

# **TITLE 9 - LAND USE REGULATION**

## **Chapter 2 - Land Division**

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**9.2.1 Introduction.**

**9.2.1.01 Authority**

These regulations are adopted under the authority granted by Sec. 236.45, Wis. Stats. Therefore, the Town Board of the Town of Grafton, Ozaukee County, Wisconsin ordain as follows:

**9.2.1.02 Purpose**

The purpose of this Chapter is to supplement the provisions of Ch. 236, Wis. Stats., and to promote the public health, safety and general welfare of the Town of Grafton; to further ensure the orderly layout and use of land to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, storm water management, and other public requirements; to implement the Town of Grafton Comprehensive Plan; and to facilitate the further divisions or development of larger tracts into smaller parcels of land or units. The provisions of this Chapter of this Title are made with reasonable consideration, among other things, of the character of the Town of Grafton, with a view of conserving the value of the buildings placed upon the land, providing the best possible environment for human habitation, and encouraging the most appropriate use of the land throughout the Town.

**9.2.1.03 Intent**

It is the general intent of this Chapter to:

- (A) Obtain the wise use, conservation, protection, and proper development of the Town’s soil water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development so as to support and sustain the natural resource base;
- (B) Lessen congestion in the streets and highways;
- (C) Further the orderly layout and appropriate use of land;
- (D) Secure safety from fire, panic and other dangers;
- (E) Provide adequate light and air;
- (F) Facilitate adequate provision for housing, transportation, water supply, storm water, 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, other than noxious weeds;
- (K) Restrict building sites on areas covered by poor soils 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 Chapter;
- (O) Provide Penalties for its violation; and
- (P) Implement those Town, county, watershed, or regional comprehensive plans or their components adopted by the Town, and in general to facilitate enforcement of Town development standards as set forth in the adopted regional, county and local comprehensive plans, adopted plan components, Town or County zoning ordinances, and building ordinances of the Town of Grafton, Ozaukee County, Wisconsin.

**9.2.1.04 Abrogation and Greater Restrictions**

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

**9.2.1.05 Interpretation**

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

**9.2.1.06 Severability and Non-Liability**

If any section, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby. The Town does not guarantee, warrant, or represent that only those soils listed as being unsuited for specific uses are the only unsuited soils within the Town and thereby asserts that there is no liability on the part of the Town,, its officers, its agents, or its employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this Chapter.

**9.2.1.07 Repeal**

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

**9.2.1.08 Title**

This Chapter shall be known as, referred to, or cited as the Land Division Chapter or Ordinance.

**9.2.2 General Provisions.**

**9.2.2.01 Jurisdiction**

The jurisdiction of this Chapter shall apply to all land in the Town of Grafton. No land in the Town shall be divided or developed unless that division of development complies with this Chapter, the Town’s Code, the Town’s Comprehensive Plan, and all other appropriate state, county and Town ordinances and statutes. Certified Survey Maps shall be required for all land divisions, unless required to be divided as a subdivision as

described herein. Lot designs, dedications, and required improvements shall conform to these sections for all proposed developments and not be limited to subdivisions only. Any attempt, either intentional or unintentional, to bypass the intent of this Chapter shall be construed by the courts in favor of the Town of Grafton. The provisions of this Chapter, as it applies to divisions of tracts of land into less than five (5) parcels, shall not apply to:

- (A) Transfers of interests in land by will or pursuant to court order.
- (B) Leases for a term not to exceed ten years, mortgages or easements.
- (C) Sale or Exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the zoning ordinances, or other applicable laws and codes. A copy of the deed of record in connection with a sale or an exchange of land shall be provided to the Town for its records.
- (D) Cemetery Plats made under Sec. 157.07, Wis. Stats.

**9.2.2.02 Compliance**

No person, firm or corporation shall divide any land located within the limits of the Town of Grafton, Ozaukee County, Wisconsin which results in a subdivision, major land division, minor land division or a replat as defined herein; no such subdivision, major land division, 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 Chapter and all the following regulations and documents.

- (A) Ch. 236, Wis. Stats.
- (B) Rules of the Wisconsin Department of Health and Social Services 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 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) Duly Approved Comprehensive Plan, or comprehensive plan component of the Town of Grafton, Ozaukee County, Wisconsin.
- (E) Rules of Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution and regulating development within flood land, wetland and shoreland areas.
- (F) A Developer or Subdivider agreement the between Town and the Developer or Subdivider.
- (G) The Ozaukee County or Town of Grafton Zoning Ordinances and all other applicable local and county ordinances.

**9.2.2.03 Dedication and Reservation of Lands**

- (A) Streets, Highways and Drainageways. Whenever a tract of land to be divided within the jurisdictions of this Chapter encompasses all or any part of an arterial or collector street, drainageway, or other public way which has been designated on a duly adopted Town, County or regional

Comprehensive Plan or Comprehensive Plan component, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in Section 9.2.5.07 of this Chapter.

- (B) Parks and Playgrounds. Whenever a tract of land to be divided within the Town of Grafton encompasses all or any part of a park or playground which has been designated on a duly adopted Town, County, or regional Comprehensive Plan or Comprehensive Plan component, said park or playground shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan and in accordance with the procedures set forth in Section 9.2.7.09 of this Chapter if the park or park land is not a disproportionate part of the subdivision.

**9.2.2.04 Improvements**

Before final approval of any final plat or certified survey map with public improvements located within the limits of the Town, the subdivider shall before the recording of the plat or certified survey map enter into a contract with the Town agreeing to assume all costs for the installation, inspection and contract administration of the required improvements and shall file with said contract a letter of credit meeting with the approval of the Town Attorney or a certified check in an amount equal to the estimated cost of the improvements and corresponding design, construction, inspection and contract administration fees, said estimate to be made by the Town Board after review and recommendation by the Town Engineer, as a guarantee that such improvements will be completed and as further guarantee that all obligations to contractors and subcontractors for work on the development are satisfied. If a letter of credit is tendered and approved, it shall remain in the custody of the Town unless it must be presented with a draft hereunder for collection. In no event shall the escrow of construction funds constitute compliance with this requirement. If a certified check is provided, the Town shall not be obligated to pay interest thereon. In addition:

- (A) Contractors and Subcontractors who are to be engaged in the construction of street, utility or other improvements on dedicated street rights-of-way as well as the contracts and contract specifications for such construction shall be subject to approval by the Town Board.
- (B) Governmental Units to which these bonds and/or letters of credit and contract provisions apply may file, in lieu of said contract and bonds and/or letters of credit, 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 Town, the subdivider shall install survey monuments placed in accordance with the requirements of Sec. 236.15, Wis. Stats., and as may be required by the Town Engineer or County Surveyor.

**9.2.2.05 Variances**

Where, in the judgment of the Town Board it would be inappropriate to apply literally the provisions of Sections 9.2.7 and 9.2.8 below of this Chapter because exceptional or undue hardship would result, the Town Board of Zoning Appeals, upon recommendation of the

Town Plan Commission, may waive or modify any requirements to the extent deemed just and proper. No variance to the provisions of this Chapter shall be granted unless the Town Board of Zoning Appeals makes a specific finding based on documented evidence that all of 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 Chapter would result in severe hardship. (Such hardships should not apply generally to other properties or be of such recurrent nature as to suggest that this Chapter 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 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 Chapter or the public interest.
- (D) The Town Board may waive the placing of monuments, required under Secs. 236.15(1)(b)-(d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the required time limits established by statute.

**9.2.2.06 Land Suitability**

No land shall be divided or subdivided for residential use which is determined to be unsuitable for such use by the Town Plan Commission for reason of flooding, inadequate drainage, adverse soil conditions or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Town. In addition:

- (A) Floodlands. For all lots below one acre, the lot shall contain not less than 32,670 square feet of land which is at an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record, except as provided in PUD and RCDO districts. For all lots of one acre or more, the lot shall contain not less than 40,000 square feet of land which is at an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the maximum floor of record, except as provided in PUD and RCDO districts.
- (B) Lands Made, Altered, or Filled with non-earth materials within the preceding 30 years shall not be divided into building sites.
- (C) Land Made, Altered, or Filled with earth within the preceding seven (7) years shall not be divided into building sites which are to be served by onsite soil absorption sanitary sewage disposal systems.
- (D) The Town Board, upon recommendation of the Town Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable 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 Board may affirm, modify, or withdraw its determination of suitability.

**9.2.2.07 Violations**

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

**9.2.2.08 Penalties**

Any person, firm or corporation who violates or fails to comply with the provision of this Chapter shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$1,000.00 plus the costs of prosecution for each offense and the penalty for default of payment of such forfeiture and costs shall be imprisonment in the County jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense. The following violations shall be subject to the penalties set out in Ch. 236, Wis. Stats.:

- (A) Recordation improperly made carries penalties as provided in Sec. 236.30, Wis. Stats.
- (B) Conveyance of lots in unrecorded plats carries penalties as provided for in Sec. 236.31, Wis. Stats.
- (C) Monuments disturbed or not placed carries penalties as provided for in Sec. 236.32, Wis. Stats.
- (D) In addition, an assessor’s plat made under Sec. 70.27, Wis. Stats. may be ordered by the Town Board at the expense of the subdivider when a subdivision as defined herein is created by successive division.

**9.2.2.09 Appeals**

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in Sec. 236.13(5), Wis. Stats., within 30 days of notification or 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.

**9.2.3 Certified Survey Map.**

**9.2.3.01 General**

A Certified Survey Map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Sec. 236.34, Wis. Stats. The minor land division shall comply with the design standards and improvement requirements set forth in Sections 9.2.7 below and 9.2.8 below of this chapter.

**9.2.3.02 Pre-Application**

- (A) Prior to the filing of an application for the approval of a preliminary plat or Certified Survey Map the subdivider shall consult with the Town Plan Commission and/or its staff and the Ozaukee County Planning, Resources and Land Management Department staff in order to obtain their advice and assistance. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and Plan Commission and Land Use Department staff may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the Town and County. The subdivider will also gain a better understanding of the subsequent required procedures.
- (B) All applicants requesting to be placed on the Plan Commission agenda must schedule a meeting with the Town Engineer for a pre-application conference prior to being placed on the agenda. If it is determined by the Town Engineer that the preliminary application is sufficient and adequate information is provided, a written application and the required plan and information shall be submitted to the Town Clerk. The petition will be placed on the next available Plan Commission agenda subject to established submittal time limits.
- (C) The pre-application conference must take place and revisions per Staff comments must be completed prior to the 45-day or 15-day deadline in order for materials to be submitted to the Town Clerk on time.

**9.2.3.03 Certified Survey Map Review And Approval Process**

- (A) Certified Survey Map Required. When a subdivider proposes to create a minor land division as defined in Section 9.2.11 below of this Chapter, the subdivider shall subdivide by use of a Certified Survey Map. The Certified Survey Map must show all lands in which the subdivider has an interest which are affected by the proposed land division. The Certified Survey Map shall be prepared by a registered surveyor in accordance with this Chapter.
- (B) Consultations Required Prior to Filing
  - (1) Consultation with Plan Commission. Prior to filing an application for the approval of a certified survey map, the subdivider shall consult with the Town Plan Commission and/or its staff, and with the Ozaukee County Planning, Resources and Land Management Department staff in order to obtain their advice and assistance.
  - (2) Consultation with Town Engineer. Before submitting a preliminary or final certified survey map for official filing, the subdivider shall meet with the Town Engineer for preliminary consultation in order to insure that the certified survey map is acceptable for processing. If the map is satisfactory, the Town Engineer shall note on the map the engineer’s recommendation that it be accepted for official filing.

- (3) All applicants requesting to be placed on the Plan Commission agenda must schedule a meeting with Town Engineering or designee in a pre-application conference prior to being placed on the agenda. If it is determined by the Town Engineering that the preliminary application is sufficient and adequate information is provided, a written application and the required plan and information shall be submitted to the Town Clerk. The petition will be placed on the next available Plan Commission agenda subject to established submittal time limits.
- (4) The pre-application conference must take place and revisions per Staff comments be completed prior to the 45-day or 15-day deadline in order for materials to be submitted to the Town Clerk on time.
- (5) Approval Procedure
  - (a) Official Filing. Following the mandatory preliminary consultations with the Town Engineer and the Plan Commission, and at least 45 days prior to the meeting of the Town Plan Commission at which action is desired, the subdivider shall file with the Town Clerk at least twenty (20) copies of the Certified Survey Map and application for approval of the Certified Survey Map, together with a bond in the amount set by the Town Board to ensure that the Certified Survey Map is timely filed.
  - (b) The Town Clerk shall transmit a copy of the Certified Survey Map to all agencies and persons entitled to a copy according to law for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Plan Commission within twenty (20) days from the Certified Survey Map is officially filed with the Town Clerk.
  - (c) Unless time is extended by written agreement of the subdivider, the Town Plan Commission shall, within 60 days from date of official filing date, review the Certified Survey Map for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans, and comprehensive plan components and shall recommend approval, conditional approval or rejection of the Certified Survey Map; and shall transmit the Certified Survey Map along with its recommendations to the Town Board.
  - (d) The Town Board shall, within 90 days of the official filing date, approve, approve conditionally, or reject the Certified Survey Map. If the Certified Survey Map is rejected, the Town Board shall articulate in writing the reasons for the rejection of the Certified Survey Map. Failure of the Town Board to act within 90 days, or any extension of that time period, constitutes approval of the Certified Survey Map

and, upon demand, a certificate to that effect shall be made by the Town Clerk. *See* Sec. 236.34, Wis. Stats.

- (e) Recordation.
  - 1. The Certified Survey Map shall comply with the provisions of Section 236.34, Wisconsin Statutes, and shall be recorded with the Register of Deeds for Ozaukee County within six (6) months of the Town Board’s approval or conditional approval of the Certified Survey Map. Failure to record the Certified Survey Map within the foregoing time frame will result in the rescission of the Town Board’s approval of the Certified Survey Map and the subdivider will have to re-submit the Certified Survey Map for the Town’s approval.
  - 2. If the subdivider fails to file with the Town Clerk, within six (6) months of the Town Board’s approval or conditional approval of the Certified Survey Map, a copy of the Certified Survey Map showing that the Certified Survey Map has been recorded by the County Register of Deed, the recording bond referred to herein shall be forfeited to the Town.
  - 3. If the subdivider fails to timely record the Certified Survey Map, the Town, at its discretion, may have the Certified Survey Map recorded with the County Register of Deeds. However, any decision to record a Certified Survey Map under this section is purely discretionary with the Town Board. This section shall not be construed to relieve from or lessen the responsibility or liability of any person for any violation of this Chapter or Ch. 236, Wis. Stats.; nor shall the Town of Grafton or its officers, agents or employees be held as assuming any such responsibility or liability by reason of any action or failure or refusal to act to record any Certified Survey Map approved by the Town Board. The Town of Grafton or its officers, agents or employees shall not be held liable for any damages resulting from the enforcement of this section.
- (f) Copies. The subdivider shall file ten (10) copies of the Recorded Certified Survey Map with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor and other affected departments for their files. Also, one certified copy of the Certified Survey Map, as recorded, shall be filed with the Town Clerk by the subdivider.

- (g) A separate application form must be completed each time an issue concerning or relating to the Certified Survey Map appears before the Town Plan Commission or Town Board of Supervisors. A separate application must also be completed each time Staff review of punchlist items is required. All information is required for each application.
- (h) Applications for agendas requiring an extraterritorial review are due with required attachments at least forty-five (45) days prior to each meeting. Incomplete applications will not appear on the Town’s meeting agenda. A completed and signed application and checklist must accompany the application indicating that all of the required information has been attached.
- (i) All other applications are due with required attachments at least fifteen (15) days prior to each meeting. Incomplete applications will not appear on the Town’s meeting agenda. A completed and signed application and checklist must accompany the application indicating that all of the required information has been attached.

**9.2.3.04 Additional Information**

The Certified Survey Map shall show correctly on its face, in addition to the information required by Sec. 236.34, Wis. Stats., the following:

- (A) All Existing Buildings, watercourses, drainage ditches, and other features pertinent to proper land division.
- (B) Setbacks or Building Lines required by the Town Plan Commission or other Town or County Ordinances.
- (C) Utility and drainage easements.
- (D) All Lands Dedicated For Public Use or reserved for future acquisition.
- (E) Date of the Certified Survey Map.
- (F) Graphic Scale and North Point.
- (G) Name and Address of the owner, subdivider, and surveyor.
- (H) Location of Soil Boring and Soil Percolation Tests conducted in accordance with Section COMM 85 of the Wisconsin Administrative Code. The results of such test shall be submitted along with the Certified Survey Map.
- (I) All Proposed Streets, Roads, or Highways within 300 feet of the boundaries of the parcels created by the minor land division.
- (J) The New Parcels Created including all lands owned by the subdivider or applicant lying within the one-quarter(s) of the U.S. Public Land Survey one-quarter sections(s) in which the minor land division is located and including proper survey ties to the quarter corners as set forth in Section 9.2.3.04(K) below of this Chapter.
- (K) Location of wetlands, conducted in accordance with Chapter NR103 of the Wisconsin Administrative Code. Two (2) copies of the wetland delineation report shall accompany the Certified Survey Map. If there are no wetlands, two (2) copies of a certified wetland determination must be

provided. All wetland delineations and determinations must be approved by the Town Board of Supervisors.

**9.2.3.05 State Plane Coordinate System**

Where the Certified Survey Map is located with a U.S. Public Land Survey one-quarter section the corners of which have been relocated, monumented, and coordinated by Ozaukee County, Town of Grafton, or the Southeastern Wisconsin Regional Planning Commission, the Certified Survey Map shall be tied directly to one of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the Certified Survey Map is tied shall be indicated on the Certified Survey Map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the County’s control survey.

**9.2.3.06 Certificates**

The Surveyor shall certify on the face of the Certified Survey Map that he has fully complied with all the provisions of this Chapter. The Town Plan Commission and Town Board, after a recommendation by the reviewing agencies, shall each certify its approval on the face of the Certified Survey Map.

Dedication of streets and other public areas shall require, in addition, the owner’s certificate and the mortgagee’s certificate in substantially the same form as required by Sec. 236.21(2)(a), Wis. Stats.

**9.2.3.07 Recordation**

The Certified Survey Map shall be recorded with the County Surveyor and County Register of Deeds only after the certificates of the Town Plan Commission and Town Board and the surveyor are placed on the face of the Certified Survey Map and after all applicable fees have been paid in accordance with Section 9.2.10 below of this Chapter.

**9.2.4 Preliminary Plat.**

**9.2.4.01 General**

A preliminary subdivision plat shall be required for all subdivisions, and a preliminary town plat shall be required for all major land divisions. Such preliminary plats shall be based upon a survey by a registered land surveyor and the plat shall be prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- (A) Title or name under which the proposed subdivision or major land division is to be recorded. For major land divisions, the title of the plat shall include the words “Town Plat.”
- (B) Proper Location of the proposed subdivision or major land division by Government lot, quarter-section, township, range, county and state.

**9.2.4.02 Pre-Application**

- (A) Prior to the filing of an application for the approval of a preliminary plat or Certified Survey Map the subdivider shall consult with the Town Plan Commission and/or its staff and the Ozaukee County Planning, Resources and Land Management Department staff in order to obtain their advice and assistance. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and Plan Commission and Land Use Department staff may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the Town and County. The subdivider will also gain a better understanding of the subsequent required procedures.
- (B) All applicants requesting to be placed on the Plan Commission agenda must schedule a meeting with the Town Engineer for a pre-application conference prior to being placed on the agenda. If it is determined by the Town Engineer that the preliminary application is sufficient and adequate information is provided, a written application and the required plan and information shall be submitted to the Town Clerk. The petition will be placed on the next available Plan Commission agenda subject to established submittal time limits.
- (C) The pre-application conference must take place and revisions per Staff comments be completed prior to the 45-day or 15-day deadline in order for materials to be submitted to the Town Clerk on time.

**9.2.4.03 Preliminary Subdivision Plat.**

- (A) Preliminary Subdivision Plat Review.
  - (1) Filing. When a subdivider proposes to create a subdivision as defined in Section 9.2.11.02(HH) of this Chapter and Ch. 236, Wis. Stats., the subdivider shall subdivide by use of a subdivision plat. Before submitting a Final Subdivision Plat for approval, the subdivider shall prepare a Preliminary Plat along with a letter of application. The Preliminary Plat shall be prepared in accordance with this Chapter. The subdivider shall file at least 20 copies of the Plat and the application with the Town Clerk at least 45 days prior to the meeting of the Town Plan Commission at which action is desired.
  - (2) Notice. The Town Clerk shall, within two (2) normal work days after filing, transmit four (4) copies to the County Land Use Department, two (2) copies to the Department of Agriculture, Trade, and Consumer Protection; sufficient additional copies to the Department of Agriculture, Trade, and Consumer Protection for retransmission of two (2) copies each to the State Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, and the State Department of Health and Social Services if the subdivision is not served by a public

sewer and provision for such service has not been made, and the State Department of Natural Resources if shorelands are contained within the proposed subdivision; one (1) copy to the Cities of Mequon, Cedarburg or Port Washington or the Villages of Grafton or Saukville if the lands to be platted lie within the extraterritorial jurisdiction of any of these municipalities; and remaining copies to the Town Plan Commission.

- (3) Agencies. The Department of Agriculture, Trade, and Consumer Protection, the State Department of Transportation, the State Department of Health and Social Services, and County Land Use Department, and the Cities of Mequon, Cedarburg, and Port Washington and the Villages of Grafton or Saukville shall be referred to as objecting agencies. The Town Plan Commission shall hereafter be referred to as an approving agency.
- (4) Review. The Town Board, hereby designated as approving authority for all preliminary plats, shall transmit a copy of the Preliminary Plat to all agencies or persons entitled to a copy according to law for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Plan Commission within twenty (20) days from the date the Plat is filed with the Town Clerk. Within forty-five (45) days of the date of filing the final plat with the Town Clerk, the Town Plan Commission shall review the preliminary plat for conformance with this Chapter and all codes, ordinances, rules, regulations, comprehensive plans and comprehensive plan components.

(B) Preliminary Subdivision Plat Approval. The objecting agencies shall, within twenty (20) days of the date of receiving copies of the Preliminary Plat, notify the subdivider and all other objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town Plan Commission. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat. In addition:

- (1) At the Time of Application for Preliminary Plat approval the subdivider shall pay all applicable fees as set forth in Section 9.2.10 below of this ordinance.
- (2) The Town Board, with or without the recommendation of the Plan Commission shall, within ninety (90) days of the date of filing of a Preliminary Plat with the Town Clerk, approve, approve conditionally, or reject such Plat unless the time is extended by mutual written agreement with the subdivider. One copy of the Plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. One copy each of the Plat and letter shall be placed in the Town Board’s permanent file.



- (3) Failure of the Town Board to act on the Preliminary Plat within ninety (90) days from the date of filing of the plat with the Town Clerk, the time having not been extended as set forth herein and no unsatisfied objections having been filed, shall constitute approval of the plat.
- (4) Approval or Conditional Approval of a Preliminary Plat shall not constitute 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 indicated in Sec. 236.11(1)(b), Wis. Stats., the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Town Plan Commission at the time of its submission.

**9.2.4.04 Preliminary Town Plat.**

(A) Preliminary Town Plat Review.

- (1) Town Plat Required. When a subdivider proposes to create a major land division as defined in Section 9.2.11 below of this Chapter, the subdivider shall subdivide by use of a Town Plat. Before submitting a Final Town Plat for approval, the person(s) applying for a major land division shall prepare a Preliminary Town Plat along with a letter of application under the procedure set out below.
- (2) Consultations Required Prior to Filing.
  - (a) Consultation with Plan Commission. Prior to filing an application for the approval of a preliminary Town Plat, the subdivider shall consult with the Town Plan Commission and/or its staff, and with the Ozaukee County Planning, Resources and Land Management Department staff in order to obtain their advice and assistance.
  - (b) Consultation with Town Engineer. Before submitting a preliminary Town Plat for official filing, the subdivider shall meet with the Town Engineer for preliminary consultation in order to insure that the preliminary Town plat is acceptable for processing. If the plat is satisfactory, the Town Engineer shall note on the plat the engineer's recommendation that it be accepted for official filing.
- (3) Official Filing. Following the mandatory preliminary consultations with the Town Engineer and the Plan Commission, and at least forty-five (45) days prior to the meeting of the Town Plan Commission at which action is desired, the subdivider shall file the Town Clerk at least 20 copies of the preliminary Town Plat and application for approval of the Preliminary Town Plat, and shall pay all applicable fees as set forth in Section 9.2.10 below of this ordinance.

(4) Notice. The Town Clerk shall transmit a copy to the Preliminary Town Plat to all agencies or persons entitled to a copy for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Plan Commission within twenty (20) days from the date the Plat is officially filed with the Town Clerk under subsection 9.2.4.04(A)(3) above. Within forty-five (45) days of the date of the official filing of the preliminary town plat with the Town Clerk under subsection 9.2.4.04(A)(3) above, the Town Plan Commission shall review the preliminary plat for conformance with this Chapter and all codes, ordinances, rules, regulations, comprehensive plans and comprehensive plan components.

(5) Subsequent Application.

(a) A separate application form must be completed each time the issue appears before the Town Plan Commission or Town Board of Supervisors. A separate application must also be completed each time Staff review of punchlist items is required. All information is required for each application.

(b) Subsequent Reviews include Staff time required to review the completion of punchlist items generated from an appearance before the Plan Commission or Town Board. Subsequent applications shall be submitted to the Town Clerk with proper payment.

(c) Applications for agendas requiring an extraterritorial review are due with required attachments at least forty-five (45) days prior to each meeting. Incomplete applications will not appear on the Town’s meeting agenda. A completed and signed application and checklist must accompany the application indicating that all of the required information has been attached.

(d) All other applications are due with required attachments at least fifteen (15) days prior to each meeting. Incomplete applications will not appear on the Town’s meeting agenda. A completed and signed application and checklist must accompany the application indicating that all of the required information has been attached.

(B) Preliminary Town Plat Approval.

Any agencies or persons entitled to a copy according to law for their review and recommendations concerning matters within their jurisdiction shall, within twenty (20) days of the date of receiving copies of the Preliminary Town Plat, notify the person(s) applying for a major land division and all other agencies or persons entitled to a copy according to law for their review and recommendations of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town Plan Commission. If any such agency

or person fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat. In addition:

- (1) At the Time of Application for Preliminary Town Plat approval the person(s) applying for a major land division shall pay all applicable fees as set forth in Section 9.2.10 below of this ordinance.
- (2) The Town Board, with or without the recommendation of the Plan Commission shall, within ninety (90) days of the date of filing of a Preliminary Town Plat with the Town Clerk, approve, approve conditionally, or reject such Plat unless the time is extended by mutual written agreement with the person(s) applying for a major land division. One copy of the Plat shall thereupon be returned to the person(s) applying for a major land division with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. One copy each of the Plat and letter shall be placed in the Town Board’s permanent file.
- (3) Approval or Conditional Approval of a Preliminary Town Plat shall not constitute approval of the Final Plat, except that if the Final Town Plat is submitted within six (6) months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Sec. 236.11(1)(b), Wis. Stats., the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Town Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to this preparation of the Final Town Plat which will be subject to further consideration by the Town Plan Commission at the time of its submission.

**9.2.4.05 Plat Data**

- (A) Exact Length and Bearing of the exterior boundaries of the proposed subdivision or major land division referenced to a corner established in U.S. Public Land Survey, and the total acreage encompassed thereby.
- (B) Existing and Proposed Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and if not more than four (4) feet where the slope of the ground surface is ten (10) percent or more. Elevations shall be marked on such contours based on National Geodetic Datum of 1929 (mean sea level);
- (C) Water Elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929 datum).
- (D) Floodplain Limits and the contour line lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record.
- (E) Location, Right-of-Way Width and Names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all

section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

- (F) Type, Width and Elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1929 datum).
- (G) Location and Names of Any Adjacent Subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- (H) Location Size and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, including farm drain tile, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size, and invert elevations.
- (I) Locations of All Existing Property Boundary Lines, structures, drives, streams and watercourses, marshes, rocks, outcrops, wooded areas, railroad tracks and other similar significant natural or man-made features within the tract being divided or immediately adjacent thereto.
- (J) Location, Width and Names of all proposed streets and public rights-of-way such as alleys and easements.
- (K) Approximate Dimensions of All Lots together with proposed lot and block numbers.
- (L) Location and Approximate Dimensions and Size of any sites to be reserved or dedicated for parks, playgrounds, drainageways, schools, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring lotting;
- (M) Approximate Radii of All Curves.
- (N) Existing Zoning on and adjacent to the proposed subdivision or major land division.
- (O) Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision or major land division in relation to the access.
- (P) Any Proposed Lake and Stream improvement or relocation.
- (Q) Soil Type, Slope, and Boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service..
- (R) Location of Soil Boring Tests, where required by Section COMM 85 of the Wisconsin Administrative Code, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per three (3) acres shall be made initially. Two (2) copies of all test results shall accompany the Preliminary Plat.

- (S) Location of Soil Percolation Tests where required by Section COMM 85 of the Wisconsin Administrative Code, conducted in accordance with Section COMM 85 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 one test per three (3) acres or one test per lot, whichever is greater. Two (2) copies of all test results shall accompany the Preliminary Plat.
- (T) Location of wetlands, conducted in accordance with Chapter NR103 of the Wisconsin Administrative Code. Two (2) copies of the wetland delineation report shall accompany the Preliminary Plat. If there are no wetlands, two (2) copies of a certified wetland determination must be provided. All wetland delineations and determinations must be approved by the Town Board of Supervisors.

**9.2.4.06 Street Plans And Profiles**

- (A) At the time of preliminary plat submittal, the Town Engineer will 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, minor land division, major land division or replat when requested. All elevations shall be based upon mean sea level (1929) datum, and plans and profiles must be approved by the Town Engineer.
- (B) At the time of final plat submittal, the subdivider shall prepare final construction plans and specifications for the road, storm sewer, storm water management facilities installations and other public land improvements, and provide the same to the Town Engineer for approval.
  - (1) All required land improvements shall be subject to inspection and approval by the Town Engineer during the course of construction.
  - (2) All fees associated with Secs. 9.2.4.06(B) and 9.2.4.06(B)(1) shall be the responsibility of the subdivider.

**9.2.4.07 Testing**

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. Where the subdivision or major land division will not be served by public sanitary sewer service, the provisions of Comm. 85 of the Wisconsin Administration Code shall be complied with, and the appropriate data submitted with the preliminary plat.

**9.2.4.08 Soil And Water Conservation**

The subdivider shall provide all soil erosion and sedimentation control plans and specifications for each site, as applicable and/or as required under the Town's Erosion Control Ordinance. See Title 7, Ch. 15. Such plans and specifications shall be subject to approval by the Town Engineer, and shall generally follow the guidelines and standards set forth in the publication, Minimizing Erosion In Urbanizing Areas, as prepared by the U.S. Department of Agriculture, Soil Conservation Service, 1972, and shall be in

accordance with standards set forth in Sections 9.2.8.08 and 9.2.9.05 of this Chapter, and the Town’s Erosion Control Ordinance, Title 7, Ch. 15.

**9.2.4.09 Covenants**

- (A) The Town Plan Commission may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision or major land division and otherwise protect the proposed development.
- (B) Road Access to be Depicted. Every preliminary or final subdivision plat, town plat and certified survey map, whether preliminary or final, shall depict the road or street access pertaining to each lot therein shown. Such road or street access shall be so located as to be conducive to public safety in regard to vehicular and pedestrian traffic and it shall be so situated so as to promote the orderly platting and development of surrounding areas. If any lot abuts more than one road or street, each road or street access intended by the owner shall be depicted. It shall be the duty of the Town Plan Commission and the Town Board to evaluate each proposed lot access to determine whether it presents a safety hazard in regard to vehicular and pedestrian traffic and whether or not it promotes the orderly platting and development of the surrounding areas. The Town Plan Commission or the Town Board may reject any proposed plat or proposed certified survey map because of its disapproval of any road or street access for any lot. In the alternative, the Town Plan Commission or the Town Board may approve any plat or certified survey map on condition that it be changed to show the access in a manner satisfactory to the Town Plan Commission and the Town Board. Any action by the Town Plan Commission or the Town Board pursuant to this section shall be presumed to be based upon facts indicating that the proposed access poses a hazard to vehicular or pedestrian traffic or fails to promote the orderly platting or development of surrounding areas.

**9.2.4.10 Affidavit**

The Surveyor preparing the preliminary plat shall certify on the face of the Plat that a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter.

**9.2.5 Final Plat.**

**9.2.5.01 General**

A Final Subdivision Plat prepared by a registered land surveyor shall be required for all subdivisions. A Final Town Plat prepared by a registered land surveyor shall be required for all major land divisions. Such Final Plats shall comply in all respects with the requirements of Secs. 236.15, 236.16, and 236.20, Wis. Stats.

**9.2.5.02 Pre-Application**

- (A) Prior to the filing of an application for the approval of a preliminary plat or Certified Survey Map the subdivider shall consult with the Town Plan

Commission and/or its staff and the Ozaukee County Planning, Resources and Land Management Department staff in order to obtain their advice and assistance. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and Plan Commission and Land Use Department staff may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the Town and County. The subdivider will also gain a better understanding of the subsequent required procedures.

- (B) All applicants requesting to be placed on the Plan Commission agenda must schedule a meeting with the Town Engineer for a pre-application conference prior to being placed on the agenda. If it is determined by the Town Engineer that the preliminary application is sufficient and adequate information is provided, a written application and the required plan and information shall be submitted to the Town Clerk. The petition will be placed on the next available Plan Commission agenda subject to established submittal time limits.
- (C) The pre-application conference must take place and revisions per Staff comments be completed prior to the 45-day or 15-day deadline in order for materials to be submitted to the Town Clerk on time.

**9.2.5.03 Final Subdivision Plat.**

- (A) Final Subdivision Plat Review.
  - (1) Initial Requirements. Before a final plat of a subdivision may be approved by the Town Board, the subdivider
  - (2) shall prepare final construction plans and specifications for the road, storm sewer, storm water management facilities installations and other public land improvements:
    - (a) All required land improvements shall be subject to inspection and approval by the Town Engineer during the course of construction.
    - (b) All fees associated with Sections 9.2.5.03(A)(1) and 9.2.5.03(A)(1)(a) shall be the responsibility of the subdivider.
  - (3) Application. The subdivider shall prepare a Final Subdivision Plat and a letter of application in accordance with this Chapter and shall file at least 20 copies of the Plat and the application with the Town Clerk at least 25 days prior to the meeting of the Town Plan Commission at which action is desired. In addition:
    - (a) Payment of Final Review Fees At the Time of Application. At the time of application for Final Plat approval, the subdivider shall pay all applicable fees as set forth in Section 9.2.10 of this ordinance and as outlined in the Developer’s Agreement.

- (b) Developer’s Agreement. If a developer’s agreement has been required by the Town as part of the preliminary approval process, at the time of application for Final Plat approval, the subdivider shall submit an executed original of a developer’s agreement which has been previously approved as to form and content by the Town Board.
- (4) Partial Platting.
  - (a) If permitted by the Town Plan Commission, 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 proposed 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.
  - (b) If the subdivider elects to final plat in phases, the Town Board shall require a timetable of completion of development of the entire property included in the preliminary plat of the time of submittal of the first phase of the final plat.
- (5) Submission.

Failure by the subdivider to submit a Final Plat of all or at least one (1) phase of the approved Preliminary Plat within six (6) months of the last required approval of the Preliminary Plat, shall constitute a rescinding of the Preliminary Plat approval. After six (6) months the subdivider has the option of resubmitting the original Preliminary Plat for approval or submitting a newly designed Preliminary Plat in accordance with Section 9.2.5.02(A) above of this Chapter.
- (6) Notice. The Town Clerk shall within two (2) days after filing, transmit four (4) copies to the County Land Use Department; two (2) copies to the Department of Agriculture, Trade, and Consumer Protection; sufficient additional copies to the Department of Agriculture, Trade, and Consumer Protection for retransmission of two (2) copies each to the State Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, the State Department of Health and Social Services if the subdivision is not served by a public sewer and provision for such service has not been made, and The State Department of Natural Resources if shorelands are contained within the proposed subdivision; one (1) copy to the Cities of Mequon, Cedarburg, or Port Washington or the Villages of Grafton or Saukville if the lands to be platted lie within the extraterritorial jurisdiction of either of these municipalities; and, the original Final Plat and the remaining copies to the Town Plan Commission.
- (7) The Town Plan Commission



- (a) Review. The Town 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 Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it. In addition, the Town's Engineer, Planner or other person designated by the Town to review plats shall examine the Final Plat to determine if the Final Plat substantially conforms to the approved Preliminary Plat and provide a report to the Plan Commission of his or her findings along with a recommendation to approve or deny the Final Plat.
  - (b) Recommendation. The Town Plan Commission shall, within thirty (30) days of the date of filing the final Plat with the Town Clerk, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Town Board.
  - (c) Notification. The Town Plan Commission shall, at the time it recommends approval of a Plat to the Town Board, give at least ten (10) days prior written notice of its recommendation to the clerk of any municipality within 1,000 feet of the Plat.
- (B) Final Plat Approval.
- (1) 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 Plan Commission. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
  - (2) The Town Board shall, within sixty (60) days of the date of filing the original Final Plat with the Town Clerk, with or without the recommendation of the Plan Commission, approve or reject such Plat unless the time is extended by mutual written agreement with the subdivider. 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. The Town Board may not inscribe its approval of the Final Plat unless the Town Clerk certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within twenty (20) days or, if filed, have been met.
  - (3) Failure of the Town Board to take action on the Plat within sixty (60) days from the date of filing of the Final Plat with the Town Clerk, the time having not been extended and no unsatisfied objections having been filed, shall constitute approval of the Plat.

- (4) Recordation. After the Final Plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the Plat unless it is offered within thirty (30) days from the date of the last approval.
- (5) Copies. The subdivider shall file ten (10) copies of the Recorded Final Plat with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor and other affected departments for their files. Also, one (1) certified copy of the Final Plat as recorded shall be filed with Town Clerk by the subdivider.

**9.2.5.04 Final Town Plat .**

(A) Final Town Plat Review.

- (1) Initial Requirements. Before a Final Town Plat may be approved by the Town Board, the subdivider shall prepare final construction plans and specifications for the road, storm sewer, stormwater management facilities installations and other public land improvements
  - (a) All required land improvements shall be subject to inspection and approval by the Town Engineer during the course of construction.
  - (b) All fees associated with 9.2.5.04(A)(1) and 9.2.5.04(A)(1)(a) shall be the responsibility of the subdivider.
- (2) Application. The person(s) applying for a major land division shall prepare a Final Town Plat and a letter of application in accordance with this Chapter and shall file at least 20 copies of the Plat and the application with the Town Clerk at least forty-five (45) days prior to the meeting of the Town Plan Commission at which action is desired. In addition:
  - (a) Payment of Final Review Fees At the Time of Application. At the time of application for Final Town Plat approval, the person(s) applying for a major land division shall pay all applicable fees as set forth in Section 9.2.10 below of this Chapter and as outlined in the Developer’s Agreement. At the time the application for approval is filed, the subdivider shall also file a bond in the amount set by the Town Board to ensure that the Town Plat is timely recorded.
  - (b) Developer’s Agreement. If a developer’s agreement has been required by the Town as part of the preliminary approval process, at the time of application for Final Plat approval, the subdivider shall submit an executed original of a developer’s agreement that has been previously approved as to form and content by the Town Board.

- (c) Partial Platting.
  - 1. If permitted by the Town Plan Commission, the approved Preliminary Plat may be final platted in phases with each phase encompassing only that portion of the approved Preliminary Plat which the person(s) applying for a major land division proposed to record at one time, however, it is required that each phase be final platted and be designated as a “phase” of the approved Preliminary Plat.
  - 2. If the person(s) applying for a major land division elects to final plat in phases, the Town Board shall require a timetable of completion of development of the entire property included in the preliminary plat at the time of submittal of the first phase of the final plat.
  - 3. Submission. Failure by the person(s) applying for a major land division to submit a Final Town Plat of all or at least one (1) phase of the approved Preliminary Town Plat within six (6) months of the last required approval of the Preliminary Town Plat, shall constitute a rescinding of the Preliminary Town Plat approval. After six (6) months the person(s) applying for a major land division has the option of resubmitting the original Preliminary Town Plat for approval or submitting a newly designed Preliminary Town Plat in accordance with Section 9.2.6 below of this Chapter.
- (3) The Town Clerk shall within two (2) days after filing, transmit a copy of the Final Town Plat to all agencies or persons entitled to a copy for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Plan Commission within twenty (20) days from the date the Plat is filed with the Town Clerk.
- (4) Plan Commission Review and Recommendation.
  - (a) Review. The Town 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 Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it. In addition, the Town's Engineer, Planner or other person designated by the Town to review plats shall examine the Final Plat to determine if the Final Plat substantially conforms to the approved Preliminary Plat and provide a report to the Plan

Commission of his or her findings along with a recommendation to approve or deny the Final Plat.

- (b) Recommendation. The Town Plan Commission shall, within forty-five (45) days of the date of mailing the Final Town Plat with the Town Clerk, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Town Plat and application along with its recommendations to the Town Board.
- (c) Notification. The Town Plan Commission shall, at the time it recommends approval of a Plat to the Town Board, give at least ten (10) days prior written notice of its recommendation to the clerk of any municipality within 1,000 feet of the Plat.

(B) Final Town Plat Approval.

(1) Response of Objection Agencies.

Any agencies or persons entitled to a copy according to law for their review and recommendations concerning matters within their jurisdiction shall, within twenty (20) days of the date of receiving their copies of the Final Town Plat, notify the person(s) applying for a major land division and any other agencies or persons entitled to a copy according to law for their review and recommendations of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town Plan Commission. If such person or agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.

(2) Town Board Action.

With or without the recommendation of the Town Plan Commission, the Town Board shall, within ninety (90) days of the date of filing the original Final Town Plat with the Town Clerk, approve or reject the Final Town Plat unless the time is extended by mutual written agreement with the person(s) applying for a major land division. 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 person(s) applying for a major land division. The Town Board may not inscribe its approval of the Final Town Plat unless the Town Clerk certifies on the face of the Plat that the copies were forwarded to 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.

(3) Recordation.

(a) After the Final Town Plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the

Plat returned to the person(s) applying for a major land division for recording with the County Register of Deeds.

- (b) The subdivider shall record the Town Plat with the County Register of Deeds within thirty (30) days of its approval by the Town Board. The recorded original must be on a reproducible, legible material such as mylar, and be 22 inches wide by 30 inches long. The name of the plat shall include the words “Town Plat” and shall not be a duplicate of the name of any plat previously recorded in the Town of Grafton or Ozaukee County.
  - (c) If the subdivider fails to file with the Town Clerk within thirty (30) days of its approval by the Town Board a copy of the Town Plat showing that the plat has been recorded with the County Register of Deeds, the recording bond referred to in sec. 9.2.5.04(A)(2)(a) shall be forfeited to the Town.
  - (d) If the subdivider fails to timely record the Town Plat, the Town, at its discretion, may have the Town Plat recorded with the County Register of Deeds. However, any decision whether to record a Town Plat under this section is purely discretionary with the Town Board. This section shall not be construed to relieve from or lessen the responsibility or liability of any person for any violation of this Chapter or Ch. 236, Wis. Stats.; nor shall the Town of Grafton or its officers, agents or employees be held as assuming any such responsibility or liability by reason of any action or failure or refusal to act to record any Town Plat approved by the Town Board. The Town of Grafton or its officers, agents or employees shall not be held liable for any damages resulting from the enforcement of this section.
- (4) Copies. The person(s) applying for a major land division shall file ten (10) copies of the Recorded Final Town Plat with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor and other affected departments for their files. Also, one (1) certified copy of the Final Plat as recorded shall be filed with Town Clerk by the person(s) applying for a major land division.

**9.2.5.05 Additional Information**

The Plat shall show correctly on its face, in addition to the information required by Sec. 236.20, Wis. Stats., 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 Plan Commission or other Town or County ordinances.
- (E) Utility and drainage easements.

- (F) All Lands Dedicated for Public Use reserved for future public acquisition, or reserved for the common use of property owners within the Plan.
- (G) Special Restrictions required by the Town Plan Commission relating to access or control along public ways or to the provision of planting strips.

**9.2.5.06 Deed Restrictions**

The Town Plan Commission may require that deed restrictions be filed with the Final Plat.

**9.2.5.07 Survey Accuracy**

- (A) Maximum Error of Closure before adjustment of the survey of the exterior boundaries of the subdivision or major land division shall not exceed, in horizontal distance or position, the ratio of one part in ten thousand (1:10000), nor in azimuth, four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
- (B) All Street, Block and Lot Dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the Plat greater than the ratio of one part in five thousand (1:5000), or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.
- (C) Where the Plat is Located within a U.S. Public Land Survey one-quarter section the corners of which have been relocated, monumented, and coordinated by Ozaukee County, the Town of Grafton, or the Southeastern Wisconsin Regional Planning Commission, the tie required by Sec. 236.20(3)(b), Wis. Stats. 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 or major land division.
- (D) The Town Board shall receive the results of the Town Engineer's examination prior to approving the Final Plat.

**9.2.5.08 Surveying and Monumenting**

All final plats shall meet all the surveying and monumenting requirements of Sec. 236.15, Wis. Stats.

**9.2.5.09 State Plane Coordinate System**

Where the Plat is located within a U.S. Public Land Survey one-quarter section the corners of which have been relocated, monumented, and coordinated by Ozaukee County, the Town of Grafton, or the Southeastern Wisconsin Regional Planning Commission, the Plat shall be tied directly to one of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing the distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates at the monument marking the relocated section of quarter corner to which the Plat is tied shall be indicated on the Plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Tone, and adjusted to the County’s control survey.

**9.2.5.10 Certificates**

All final plats shall provide all the certificates required by Sec. 236.21, Wis. Stats.; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

**9.2.6 Replat**

When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, major land division, minor land division, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Secs. 236.40 through 236.44, Wis. Stats. The subdivider, or person wishing to replat, shall then proceed as specified in Sections 9.2.3.01 through 9.2.3.05 of this Chapter.

The Town Clerk shall schedule a public hearing before the Town Plan Commission when a Preliminary Town or Subdivision Plat of a replat of lands within the Town limits is filed, and shall cause notices of the proposed Replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the owners of all properties within 1,000 feet of the exterior boundaries of the proposed Replat.

Ozaukee County Planning, Resources and Land Management Department  
Ozaukee County Planning, Resources and Land Management Department

**9.2.7 Design Standards.**

**9.2.7.01 Street Arrangement**

In any new subdivision or land division, the street layout shall conform to the arrangement, width and location indicated on the official map, County jurisdictional highway system plan, comprehensive plan or plan component, or precise neighborhood unit development plan of the Town of Grafton, Ozaukee County, Wisconsin. 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, to existing or planned utilities. The subdivision

or major land division shall be designed so as to provide each lot with satisfactory access to a public street. In addition:

- (A) Arterial Streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- (B) Collector Streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets to which they connect.
- (C) Minor Streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, where applicable to permit the design of efficient storm drainage, water supply, and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- (D) Proposed Streets or road right-of-way shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. 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.
- (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 nonaccess reservation along the rear property line, or by the use of frontage streets.
- (F) Stream or Lake Shores shall have a minimum of 60 feet of public access platted to the low water mark at intervals of not more than one-half mile as required by Sec. 236.16(3), Wis. Stats.
- (G) Reserve Strip is any land which would prohibit or interfere with the orderly extension of streets, bicycle or pedestrian ways, sanitary sewer, water mains, storm water facilities or other utilities or improvements between two abutting properties.
- (H) Alleys shall be provided in commercial and industrial areas for off-street loading and service access unless otherwise required by the Town Plan Commission, but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not connect to a major thoroughfare.



- (I) Street Names shall not duplicate or be similar to existing street names elsewhere in the Town, and existing street names shall be projected wherever possible.

**9.2.7.02 Limited Access Highway And Railroad Right-Of-Way Treatment**

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

- (A) When Lots Within the Proposed Subdivision or Land Division back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restrictions lettered on the face of the plat: “This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited.”
- (B) Commercial and Industrial Properties shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- (C) Streets Parallel to a Limited Access Highway or railroad right-of-way, when intersecting a major street and highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (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.

**9.2.7.03 Street And Other Public Way Design Standards**

The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map, neighborhood development plan; or jurisdictional highway system plan; or if no width is specified therein, the minimum widths shall be as set forth in the Town of Grafton Typical Cross Section.

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

- (A) Cul-de-Sac. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of 78 feet and a minimum face of curb radius of 42 feet on urban sections and a minimum outside pavement radius of 42 feet on rural sections.
- (B) Temporary Termination of streets at the boundary of a subdivision intended to be extended at a later date and where five (5) or more dwelling

units have driveway access to such streets shall be accomplished with sufficient right-of-way to construct a temporary cul-de-sac in accordance with the standards set forth above, or by construction of a temporary ‘T’ turn-around within the street right-of-way having a ‘cross-bar’ length of 66 feet and width of 34 feet. The requirement to construct the public road within the right-of-way constructed shall be at the discretion of the Town Plan Commission.

- (C) Street Grades shall be established wherever practicable so as to avoid excessive grading, the random 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 15 times the algebraic difference in the rates of grade for arterial and collector streets, and one-half (1/2) this minimum for all other streets.

**9.2.7.04 Street Intersections**

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

- (A) The Number of Streets Converging at one intersection shall be reduced to a minimum, preferably not more than two.
- (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 1,200 feet.
- (C) Property Lines at Street Intersections along arterial streets and highways shall be rounded with a minimum radius of 15 feet or of a greater radius when required by the Town Plan Commission, or shall be cut off by a straight line through the points of tangency of an arc having a radius of 15 feet.
- (D) Minor and Collector Streets shall not necessarily continue across arterial streets. If the distance between the centerline intersections of any street with any other intersecting street is less than 250 feet, measured along the centerline of the intersecting street, then the location shall be so adjusted that the distance is increased or the adjoinment across the intersecting 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 Sec. 66.0909, Wis. Stats.
- (F) The Platting of Half-Streets shall not be permitted.

**9.2.7.05 Blocks**

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

- (A) The Length of Blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,200 feet in length unless otherwise dictated by exceptional topography or other limited factors of good design.
- (B) Pedestrian Ways of not less than 20 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed

essential by the Town Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.

- (C) The Width of Blocks shall be wide enough to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or designed 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) All Television Cable, Telephone and Electric Power lines shall, where practical, be placed on mid-block easements of not less than 20 feet centered on the property line, and where possible, along rear lot lines for underground construction.

**9.2.7.06 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 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 or ‘Through’ Lots shall be prohibited except where necessary to provide separation of residential development from arterial traffic or to overcome specific disadvantages of topography and orientation.
- (C) Access. Every lot shall front or abut for a distance of at least 66 feet on a public street or approved right-of-way or shall be provided access to a public Town road by an easement in accordance with section 9.2.7.11, approved by the Town Board and recorded with the Register of Deeds.
- (D) Area and Dimensions of all lots shall conform to the requirements of the Town of Grafton or Ozaukee County Zoning Ordinance for the subdivisions within the Town. Those building sites not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of an onsite soil absorption sewage disposal system or holding tank designed in accordance with Section COMM 83 of the Wisconsin Administrative Code.
- (E) Excessive Depth of Lots in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable depth to width ratio under normal conditions. Depth of lots or parcels designated for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- (F) The Width of Lots within the interior of a block shall conform to the requirements of the Town or County Zoning Ordinance, or other applicable ordinance, and in no case shall a lot have a minimum average width of less than 125 feet.

- (G) Corner Lots shall have an additional width of ten (10) feet to permit adequate building setbacks from side streets.
- (H) Lands Lying Between the Meander Line and the water’s edge and any otherwise unplattable lands which lie between a proposed subdivision and the water’s edge shall be dedicated to the public in any plat abutting a lake or stream.

**9.2.7.07 Building And Setback Lines**

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the Town Plan Commission.

**9.2.7.08 Easements**

The Town Plan Commission may require utility easements of widths deemed adequate for the intended purpose but not less than ten (10) feet on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication wires and conduits; storm and sanitary sewers; and gas, water and other utility lines.

Where a subdivision is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be provided as may be required by the Town Plan Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Town Engineer; and parallel streets or parkways may be required in connection therewith. Where necessary storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval of the Plan Commission.

**9.2.7.09 Public Sites And Open Spaces**

In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, official map, or component neighborhood development plan, such areas shall be made a part of the plat as stipulated in Section 9.2.2.03 above of these regulations. If not so designated, considerations shall be given in the location of such sites to the preservation of scenic, cultural, scientific, and historic sites; wooded areas; wetlands, floodlands, marshes, streams, lakes, and ponds; and steep topography and ravines.

Accordingly, each subdivider of land in the Town of Grafton shall at the discretion and direction of the Town Plan Commission, either dedicate open space lands designated on the Town Lane Use Plan - or, reserve such open space lands and pay a public site fee - or, where no open space lands are directly involved, pay a public site fee. The Town Plan Commission shall, at the time of reviewing the Preliminary Plat or Certified Survey Map, select one of the following options and record such selection in the minutes of the meeting at which the Preliminary Plat or Certified Survey Map is presented for approval:

- (A) Dedication of Site Option. Whenever a proposed playground, park, or other public open space land designated on the Town comprehensive plan,

neighborhood unit development plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be subdivided, the public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one (1) acre for each 15 proposed or potential dwelling units; and any such proposed public lands in excess of the rate established herein shall be reserved for a period not to exceed three (3) years, unless extended by mutual agreement, for purchase at undeveloped land prices by the public agency having jurisdiction. If the lands in excess of the established rate are not acquired within the three-year period as set forth herein, or the period extended by mutual agreement, the land will be released from reservation to the owner by the Town Board.

- (B) Reservation of Site Option. Whenever a proposed playground, park, or other public open space land designated on the Town’s comprehensive plan, neighborhood unit development plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be subdivided, the proposed public open space lands shall be made a part of the plat and reserved at the time of final plat approval for a period not to exceed three (3) years, unless extended by mutual agreement, for acquisition at undeveloped land prices by the public agency having jurisdiction and the subdivider shall pay a public site fee at the time of application for final plat approval at the rate and according to the procedures set forth in Section 9.2.7.09(C) below of this Chapter. If the land is not acquired within the three-year time period as set forth herein or the time period extended by mutual agreement, the land will be released to the owner from reservation by the Town Board.
- (C) Public Site Fee Option. If a proposed urban subdivision, as defined herein, does not encompass a proposed public or private park, parkway, or other open space lands, or if the Town Plan Commission requires the reservation of land as set forth in Section 9.2.7.09(B) above of this Chapter, a fee of the acquisition of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the Town Treasurer at the time of first application for approval of a final plat of said subdivision or part thereof in the amount set by the Town Board and referenced in the Town Fee Schedule for each proposed dwelling unit within the plat. Public site fees collected by the Town Treasurer under the provisions of this Chapter shall be placed in a nonlapsing special fund for Town parks and open spaces within designated areas and shall be separate from the General Fund of the Town, and said special fund shall be used exclusively for the acquisition and development of park, recreation, and other open space areas within each specifically designated area of the Town. However, the Town may, in lieu thereof, require that any park or playground be privately owned and held in joint ownership by and maintained for the benefit of the owners of lots within the subdivision.

**9.2.7.10 Public Design Requirements**

Public improvements include, but are not limited to, road design, grading plans, drainageways, stormwater facilities and erosion control plans.

- (A) The preliminary plat submittal shall include a preliminary construction plan as designed by a registered engineer on the developer’s behalf. The construction plans shall include:
  - (1) Plan layout including, but not limited to lot lines, road right-of-way and outlots.
  - (2) General site grading plan.
  - (3) Centerline elevation for the road.
  - (4) Drain tile location – as field located by the authorized Town drain tile consultant.
  - (5) Location of all wetlands – as approved by the Town Board of Supervisors.
- (B) The preliminary plat submittal shall also include a Developer’s Agreement and associated letter of credit. The Developer’s Agreement shall serve as the contract between the subdivider and the Town for the subdivider’s construction of all public improvements as approved by the Town. The letter of credit shall serve as a guarantee by the subdivider for payment of all fees associated with the design, construction, inspection and approval of the project.

**9.2.7.11 Private Drive Design Standards and Procedures**

- (A) No person, firm, company, or corporation shall construct or permit to be constructed within the Town any private drive arranged or planned to serve more than one parcel of land used for residential purposes unless approval shall first be obtained from the Town Plan Commission and Town Board of Supervisors, following approval of the plans (location, width, maintenance, utilities and general plans) for such private drive by the Town Plan Commission and Town Board of Supervisors.
- (B) Parcels with adequate public road frontage may have access to the private drive.
- (C) Such a private drive shall be approved by the Town Plan Commission and Town Board of Supervisors, recorded at the Ozaukee County Register of Deeds and planned, platted and constructed to the following standards:

Dimensional Requirements:

Number of Residences Served	2-3	4-7
Required Minimum Surface Width	12’	18’
Turnouts & Vertical Clearance	250’ minimum spacing	as approved by fire dept.
Easement Width	25’ minimum width	50’ minimum width
Setbacks to Easement	not required	required
Minimum Lot Frontage	25’	66’

- (D) The following additional General Requirements shall be addressed in the design of the private drive:

- (1) Fire Department review will be led by the Fire Chief of Servicing Department.
  - (2) Vegetation and other Clearance: Trees, shrubs and other objects shall be cleared across entire actual width of drive plus one foot on each side to a minimum height of 14 feet.
  - (3) Hard Surface Optional – 6” Traffic Bond Aggregate recommended minimum.
  - (4) A recorded Easement Agreement, Homeowners Association, Driveway Maintenance Agreement (including consent and waiver for Town access, review, maintenance and special assessment of costs) approved by the Town Attorney will be required.
  - (5) Subdivision Plat or CSM must contain a note on each page stating that each lot is subject to the terms and conditions of various easements and agreements with associated recording data.
  - (6) A Stormwater Management Plan is required according to Town Ordinances.
- (E) The Town may consider deviations from the standards listed in Section (C) to allow for flexibility of overall development design, while at the same time maintaining the intentions of the overall requirements. Both the developer and the Town are intended to benefit from such design deviations.
- (1) Deviations from the listed standards are limited to dimensional requirements only. In no case shall the number of lots served by the private drive be increased nor shall the approval process or easement or agreement process be relaxed.
  - (2) Deviations from the listed standards must be specifically addressed by the petitioner and shall be specifically listed by the Plan Commission in its motion and recommendation to the Town Board.

## **9.2.8 Required Improvements.**

### **9.2.8.01 Survey Monuments**

The subdivider shall install survey monuments placed in accordance with the requirements of Ch. 236.15, Wis. Stats. and as may be required by the Town Engineer.

### **9.2.8.02 Grading**

After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Town Engineer, the contractor 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 Engineer. The contractor shall grade the roadbeds in the street rights-of-way to subgrade. Cut and filled lands outside of street right-of-way shall be graded to a maximum slope of 25 percent or the soils angle of repose, whichever is the lesser. All graded lands with the exception of the roadbeds of streets should be treated for sediment and erosion control purposes as set forth in Section 9.2.9.05 below of this Chapter.

**9.2.8.03 Surfacing**

- (A) After the installation of all utility and storm water drainage improvements, the contractor shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the comprehensive plan or comprehensive plan components of the Town. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town Engineer. The cost of surfacing in excess of 48 feet in width that is not required to serve the needs of the subdivision shall be borne by the Town.
- (B) Approved right-of-way dedications may be provided independent of surfacing requirements. In cases where the Town Plan Commission allows two (2) lots to access a right-of-way dedication in accordance with Section 9.2.7.06(C), the surfacing requirement may be waived until such time that the Town intends to construct a public street or until additional access from that approved right-of-way is required for one (1) or more additional lots. In all cases where the surfacing requirements are waived, the Town reserves the right to assess adjacent property owners for the project cost to construct a street within the approved right-of-way.

**9.2.8.04 Rural Street Sections**

When permanent rural street sections have been approved by the Town Board, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with the plans and standard specifications approved by the Town Engineer and as set forth in Section 9.2.9.05 of this Chapter.

**9.2.8.05 Sidewalks**

In all urban subdivisions the Town Board shall, and in rural subdivisions may, require the subdivider to construct a concrete sidewalk and one side of all frontage streets, and on both sides of all other through, and/or continuous streets within the subdivision. The Town Board may also require the subdivider to construct concrete sidewalks on one or both sides of all dead end or cul-de-sac streets which are in excess of 600 feet in length or which serve two-family or multiple-family development. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Town Engineer.

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

**9.2.8.06 Storm Water Drainage Facilities**

The subdivider shall assume all cost to construct storm water drainage facilities, adequate to serve the subdivision which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, culverts, open channels, water retention structures and settling basins. A preliminary design shall be completed with the preliminary plat to



ensure that the proposed facilities meet the requirements of Sections 9.2.9.04 and 9.2.9.05 of this Chapter and the Town’s Erosion Control Ordinance. Title 7, Ch. 15. The Town Engineer shall complete the final design with construction drawings. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow through and from within the subdivision and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. In addition:

- (A) Unpaved Road Ditches and back slopes 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, the subdivider shall install a paved invert or check dams, flumes, or other energy-dissipating devices.
- (B) Drainage Facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams, rivers, creeks or lakes. The design criteria, the size, type, grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Town Engineer.
- (C) Where a Sanitary District has created pursuant to Secs. 60.70 and 60.77, Wis. Stats. for the purpose of providing and constructing surface drainage facilities, storm sewers, or other drainage improvements, such plans and standard specifications shall be further subject to approval by the Sanitary District Board.
- (D) The Subdivider Shall Assume the cost of installing all storm sewers within the proposed subdivision, except for the added cost of installing storm sewers greater than twenty-four (24) inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the Town or Sanitary District wherein the subdivision is located a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.
- (E) Subsurface Drain Tiles shall be clearly shown on all proposed construction plans. The subdivider shall employ the Town’s drain tile consultant to map the drain tile location with the preliminary plat submittal. That information shall be provided to the Town Engineer for insertion into the construction plans. If during construction a subsurface tile is found, the subdivider shall notify the Town Engineer and Building Inspector prior to reconnection. The subdivider shall be responsible for reconnection to ensure proper flow of water.

**9.2.8.07 Other Utilities**

The subdivider shall cause electrical power, telephone facilities, TV cable, and where possible, natural gas to be installed in such a manner as to make adequate service available to each lot in the subdivision. No electrical, telephone service or TV cable shall be located on overhead poles unless otherwise allowed by the Plan Commission due to exceptional topography or other physical barrier. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Town Engineer.

**9.2.8.08 Sediment Control**

The subdivider shall assume all cost to install erosion control devices and plant those grasses, trees, and vines, a species and size specified by the Town Board, necessary to prevent soil erosion and sedimentation. The Town Plan Commission may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, slopes, seeding, trees, shrubs, riprap, wells, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures. In addition:

- (A) Tree Cutting and Shrubbery Clearing shall not exceed 30 percent of the lot or tract and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliage, substantially screen any development from stream or lake users.
- (B) Paths and Trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Town Plan Commission, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.
- (C) Earth Moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream, rivers, creeks or lake bed materials, excavation, channel clearing, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regiment, and topography (see Sections 9.2.9.04 and 9.2.9.05 of this Chapter and the Town's Erosion Control Ordinance, Title 7, Ch. 15).
- (D) Review of the Conduct of All Cutting, Clearing and Moving may be requested of the County Soil and Water Conservation District Supervisors, the State District Fish and Game Managers, and the State District Forester by the Town Engineer or Town Plan Commission as they deem appropriate.

**9.2.8.09 Optional Provision Of Public Utilities And Facilities**

If for any reason the subdivider fails to install public utilities or facilities as prescribed herein or as ordered by the Town Board pursuant to this Chapter, the Town Board may install such improvements and assess the full cost of such installations against the subdivider or property owner as set forth in Sec. 66.0703, Wis. Stats. Also, the Town and subdivider may agree to have public improvements installed by the Town pursuant to Sec. 66.0703, Wis. Stats.

**9.2.9 Construction.**

**9.2.9.01 Commencement**

No construction or installation of improvements shall commence until the Preliminary Plat or Certified Survey Map has been approved and the Town Board has given written authorization for such commencement.

**9.2.9.02 Building Permits**

No building, zoning or sanitary permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Chapter have been met.

**9.2.9.03 Occupancy Permit**

No occupancy permit shall be issued until all requirements of this Chapter are met to the satisfaction of the Building Inspector.

**9.2.9.04 Plans**

The following plans and accompanying construction specifications shall be approved by the Town Engineer before authorization of construction or installation of improvements.

- (A) Street Plans and Profiles showing existing and proposed grade, elevations and cross-sections of required improvements. The subdivider shall include the following information:
  - (1) Plan layout including, but not limited to lot lines, road right-of-way and outlots.
  - (2) General site grading plan.
  - (3) Centerline elevation for the road.
  - (4) Drain tile location – as field located by the authorized Town drain tile consultant.
  - (5) Location of all wetlands – as determined or delineated by the Town Engineer.
- (B) Sanitary Sewer plans and profiles showing the locations, grades, sizes, elevations and materials or required facilities, as applicable. If the site is to be served by septic tanks or mound systems, location of the facility and appropriate easements will be required based upon soil borings.
- (C) Storm Sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
- (D) Water Main plans and profiles showing the locations, sizes, elevations and materials of required facilities, as applicable. If the site is to be served by residential wells, locations of the facility and appropriate easements will be required.
- (E) Erosion and Sedimentation Control Plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall generally follow the guidelines and standards set forth in the publication, Minimizing Erosion in Urbanizing Areas, as prepared by the U.S. Department of Agriculture, Soil Conservation Service, 1972 and as set forth in Section 9.2.9.05 of this Chapter, and the Town’s Erosion Control Ordinance, Title 7, Ch. 15.

- (F) Planting Plans showing the locations, age, caliper, and species of any required grasses, vines, shrubs, and trees, as supplied by the subdivider.
- (G) Additional special plans or information as required.

**9.2.9.05 Erosion Control**

The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded, or otherwise protected so that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications approved by the Town Engineer and/or at such times as required by the Town Engineer. Such erosion control may include, but is not limited to, the following measures:

- (A) Sod Laid in Strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
- (B) Temporary Vegetation and mulching provided to protect critical areas, with permanent vegetation installed as soon as practical.
- (C) Construction at any given time being confined to the smallest practical area and for the shortest practical period of time.
- (D) Sediment Basins installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.
- (E) Additional measures required to fulfill the Town of Grafton Erosion Control Ordinance, Title 7, Ch. 15.

**9.2.9.06 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. Any such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by use of wells or islands or retaining walls whenever abutting grades are altered.

**9.2.9.07 Inspection**

The subdivider, prior to commencing any work within the subdivision shall make arrangements with the Town Engineer to provide for adequate inspection. The Town Engineer shall inspect and approve all completed work prior to approval of the Final Plat or release of the sureties.

**9.2.10 Fees.**

**9.2.10.01 General**

The subdivider shall pay the Town all fees as hereinafter being required and at the times herein specified before being entitled to recording of a Plat or Certified Survey Map. All fees shall be established annually by resolution of the Town Board. (See Title 1, Ch. 3.)

**9.2.10.02 Preliminary Plat Review Fee**

The subdivider shall pay a fee as provided by the Town Board by Resolution to the Town Treasurer at the time of first application for approval of any preliminary subdivision or Town plats to assist in defraying the cost of review.

A reapplication fee as provided by the Town Board by Resolution shall be paid to the Town Treasurer at the time of reapplication for approval of any preliminary plat which has previously been reviewed. (See Title 1, Ch. 3.)

**9.2.10.03 Inspection Fee**

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

**9.2.10.04 Final Review Fee**

- (A) The subdivider shall pay a fee for each Town Plat or Subdivision Plat to the Town Treasurer at the time of first application for final plat approval of said plat to assist in defraying the cost of review.
- (B) The subdivider shall pay a fee for each certified survey land division map to the Town Treasurer at the time of first application for final approval of said map to assist in defraying the cost of review.
- (C) A reapplication fee shall be paid to the Town Treasurer at the time of a reapplication for approval of any final plat or certified survey map which has previously been reviewed.

**9.2.10.05 Impact Fees**

- (A) When underdeveloped land is developed for residential or other purposes, it often creates a need for additional transportation, water, sewage, storm water facilities as well as parks and recreational facilities and other public facilities. Without the generation of new revenue sources, municipalities often choose between foregoing needed public facilities or imposing higher property taxes. The imposition of impact fees has become a source of local revenue to pay for public facilities. These impact fees need to be established in accordance with Sec. 66.0617, Wis. Stats., which allows a municipality to enact an ordinance to impose impact fees on certain developers in an effort for new development to pay its fair share of municipal capital costs.
- (B) Public Facilities Needs Assessment. In accordance with Sec. 66.0617(4), Wis. Stats., the Town of Grafton has prepared needs assessments for the following types of public facilities. A copy of these needs assessments are on file and available for public inspection and copying in the office of the Town Clerk.
  - (1) Town of Grafton Pavement Maintenance Program, Bonestroo, 2007.
  - (2) Town of Grafton Park and Open Space Impact Fee Study, Bonestroo, 2007.

- (C) Definitions: In accordance with Sec. 66.0617(4), Wis. Stats., as used in this chapter, the following terms shall have the meaning indicated:
- (1) “Capital costs” - means the capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the municipality can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10% of capital costs. “Capital costs” does not include other noncapital costs to construct, expand or improve public facilities, vehicles; or the costs of equipment to construct, expand or improve public facilities.
  - (2) “Developer” - means a person that constructs or creates a land development.
  - (3) “Impact fees” - means cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer by a municipality under this section.
  - (4) “Land development” - means the construction or modification of improvements to real property that creates additional residential dwelling units within a municipality or that results in nonresidential uses that create a need for new, expanded or improved public facilities within a municipality.
  - (5) “Public facilities” - means highways, as defined in Sec. 340.01(22), Wis. Stats., and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing, and distributing water, parks, playgrounds, and land for athletic fields, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. “Public facilities” does not include facilities owned by a school district.
- (D) Fees: An impact fee will be imposed by the Town Board upon any person seeking to construct or create a land development within the Town of Grafton in accordance with this section and Sec. 66.0617, Wis. Stats.
- (1) Standard for Fees. Impact fees imposed under this section:
    - (a) Shall bear a rational relationship to the need for new, expanded or improved public facilities that are required to serve land development.
    - (b) May not exceed the proportionate share of the capital costs that are required to serve land development as compared to existing land uses of land within the Town of Grafton.
    - (c) Shall be based upon actual capital costs or reasonable estimates of capital costs for new, expanded or improved public facilities.

- (d) Shall be reduced to compensate for other capital costs imposed by the Town of Grafton with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications, or fees in lieu of land dedication, under Ch. 236, Wis. Stats., or any other items of value.
  - (e) Shall be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees are imposed.
  - (f) May not include amounts necessary to address existing deficiencies in public facilities.
  - (g) Shall be payable by the developer to the Town in full within 14 days of the issuance of a building permit or the issuance of an occupancy permit.
- (E) Collection. Impact fees shall be collected as follows:
- (1) Impact fees will be collected by the Town Clerk when the building permit is issued.
  - (2) Impact fees not previously collected on vacant land will be collected at the time a building permit is issued.
  - (3) Impact fees will also be collected when a building permit is issued on the conversion of existing residential units which adds additional units.
- (F) Fee Schedule: The Town’s impact fees are located on the current “Land Use Planning Fee, Bond and Escrow Requirements” in Title 1, Ch. 3.
- (G) Land Dedication
- (1) When it is determined by the Town Board that a portion of a plat or certified survey map is required by such future natural area, public park, playgrounds and athletic fields, the developer may be required to reserve such area for not more than three (3) years during which time the Town shall either acquire the property or release the reservation.
  - (2) Where land has been required to be reserved pursuant to subsection (1), or when the developer owns other land that has been determined by the Town Board to be acceptable for park and recreation purposes, the developer may be required to dedicate such land as part of an impact fee payment.
  - (3) Cash value of land to be dedicated shall be determined by the Town and developer based upon the full and fair market value of the land. If the Town and developer cannot agree on the full and fair market value of the land, an appraisal board consisting of one appraiser selected by the Town at its own expense, one appraiser selected by the developer at his/her expense, and a third appraiser selected by two other appraisers at Town expense shall determine the value.

- (H) Interest Bearing Account: Revenues from each impact fee that is imposed shall be placed in a separate, segregated interest bearing account for revenues collected from impact fees. Such funds shall be accounted separately from 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 was imposed unless the fee is refunded under Section 9.2.10.05(I).
- (I) Refund of Fees:
  - (1) Any impact fees that are imposed and collected pursuant to the provisions of this chapter not used within 7 years after they are collected to pay capital costs for which they were imposed, shall be refunded to the current owner of the property with respect to which the impact fees were imposed. This 7-year limit applies to all types of public facilities as that term is defined in Sec. 66.0617(1), Wis. Stats., and referenced in Sec. 9.2.10.05(C) above.
  - (2) The Town may, by resolution, extend the 7-year limit for using impact fees if the Town adopts a resolution stating that due to extenuating circumstances or hardship in meeting the 7-year limit, the Town needs an additional 3 years to use the impact fees that were collected. The resolution shall specify the extenuating circumstances or hardship that necessitated the adoption of the resolution.
- (J) Fee Review: The fee schedule set forth in paragraph (5) above will be reviewed by the Town Board at least once each year and modified, if necessary, as a result of changing facility needs, inflation, revised cost estimates, capital improvements, changes in other funding sources applicable to public facility projects and other relevant factors and in accordance with the standards for impact fees set forth in Sec. 66.0617(6), Wis. Stats.
- (K) Appeal Procedure
  - (1) A developer upon whom an impact fee is imposed may, within fifteen days of the imposition of the impact fee, contest the amount, collection or use of the impact fee by filing a written request with the Town Board specifying the basis upon which an appeal is taken.
  - (2) Within thirty days of receiving a request for review by a developer, the Town Board shall either place the matter on its next regularly scheduled meeting or schedule a special meeting of the Town Board to hear the appeal of the developer.

**9.2.10.06 Engineering Fee**

The subdivider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with a plat, certified survey map, major land division, minor land division, subdivision or replat. Engineering work may include the preparation of construction plans and standard specifications. The Town Engineer also may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and



specifications. Inspection, approval, checking and review of all work performed and/or completed by the subdivider by the Town Engineer requires payment of the fees provided in Section 9.2.10 of this Chapter.

**9.2.10.07 Legal Fee**

The subdivider shall pay a fee equal to the cost of any legal work which may be undertaken by the Town in connection with a plat, certified survey map, major land division, minor land division, subdivision or replat. Legal work shall include, without limitation, the drafting of contracts between the Town and the subdivider, review of any documents required to be submitted under this Chapter, and any actions or proceedings to enforce this Chapter, together with all expenses and disbursements.

**9.2.10.08 Planning Fee**

The subdivider shall pay a fee equal to the actual costs to the Town for all planning work incurred by the Town in connection with a plat, certified survey map, major land division, minor land division, subdivision or replat. Planning work may include review of submissions for compliance with the Town’s Code, including the Town’s Comprehensive Plan.

**9.2.10.09 Escrow**

- (A) It is the responsibility of an applicant to reimburse the Town for all time spent by town staff reviewing the application. The Town Board shall have the discretion to determine what degree or level of effort or detail is required by town staff to conduct a complete review.
- (B) The applicant shall provide the Town with an escrow for the expenses associated with the review.
- (C) The Town reserves the right to deny the placement of an applicant's application on any agenda for consideration by the Town Plan Commission or Town Board due to insufficient funds or nonpayment of funds.
- (D) The fee requirement shall apply to all applications associated with the project or parcel. Independent applications will not be heard if any fee is unpaid.
- (E) All remaining or unused escrow amounts will be refunded to the applicant upon payment of all invoices.
- (F) The Town in its sole discretion shall be empowered to impose a special charge for the amount equal to the unpaid fees, upon each and every building site (or tax parcel) on the application, payable with the next succeeding tax roll.

**9.2.11 Definitions**

**9.2.11.01 General Definitions**

For the purposes of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular includes the plural; and the plural includes the singular. The word “shall” is mandatory and directory and the word “may” is permissive.

**9.2.11.02 Specific Words And Phrases**

- (A) Alley. A special public way affording only secondary access to abutting properties.
- (B) Arterial Street. A street used, or intended to be used primarily for fast or heavy inter-neighborhood or inter-community, through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highways and parkways.
- (C) Building Line. Lines generally parallel to a lot line and at a distance from the lot line as specified in the Town or County Zoning Ordinance and which delineates the buildable area of the lot or parcel.
- (D) Collector Street. An urban street used, or intended to be used, to carry traffic from minor streets to arterial street systems including the principal entrance streets to urban residential subdivision.
- (E) Community. A Town, incorporated municipality, or a group of adjacent Towns and/or incorporated municipalities having common social, economic or physical interests or characteristics.
- (F) Comprehensive Plan. An extensively-developed plan, also called a master plan, adopted by the Town Plan Commission and certified to the department concerning transportation, urban redevelopment, utilities and public transportation, facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building line ordinances and capital improvement programs may also be considered a part of the comprehensive plan.
- (G) County Land Use Department. The agency of County government in Ozaukee County having subdivision plat review and approval coordination authority.
- (H) Cul-de-Sac Street. A minor street closed at one end with a turn-around provided for vehicles.
- (I) Development (Urban). Residential, commercial, industrial, governmental and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities including, but not limited to: Full or part-time municipal police and fire protection, and community administration; additional public streets and highways; neighborhood parks and playgrounds; neighborhood schools; local libraries; public sanitary sewer facilities, public water supply facilities, and public solid waste removal; storm sewers; mass transit facilities; continual street maintenance; curbs, gutters, and sidewalks; street lighting; and neighborhood convenience shopping. Such development may be expected to alter or require the altering of land and land cover and have detrimental impact on the ground and surface waters. Historically, in southeastern Wisconsin, urban development occurs when residential development is concentrated in densities in excess of 0.2 dwelling units per gross acre (or one dwelling unit per five acres).
- (J) Development (Rural). Agricultural, residential, recreational and other open space development at such concentrations and densities not requiring traditional urban services and facilities. Historically, in southeastern

Wisconsin, when residential development densities are less than 0.2 dwelling units per gross acre (or one dwelling unit per five acres) such traditional urban services are not required. Such rural development may be expected to result in minimum disturbance of the land and land cover, and therefore, less impact on the natural environment.

- (K) Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one-and-one-half (1-1/2) miles of a fourth class City or a Village (Village of Saukville, Grafton or Mequon) and within three (3) miles of all Cities (City of Cedarburg or Port Washington) which have established a subdivision control ordinance pursuant to Section 62.23, Wis. Stats.
- (L) Face of Curb. The vertical portion of the curb facing the pavement on a nonmountable curb. On mountable curbs, the curb face is computed to be at a point seven (7) inches from the outside edge of the curb.
- (M) Floodlands. Those lands, including the floodplains, floodways, and channels, subject to inundation by the 100-year recurrence interval flood or, where such data is not available, the maximum flood of record.
- (N) Frontage Street. A minor street auxiliary to and located adjacent to an arterial street and used to control access to the arterial street and to provide access and service to the abutting properties.
- (O) High Water Elevation. The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinctive mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.
- (P) High Ground Water 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 variation of soil colors. In soils with restricted internal drainage, gray, yellow, red and brown colors are intermingled giving a multi-colored effect.
- (Q) Letter of Credit. An irrevocable letter of credit constituting an engagement by a commercial bank made at the request of the subdivider whereby the issuer will honor drafts or other demands for payment upon compliance with the conditions specified in the credit.
- (R) Lot. A parcel of land, whether acquired by one or more conveyances, having frontage on a public or other officially approved means of access 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 or County Zoning Ordinance or this and other Town Codes and Ordinances.
- (S) 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.
- (T) Lot, Double Frontage. A lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. Both street

lines on a double-frontage lot shall be deemed front lot lines but in the case of two or more contiguous double-frontage lots, there shall be a common front lot line.

- (U) Minor Street. A street used, or intended to be used, primarily for access to abutting properties.
- (V) Land Division. Any division of land, or any addition of adjacent lands, whether acquired by one or more conveyances, not defined as a “subdivision.” A “land division” can be either a major or a minor land division, and shall be made as required by this Chapter by either a Town Plat or Certified Survey Map.
  - (1) Major land divisions include all land divisions or additions of adjacent lands except minor land divisions.
  - (2) Minor land divisions include the division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels or building sites, any one of which is forty (40) acres or less in size; or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot; or any addition of adjacent lands which involves any combination of unplatted lands, platted land and/or land which is part of a certified survey map, and which results in the creation of not more than four (4) parcels or building sites. Such minor land divisions shall be made by a Certified Survey Map.
- (W) Municipality. An incorporated Village or City.
- (X) 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 having been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in Southeastern Wisconsin.
- (Y) Navigable Stream. Any stream capable of floating any boat, skiff, or canoe, of the shallowest draft used for recreational purposes at any one time of the year.
- (Z) Outlot. A parcel of land, other than a lot or block, so designated on the plat, but generally not of standard lot size, which can be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots.
- (AA) Preliminary Plan. A map showing the salient features of a proposed subdivision or major or minor land division submitted to an approving authority for purposes of preliminary consideration.
- (BB) Private Drive: Any path or way approved by the Town and used primarily for ingress and egress to and from residential lots by motor vehicles, for

which ingress and egress right is established by private easement and/or private ownership.

- (CC) Public Street: Any street, highway, road or other way owned by or dedicated to the Town of Grafton or other governmental entity and used primarily for public travel in motor vehicles.
- (DD) Public Way. Any public road, street, highway, walkway, drainageway, or part thereof.
- (EE) Replat. The changing of the boundaries of a recorded subdivision or Town Plat or part thereof.
- (FF) Shorelands. Those lands, in the unincorporated areas of Ozaukee County, lying within the following distances: 11,000 feet from the high water elevation of navigable lakes, ponds, and flowages or 300 feet from the high water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (GG) Soil Map. Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service.
- (HH) Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, major or minor land division or replat.
- (II) Subdivision. A division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where:
  - (1) The act of division creates 5 or more parcels or building sites of 1½ acres each or less in area; or
  - (2) Five or more parcels or building sites of 1½ acres each or less in area are created by successive divisions within a period of 5 years.
- (JJ) Surety Bond. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.
- (KK) Wetlands. Those lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to a high water table.
- (LL) Wisconsin Administrative Code. The rules of administrative agencies having rulemaking authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Sec. 35.93 and Ch. 227, Wis. Stat., including subsequent amendments to those rules.

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