in no case shall a lot be less than 80 feet in width at the base setback line.
- (j) Corner lots shall be designed and platted with at least twenty (20) feet of extra width over and above the minimum required for the Zoning District wherein located to permit adequate building setbacks from side streets and access shall be restricted to the minor street, if required by the Plan Commission or Town Board.
- (k) The shape of lots shall generally be rectangular. Lots platted on cul-de-sacs will generally be narrower at the street line than at the rear lot line.

SEC. 12-8-7 BUILDING AND SETBACK LINES.

Building setback lines, appropriate to the location and type of development contemplated which more are or less restrictive than the regulations of the Zoning District in which the plat is located, may be required by the Town of Waukesha Plan Commission if under Planned Development. Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the Zoning District in which the plat is located, may be required by the Town of Waukesha 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, or setting special yard requirements to protect natural resource elements.

Shoreland/wetland and isolated wetland setbacks, in addition to those required by the Town of Waukesha Zoning Ordinance, may be required by the Town of Waukesha Plan Commission and Town Board.

SEC. 12-8-8 SPECIAL RESTRICTIONS.

Special restrictions which are appropriate to the location or design of the land division may be required by the Plan Commission and shall be shown on the Final Plat or Certified Survey Map. Examples of the application of this provision include access control along public ways, required planting and buffering strips, and prohibition of structures and vegetative clearing in environmentally significant lands.

SEC. 12-8-9 EASEMENTS.

The Town of Waukesha Plan Commission and Town Board may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on each side of all side lot lines or across lots where necessary or advisable for electric power and communication facilities, storm and sanitary sewers; street trees, gas, water, street lights and other utility lines, and solar access. All easements shall be noted on the Final Plat followed by reference to the use or uses for which they are intended. Drainage Easements. Where a subdivision is traversed by a watercourse, drainageway channel or stream, an adequate easement shall be provided. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the review and recommendation of approval of the Town Engineer and approval of the Town of Waukesha; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, subject to review and recommendation of approval of the Town Engineer and approval of the Town of Waukesha. All easements shall be noted on the Final Plat followed by reference to the use or uses for which they are intended.

CHAPTER 9

Required Subdivision Improvements

12-9-1	General
12-9-2	Survey Monuments
12-9-3	Grading
12-9-4	Surfacing
12-9-5	Curb and Gutter
12-9-6	Sidewalks
12-9-7	Public Sanitary Sewage Disposal Facilities
12-9-8	Storm Water Drainage Facilities
12-9-9	Water Supply Facilities
12-9-10	Other Utilities
12-9-11	Street Lamps
12-9-12	Street Signs
12-9-13	Wooded Areas and Natural Tree Settings
12-9-14	Improvement of Existing Half-Streets
12-9-15	Removal of Temporary Cul-de-Sacs

SEC. 12-9-1 GENERAL.

All required improvements shall be constructed in accordance with plans and standard specifications approved by the Town of Waukesha upon recommendation of the Town Engineer, Wisconsin Department of Natural Resources, and the City of Waukesha - Department of Public Works for Sanitary Sewer and the Waukesha Water Utility, as may be appropriate. Said plans and standard specifications shall be submitted, reviewed, and approved in accordance with Section 12-10-3 of this Ordinance.

SEC. 12-9-2 SURVEY MONUMENTS.

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

The Town Board may waive the placing of monuments, required under Section 236.15(b), (c), and (d), for a reasonable time, not to exceed one year on condition that the Subdivider file with the Town a Letter of Credit, cash or certified check to insure the placing of such monuments within the required time limits established by statute. Additional time may be granted upon show of cause.

SEC. 12-9-3 GRADING.

- (a) Cut and filled lands shall be graded in accordance with the approved plans or the soils angle of repose, whichever is the lesser, and an approved cover shall be established within 30 days following completion of grading operations.
- (b) The Subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town of Waukesha Plan Commission and any agency having jurisdiction including the Wisconsin Department of Natural Resources, upon the recommendation of the Town Engineer. The Subdivider shall grade the roadbeds in the street rights-of-way to subgrade.
- (c) Where Electric and Communication facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of final grade by the Subdivider prior to the installation of such facilities, and earth fill, piles or mounds of dirt or construction materials shall not be stored on such easement areas.

SEC. 12-9-4 SURFACING.

After the installation of all utility and storm water drainage improvements, the Subdivider shall surface all roadways in streets proposed to be dedicated, to the widths prescribed by these regulations and the adopted Town of Waukesha comprehensive plans, adopted plan components and Title 6 Public Works. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town of Waukesha, upon the recommendation of the Town Engineer and adopted by the Town Board or its authorized agents. The second lift of asphalt shall not be installed less than one year nor greater than three years after base course pavement is installed for a given phase.

SEC. 12-9-5 CURB AND GUTTER .

The Town Board may require the Subdivider to construct concrete curb and gutters in accordance with plans and standard specifications approved by the Town of Waukesha, upon the recommendation of the Town Engineer and adopted by the Town Board or its authorized agents. Mountable curbs, shall generally be constructed. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

SEC. 12-9-6 SIDEWALKS.

The Plan Commission and Town Board may require the Subdivider to construct a concrete sidewalk or asphalt off-road path on one side of all frontage streets and on one or both sides of all other streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications adopted by the Town Board.

Wider than standard sidewalks may be required by the Plan Commission and Town Board in the vicinity of schools, commercial areas and other places of public assemblage where the potential pedestrian density may warrant, and the Town Board may require the construction of sidewalks in locations other than required under the preceding provisions of this Ordinance if such walks are necessary in their opinion, for safe and adequate pedestrian circulation.

SEC. 12-9-7 PUBLIC SANITARY SEWAGE DISPOSAL FACILITIES.

When public sanitary sewer facilities are available to the subdivision plat, the Subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:

- (a) All subdivisions within the adopted sanitary sewer service area shall be provided with public sanitary sewer facilities.
- (b) The Subdivider shall install sewer laterals to the street lot line for all lots.
- (c) The size, type, and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and standard specifications adopted by the Town Board.
- (d) The Subdivider shall assume the cost of installing all sanitary sewers, sewer laterals and sewer appurtenance within the proposed subdivision, including the added cost of installing sewers which are necessary to serve tributary drainage areas lying outside of the proposed subdivision.

SEC. 12-9-8 STORM WATER DRAINAGE FACILITIES.

The Subdivider shall construct storm water drainage facilities, adequate to serve the subdivision which shall include, but not be limited to, curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures, water detention structures, temporary sedimentation basins, and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life or property. In addition:

- (a) The Town of Waukesha shall require the installation of storm water detention and retention facilities which shall be designed so that the post development runoff shall not exceed pre-development rates, velocities, or volumes.
- (b) Unpaved road ditches and street gutters shall be permitted and shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four (4) feet per second on soils having a severe or very severe erosion hazard and in excess of six (6) feet per second on soils having moderate, slight, or very slight erosion hazard, or where deemed necessary the Subdivider shall install a paved invert or check dams, flumes, or other energy dissipating devices.
- (c) Shoreland/wetland and isolated wetland drainage facilities:
 - (1) Storm water detention/retention facilities shall not be allowed in wetland areas.
 - (2) Storm water discharges or discharges of urban storm water pollutants to wetlands may be appropriate when the increase or decrease in the runoff volume do not negatively change the wetland functional value. Where such changes are proposed the impact of the proposal on wetland functional values shall be assessed using a methodology acceptable to the Town of Waukesha and the Department of Natural Resources.
- (d) The design criteria, the size, type, grades and installation of all storm water drains and sewers and the cross-section, invert and erosion control paving, check dams, flumes or other energy dissipating structures and seeding and/or sodding or open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Town Board and the Waukesha County Department of Parks and Land Use - Land Conservation Division.
- (e) The Subdivider shall assume the cost of installing all storm sewers within the proposed subdivision, including the added cost of installing storm sewers which are necessary to serve tributary drainage areas lying outside of the proposed subdivision.

SEC. 12-9-9 WATER SUPPLY FACILITIES.

When public water supply and distribution facilities are available to the subdivision plat, the Subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. The Subdivider shall make provision for adequate private water systems as required by the Town of Waukesha in accordance with the standards of the Wisconsin Department of Natural Resources and Wisconsin Department of Health and Social Services. Engineered plans must be submitted to the Town Plan Commission and Board for approval as recommended by the Town Engineer and as approved by the Waukesha Water Utility and Wisconsin Department of Natural Resources or other regulatory agencies as required.

SEC. 12-9-10 OTHER UTILITIES.

The Subdivider shall cause gas, electrical power, cable television, and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical, telephone, or cable television service shall be located on overhead poles. In addition, plans indicating the proposed location of all such utilities shall be recommended for approval by the Town Engineer.

All new electric or communication lines from which lots are individually served shall be installed underground within all newly platted subdivisions or Certified Survey Maps unless the Town of Waukesha Plan Commission shall find that the lots to be served by said facilities can be served directly from existing overhead facilities. Associated equipment and facilities which are pertinent to underground electric and communications systems, including but not limited to substations, pad-mounted transformers, pad-mounted sectionalizing switches and pedestal-mounted terminal boxes may be located above ground. Any landscape screening plan required for such above-ground equipment shall be submitted to the affected utilities for approval. All utility installation should occur prior to final grading and shall not be located in areas of concentrated storm water flow.

SEC. 12-9-11 STREET LAMPS.

The Subdivider shall pay to the Town of Waukesha the cost to install street lamps of a design subject to the review and recommendation of approval of the Town Engineer and approval of the Town of Waukesha, at each subdivision street which intersects an arterial or collector and at such interior block spacing as may be required by the Town Board.

SEC. 12-9-12 STREET SIGNS.

The Subdivider shall pay to the Town of Waukesha the costs for installing street signs of a design approved by the Town of Waukesha at the intersection of all streets proposed to be dedicated, which signs shall be provided and installed by the Town of Waukesha.

SEC. 12-9-13 WOODED AREAS AND NATURAL TREE SETTINGS.

Heavily wooded areas should be preserved insofar as possible and by application of reservation and dedication provisions of this and other applicable Ordinances as determined by the Plan Commission and Town Board.

SEC. 12-9-14 IMPROVEMENT OF EXISTING HALF-STREETS.

Where a subdivision or minor land division abuts an existing street or half-street, and lots within the subdivision or minor land division access the existing street or half-street, the Subdivider shall be responsible for installing and paying for all the improvements in the existing street or half-street right-of-way.

SEC. 12-9-15 REMOVAL OF TEMPORARY CUL-DE-SACS.

Where a subdivision or minor land division abuts an existing temporary cul-de-sac, and the approved plans include extending the street ended by said temporary cul-de-sac, the Subdivider shall be responsible for the removal of the temporary cul-de-sac, reconstruction of the drainage and roadside ditches or curb and gutter, as applicable, reinstallation of culverts, reconstruction of driveways and restoration of all disturbed areas. The Town of Waukesha, upon review and recommendation of the Town Engineer, will determine if the existing culvert(s) may be salvaged and reused.

CHAPTER 10

Construction Standards

12-10-1	Commencement
12-10-2	Building Permits
12-10-3	Improvement Plan Approval Procedure
12-10-4	Required Plans
12-10-5	Construction Review
12-10-6	As-Built Plans Required
12-10-7	Existing Flora

SEC. 12-10-1 COMMENCEMENT.

No construction or installation of improvements shall commence in a proposed subdivision until the Preliminary Plat or Certified Survey Map has been approved by the Town Board and the approving authorities having jurisdiction have given written authorization. No construction shall commence without the Construction Plans, Subdivider's Agreement and Financial Guarantees being approved and in place as required by 12-4-3, 12-4-4, 12-4-5 and/or 12-4-6. No pre-construction meeting shall be scheduled or held until all permits required by the WDNR, the City of Waukesha - Department of Public Works for Sewer, the Waukesha Water Utility, and U.S. Army Corps. of Engineers, Waukesha County Department of Parks and Land Use, or other such agency have been received by the Town of Waukesha and the Town Engineer.

SEC. 12-10-2 BUILDING PERMITS.

No building shall be constructed prior to the issuance of the necessary zoning, building, and sanitary permits. No building, zoning, sanitary, or other permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Ordinance have been met, unless modified by the developer's agreement.

- (a) Access. Town of Waukesha staff shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this Ordinance. If, however, he is refused entry after presentation of his identification, he shall procure a special inspection warrant in accordance with Section 963.10 of the Wisconsin Statutes, except in cases of emergency when he shall have the immediate right of entry.

SEC. 12-10-3 IMPROVEMENT PLAN APPROVAL PROCEDURE.

The following procedure shall be followed for all subdivision construction/improvement plans and submittal of revised plans:

- (a) Five (5) copies of each plan shall be submitted to the Town Clerk for distribution to Town Staff and the Town Engineer. The deadline for submittals is three (3) weeks prior to Plan Commission Meeting.
- (b) Erosion Control plans will be submitted by the Developer to Waukesha County Department of Parks and Land Use - Land Conservation. County approval letter must be submitted to the Town Clerk.
- (c) In no case will plans be accepted or reviewed by the Town Engineer, Building Inspector, or any Town Committee without first being processed through the Town Clerk.
- (d) In no case will plans be accepted unless all improvement plans are included with the submittal. Plans will not be reviewed on a piecemeal basis. The submittal shall include: grading plans, drainage plan, public improvement plans (including streets, sanitary sewer, storm sewer, water and other utilities), landscape plan and erosion control plan.

An individual plan may be submitted if it is one of the total set of plans and is being submitted as a revised plan wherein the remaining plans have been previously approved.

- (e) Any preliminary meeting between the Town Engineer or Planner and the developer must have an authorization form signed by the developer and there may be a fee for this meeting depending on the scope and length of the meeting.
- (f) There will no longer be a review of so-called "pre-final" or "preliminary" construction plans for review by only the Town Engineer. Preliminary plan submittals shall be transmitted via the Town Clerk to all reviewers for their comments in accordance with the above. These preliminary comments shall be sent to the Town Clerk prior to transmittal to the applicant. Multiple reviews may be necessary and all comments from the reviewers shall be forwarded to the Town Clerk with copies to the applicant. The Town Clerk shall be the coordinator of plan review.
- (g) Each copy of the plans shall have a drawing and/or revision date in order for it to be accepted and routed for review.
- (h) The Town Clerk will transmit the full set of "final" construction/improvement plans sanitary sewer or water main to the Town Engineer. The Town Engineer will transmit to the outside approving agencies. Once the review is complete, the Town Clerk will schedule the plans for review by the Plan Commission and Board along with a letter of recommendation by the Town Engineer.
- (i) Once the Town Board and the outside approving agencies provide written approval, the applicant may schedule a pre-construction meeting through the Town Engineer.

SEC. 12-10-4 REQUIRED PLANS.

The following plans and accompanying construction specifications shall be provided by the Subdivider and reviewed and approved by the Town of Waukesha, the Wisconsin Department of Natural Resources, the Waukesha Sewerage District, Waukesha Water Utility and the Town Engineer as applicable before construction or installation of improvements is authorized:

- (a) Street plans and profiles as required showing existing and proposed grades, elevations and cross sections of required improvements.
- (b) Sanitary sewer plans and profiles as required showing the locations, grades, sizes, elevations and materials of required facilities.
- (c) Storm water management plans, calculations, and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities which includes street culverts and lot culverts.
- (d) Water main plans and profiles as required showing the locations, sizes, elevations and materials of required facilities.
- (e) Master site grading plan showing the finished grades of each lot in the subdivision.
- (f) Planting plans as required showing the locations, age, caliper, and species of any required grasses, vines, shrubs, and trees.
- (g) Erosion and sedimentation control plans per County Ordinance as applicable.
- (h) Additional special plans or information as required.

SEC. 12-10-5 CONSTRUCTION REVIEW.

The Subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Town Engineer for a pre-construction meeting where all details regarding the installation of the required improvements shall be presented and reviewed and shall include provisions for engineering construction review services. All engineer construction reviews shall be made by the Town Engineer. The approving authorities or their representatives and the Town Engineer shall review and recommend for possible approval all completed work prior to release of the sureties and acceptance of dedicated subdivision improvements.

SEC. 12-10-6 AS-BUILT PLANS WHERE REQUIRED.

Within 30 days following the completion and recommendation for acceptance by the Town Engineer of all improvements, the Subdivider shall provide a duplicate reproducible copy of all improvement plans. Sewer and water as-builts shall be prepared by the Subdivider at the Subdivider's expense.

SEC. 12-10-7 EXISTING FLORA.

The Subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands, temporary fencing or retaining wall whenever abutting grades are altered. In addition:

- (a) Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
- (b) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
- (c) Sediment basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

CHAPTER 11

Fees

12-11-1	General
12-11-2	Preliminary Plat, Final Plat & CSM Review Fee
12-11-3	Construction Review and Engineering Fee
12-11-4	Administrative fee

SEC. 12-11-1 GENERAL.

The Subdivider shall pay the Town of Waukesha all fees to the Town Clerk as hereinafter required and at the times specified before being entitled to recording of a Plat or Certified Survey Map.

SEC. 12-11-2 PRELIMINARY PLAT, FINAL PLAT AND CERTIFIED SURVEY MAP REVIEW FEE.

The Subdivider, at the time of application, shall submit a fee to the Town Clerk, as from time to time established by the Town Board, to defray the cost of giving notice, investigation, or other administrative processing for the Preliminary Plat, Final Plat or CSM submittal. A reapplication fee at the time of application shall be submitted to defray the cost of giving notice, investigation, or other administrative processing for review of any submittal which has been previously reviewed. In addition to the application fee, the Subdivider shall pay fees as provided for in Section 12-11-4 Administrative Fee.

SEC. 12-11-3 CONSTRUCTION REVIEW AND ENGINEERING FEE.

The Subdivider shall pay a fee which shall be added to the "Developer's Deposit" or to the Letter of Credit equal to the actual or projected cost of the Town Engineer's fees or other approving authorities having jurisdiction for such construction review deem necessary, to assure that the construction of the required improvements is in compliance with the plans, specifications and Ordinances of the approving authorities having jurisdiction or any other governmental authority.

Engineering Work shall include the review of construction plans and specifications. The Town Board shall require the Subdivider to furnish all of the required construction plans.

SEC. 12-11-4 ADMINISTRATIVE FEE.

The Subdivider shall pay a fee equal to the cost of any legal, planning, administrative or fiscal work which may be undertaken by the Town of Waukesha in connection with the plat. Legal work shall include the drafting of contracts between the Town and the Subdivider. These fees may also include the cost of obtaining professional opinions including, but not limited to attorneys, engineers, landscape architects, and land planners, requested by the Town Board or Plan Commission in connection with the land division being considered. At the time of application, a fee as from time to time established by the Town Board, shall be submitted to defray the cost of giving notice, investigation, review, or other administrative processing.

CHAPTER 12

Impact Fees

12-12-1	Purpose
12-12-2	Definitions
12-12-3	Impact Fees Established
12-12-4	Payment of Impact Fees
12-12-5	Use of Impact Fee
12-12-6	Impact Fee Revenues
12-12-7	Appeal
12-12-8	Severability

SEC. 12-12-1 PURPOSE.

- (a) The purpose of this ordinance is to amend the impact fee ordinance for land development, which impact fees are to be collected and used by the Town for the purpose of financing construction and improvement of public roads and rights-of-way which the Town will be required to construct, expand, or improve as a result of land development. In establishing these impact fees, the Town Board has heard and considered the comments received at a public hearing conducted in accordance with the provisions of Wis. Stat. § 66.0617(3), and has reviewed and amended the Public Facilities Needs Assessment prepared in September, 1995 at the time the ordinance establishing impact fees was adopted by the Town Board.

In amending the impact fees required under the terms of this ordinance, the Town Board has determined:

- (1) That the impact fees bear a rational relationship to the need for new, expanded, or improved public facilities that are required to serve land development; and
- (2) That the impact fees do not exceed the proportionate share of the capital costs that are required to serve land development, as compared to existing uses of land, within the Town; and
- (3) That the impact fees are based upon actual capital costs, or reasonable estimates of capital costs, for new, expanded, or improved public facilities required to serve land development; and
- (4) That the impact fees have been reduced to compensate for other capital costs imposed by the Town with respect to land development where the Developer has contributed to the cost of constructing, expanding, or improving any public facility identified in the Public Facilities Needs Assessment through special assessments, special charges, land dedications, or fees in lieu of land dedications required under the Town's subdivision control ordinance.
- (5) That the impact fees have been reduced to compensate for monies, if any, received from the Federal or State government specifically to provide or pay for the facilities for which the impact fees are imposed and do not include any amounts necessary to address existing deficiencies in public facilities.

SEC. 12-12-2 DEFINITIONS.

- (a) The definitions contained in Wis. Stat. § 66.0617(1), as the same exist at the time of the adoption of this ordinance, or as those definitions may be amended from time to time, are incorporated herein by reference.

SEC. 12-12-3 IMPACT FEES ESTABLISHED.

- (a) An impact fee, as established in this ordinance, shall be paid for each buildable lot or parcel created subsequent to the enactment of this ordinance. A buildable lot or parcel shall be any lot or parcel for which the developer or property owner is entitled to apply for, and receive, a building permit for the construction of a single-family or multi-family residence. This ordinance shall be construed in its broadest terms so as to include any land division or event resulting in the creation of a buildable lot or parcel. If an existing lot or parcel which, at the adoption of this ordinance, was deemed unbuildable but, due to circumstances or events occurring subsequent to the enactment of this ordinance, is deemed to be a buildable lot, an impact fee shall be due in accordance with the provisions of this ordinance. In the event a buildable lot or parcel allows the construction of more than one residential dwelling unit, then an impact fee shall be charged for each dwelling unit authorized for the building lot or parcel.
- (b) The impact fees with respect to each buildable lot or parcel shall be as follows:
- Local cost share related to construction and improvement of S.T.H. 59 and upgrade and improvements of existing Town roads and rights-of-way which provide access to arterial highways: \$2,000.00
- (c) The Town Board may, annually or as deemed appropriate, adjust the amount of the impact fee to take into account increases in the cost of living due to inflation. Such increases shall be governed by the Consumer Price Index for "all items" for Milwaukee, Wisconsin.

SEC. 12-12-4 PAYMENT OF IMPACT FEES.

- (a) All impact fees required under this ordinance shall be paid by the developer or property owner upon the earlier of the following occurrences:
- (1) The recording of any certified survey map or plat creating a buildable lot or parcel; or
 - (2) Issuance of a building permit authorizing construction of a residence on the buildable lot or parcel.

SEC. 12-12-5 USE OF IMPACT FEE.

- (a) The Town Clerk shall collect impact fees assessed under the terms of this ordinance upon the earlier of the issuance of Town Board approval for any land development, or issuance of a building permit related to the land development. The funds maintained by the Town Clerk shall be segregated into a separate account, and shall be used by the Town Board for the purpose of reducing indebtedness incurred by the Town as a result of the local cost share assessment relating to the construction and improvement of S.T.H. 59, as well as annual expenditures required for the improvement and upgrading of Town roads and rights-of-way which provide access to arterial highways.

SEC. 12-12-6 IMPACT FEE REVENUES.

- (a) Revenues from impact fees established by this ordinance shall be placed in a segregated interest-bearing account and shall be accounted for separately from the other funds of the Town. Impact fee revenues and interest earned on impact fee revenues may be expended only for the particular capital costs for which the impact fee is imposed, unless the impact fees are refunded as provided below.
- (b) All impact fees that are imposed and collected by the Town shall be expended for a permitted capital cost allowed under the terms of this ordinance within a period of seven (7) years from the date collected, and have not been expended for a permitted capital cost within that period of time, shall be refunded to the current owner of the property with respect to which the impact fee was imposed, together with any accumulated interest. In determining that a seven (7) year period of time is an appropriate period within which to expend impact fees, the Town Board has taken into consideration those factors required pursuant to Wis. Stat. § 66.0617(9)(a).

SEC. 12-12-7 APPEAL.

- (a) Any developer or property owner who is required to pay an impact fee, has a right to contest the amount, collection, or use of the impact fee. Any appeal shall be in writing and shall be filed with the Town Clerk. The appeal shall identify the reason or reasons the amount, collection, or use of the impact fee is being contested, and shall include a written statement of the relief requested.
- (b) Upon receipt of such an appeal, the Town Clerk shall promptly transmit the appeal to the Town Board, and the Town Board shall, within 30 days thereafter, schedule a hearing to consider the appeal. At the hearing, the developer or property owner, or their respective representatives, may present any evidence or documents to support their appeal. Within ten (10) days following the conclusion of the hearing, the Town Board shall issue a written decision either allowing the appeal in whole or in part, or denying the appeal.

SEC. 12-12-8 SEVERABILITY.

- (a) In the event any section is determined to be illegal or invalid because the section is inconsistent with the requirements of Wis. Stat. § 66.0617, then this ordinance shall be interpreted as incorporating by reference the applicable provision or section of Wis. Stat. § 66.0617. However, any finding that a provision of this ordinance is illegal or invalid shall not render unenforceable the remaining provisions of this ordinance.