

SECTION 18.0100---INTRODUCTION

18.0101....AUTHORITY

The regulations in this Chapter of the City of Pewaukee Codes and Ordinances are adopted under the authority granted by Chapters 62, 66, 236 and 254 of the Wisconsin Statutes. Therefore, the Common Council of the City of Pewaukee, Waukesha County, Wisconsin does ordain as follows:

18.0102...PURPOSE

The purpose of this Chapter is to regulate and control the division of land within the jurisdictional limits of the City of Pewaukee, Waukesha County, Wisconsin in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the City.

18.0103...INTENT

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

- a. Obtain the Wise Use, conservation, protection, and proper development of the City's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;
- b. Lessen Congestion in the streets and on the highways;
- c. Further the Orderly layout and appropriate use of land;
- d. Provide for Safety from fire, panic and other dangers;
- e. Provide Adequate Light and Air;
- f. Facilitate Adequate Provision for housing, transportation, water supply systems, storm water, waste water facilities, 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 or Control Erosion, sedimentation, and other pollution of surface and subsurface waters;
- j. Preserve Natural Vegetation and Cover and retain the natural beauty of the City;
- k. Restrict Building Sites on areas covered by poor soils, or in other areas poorly suited for development;
- l. Facilitate the Division of large 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
- q. Implement Those City, county, watershed, or regional plans adopted by the City, and in general to facilitate enforcement of City development standards as set forth in the adopted zoning ordinance as well as adopted regional, county and City comprehensive plans, adopted plan components, county shoreland zoning ordinance, and the City building code.

18.0104....ABROGATION AND GREATER RESTRICTIONS

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

18.0105....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 City and

shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

18.0106...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 City does not guarantee, warrant, or represent that only those soils listed as being unsuited for specific uses are the only unsuited soils within the City and thereby asserts that there is no liability on the part of the Common Council, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with this Chapter.

18.0107....REPEAL

All other codes and ordinances or parts of codes, ordinances or chapters of the City codes and ordinances inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed; and, specifically, Chapter 18 of the Codes and Ordinances of the City of Pewaukee in affect prior to the adoption of this comprehensive revision of that chapter is hereby repealed in its entirety.

18.0108....TITLE

This Chapter shall be known as, referred to, or cited as "CHAPTER 18 - LAND DIVISION ORDINANCE, CITY OF PEWAUKEE, WAUKESHA COUNTY, WISCONSIN". The common name of this ordinance is "Subdivision Regulations".

18.0109....EFFECTIVE DATE

This Chapter shall be effective after a public hearing, adoption by the Common Council, and publication or posting as provided by law.

SECTION 18.0200----GENERAL PROVISIONS

18.0201....JURISDICTION

Jurisdiction of this Chapter shall include all lands within the limits of the City of Pewaukee, Waukesha County, Wisconsin and its extraterritorial jurisdiction as established in Sections 62.23, 66.0105, 66.0415, 236.10 and 254.57 of the Wisconsin Statutes, except that the City's extraterritorial jurisdiction shall not include any land or water within the Towns of Brookfield, Delafield, Genesee, Merton or Waukesha and shall include only those lands in the Town of Lisbon lying within one-half (1/2) mile of the City boundary outside any other municipalities legal jurisdiction. The provisions of this Chapter as they apply to divisions of tracts or parcels of land into less than five (5) lots or parcels shall not apply to:

- a. Transfer of Interests in land by will or pursuant to court order;
- b. Leases for a term not to exceed ten years, mortgages or easements; and,
- c. Sale or Exchange of parcels of land between owners of adjoining property if additional lots or parcels are not thereby created and the lot(s) resulting are not reduced below the minimum sizes required by this Chapter, the City Zoning Ordinance, or other applicable laws, codes, or ordinances. In addition, however, all divisions of land which result in the creation of one (1) or more lots or parcels of land less than 20 acres in size shall be divided in accordance with these regulations. **Please note that any land division may require the rezoning of all or a portion of the lands involved. (See City Zoning Ordinance).**

18.0202...COMPLIANCE

No person, firm or corporation shall divide any land located within the limits of the City of Pewaukee which results in a subdivision, minor land division or a replat as defined herein; no such subdivision, minor land division or replat shall be entitled to recording; and, no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following documents:

- a. Chapter 236, Wisconsin Statutes;
- b. Rules of the Wisconsin Department of Industry, Labor and Human Relations regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made;
- c. Rules of the Wisconsin Department of Natural Resources relating to water quality and wetland development;
- d. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the state highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street;
- e. Duly Adopted Comprehensive Plan, or comprehensive plan component of the City of Pewaukee;
- f. The Waukesha County Shoreland Zoning Ordinance and all other applicable county ordinances; and,
- g. The City of Pewaukee Zoning Ordinance and supplements and amendments thereto, and all other applicable City codes and ordinances. (See www.cityofpewaukee.us and 'click' on ordinances)

18.0203...DEDICATION AND RESERVATION OF LANDS

- a. Streets, Highways and Drainageways. Whenever a tract of land to be divided within the City encompasses all or any part of an arterial or collector street, drainage way, or other public way which has been designated on a duly adopted City, 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 developer in the locations and dimensions indicated on said plan or map and/or as set forth in Section 18.0900 of this Chapter, whichever is larger.
- b. Parks and Playgrounds. Whenever a tract of land to be divided within the City encompasses all or any part of a park, parkway, hike/bike trail or playground which has been designated on a City, county, or regional comprehensive plan or comprehensive plan component adopted by the City, said park, parkway, or playground shall be made a part of the plat and dedicated or reserved by the developer in the locations and dimensions indicated on said plan and in accordance with the procedures set forth in subsection 18.0303 of this Chapter if the park, parkway, or parkland is not a disproportionate part of the subdivision. However, the City may, in lieu thereof, require that any park, parkway or playground be privately owned and held in joint ownership by and maintained for the benefit of the owners of lots within the subdivision.
- c. Easements. Whenever a tract of land to be divided within the City encompasses all or any part of an existing or proposed utility, access or drainage easement as established by action of a previous owner, the City Engineer, private or public utility, sanitary district, drainage district, soil and water conservation district, county, state or federal agency, such easement(s) shall be shown on and made a part of the plat or certified survey map (CSM).

18.0204....FEES

Any person proposing to create a certified survey map (CSM), Preliminary plat, Final plat or replat shall pay the City all fees as hereinafter required and as set forth in the City's Fee Schedule and at the times herein specified, before being entitled to recording of a Final Plat, CSM or replat. (See www.cityofpewaukee.us)

18.0205....IMPROVEMENTS

Following approval of a Preliminary Plat or Preliminary CSM, and prior to submittal of a Final Plat or CSM a Developers Agreement and Deed Restrictions (or Covenants) must be executed, and all improvements shall be installed or made to the satisfaction of the City Engineer within twelve (12) months from the date of Preliminary approval unless extended by mutual agreement or such approval will be considered null and void. In addition, the Common Council shall require a cash bond or approved letter of credit in an amount equal to 120 percent of the cost of completing such improvements as estimated by the City Engineer, as a guarantee that the required improvements will be made within a reasonable period prescribed by and to the satisfaction of the Common Council. Before approval of a Final Plat (or Final CSM) of all or any part of an approved Preliminary Plat (or, where required, a Preliminary CSM) of lands located within the City, the developer shall install all street, storm water management and utility improvements as hereinafter required or required in other City ordinances or by the Plan Commission. Any cash bond or letter of credit and any accrued interest shall remain in the custody of the City until the required improvements have been made to the satisfaction of the City Engineer. In no event shall the provision of a cash bond or letter of credit for completion of required improvements remove the burden of such completion from the developer.

In addition:

- a. Contractors and Subcontractors retained by the developer to construct street, storm water management and utility improvements on existing or proposed street rights-of-way or easements or to prepare contracts and contract specifications for such construction shall be subject to the approval of the Common Council upon the recommendation of the City Engineer.
- b. Survey Monuments. Before final approval of any plat or CSM within the City, the developer shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of Wisconsin Statutes and as may be required by the City Engineer, County Surveyor, or this Chapter.
- c. Governmental Units to which these contract provisions apply may file, in lieu of said contract, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

18.0206....VARIANCES

Where, in the judgment of the Common Council it would be inappropriate to apply literally the provisions of Section 18.0800 and 18.0900 of this Chapter because exceptional or undue hardship would result, the Common Council, upon recommendation of the Plan Commission and City Engineer may waive or modify any requirement to the extent deemed just and proper. No variance to the provisions of this Chapter shall be granted, however, unless the Common Council makes a specific finding based on documented evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- a. Exceptional Circumstances. There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Chapter would result in severe hardship. (Such hardships must not apply generally to other properties, be financial or be of such a recurrent nature as to suggest that this Land Division Ordinance should be changed.)
- b. Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- c. Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.

18.0207....LAND SUITABILITY

No land shall be divided or subdivided for a specific use(s) which is determined to be unsuitable for such use(s) by the City Engineer for reason of flooding, inadequate drainage, adverse soil conditions, rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future inhabitants of the proposed land division or of the City. Determination of suitability shall be based upon the following:

- a. Floodplain. No lot of 65,340 square feet or less in area and served by on-site soil absorption sanitary sewerage facilities shall include land lying within the 100 year recurrence interval floodplain. All such lots more than 65,340 square feet in area shall contain not less than 65,340 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. (Also see Chapter 17, City Zoning Ordinance.)
- b. Lowland Conservancy Lands. No lot of 65,340 square feet or less in area and served by on-site soil absorption sanitary sewerage facilities shall include land zoned Lowland Conservancy. All such lots more than 65,340 square feet in area shall contain not less than 65,340 square feet of land area which is not delineated as Lowland Conservancy. (Also see Chapter 17, City Zoning Ordinance.)
- c. Land Made, Altered, or Filled with non-earth materials shall not be divided into building sites unless specifically approved by the Plan Commission, upon recommendation of the City Engineer.
- d. Land Made, Altered, or Filled with earth within the preceding five (5) years shall not be divided into building sites which are to be served by on-site soil absorption sanitary sewage disposal systems.
- e. Lots Proposed To Be Served by on-site soil absorption sanitary sewage disposal systems shall have not less than 20,000 square feet in slopes of less than twelve (12%) percent.
- f. Lands Having Bedrock or Ground Water within five (5) feet of the natural undisturbed surface shall not be used for building sites to be served by subsurface on-site soil absorption sanitary sewage disposal systems except on the recommendation of the City Engineer.
- g. Lands Covered by Soils Having a Percolation Rate slower than 60 minutes per inch or faster than ten (10) minutes per inch shall not be used for building sites to be served by subsurface on-site soil absorption sanitary sewage disposal systems.
- h. The Soil Types Shown on Table 1, identified by both their alphabetical and numerical symbols and used by the U.S. Department of Agriculture, Soil

Conservation Service and the Southeastern Wisconsin Regional Planning Commission, respectively are soils which have very severe or severe limitations for the use of on-site soil absorption sanitary sewage disposal systems and may only be included in building sites where public sanitary sewerage facilities are not available, provided such building site contains not less than 20,000 square feet of other soils rated suitable for building construction and installation of an on-site soil absorption sanitary sewage disposal system.

- i. Lands Artificially Drained by farm drainage tile or farm ditch systems for the purpose of lowering the water table shall not be used for residential building sites.

The Common Council, upon recommendation of the Plan Commission, in applying the provisions of this section shall, in writing, recite the particular facts upon which it bases its conclusion that the land is unsuitable for the specific use(s) contemplated and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he so desires. Thereafter, the Common Council may affirm, modify, or withdraw its determination of unsuitability.

18.0208 ...OWNERS ASSOCIATIONS

Every land division resulting in the creation of five (5) or more building sites shall have a legally created homeowners or owners association comprised of property owners or their representatives within the land division boundaries that has the authority to administer the requirements of the deed restrictions (or covenants) regulating specific use of property and conduct within the land division, as required and approved by the City.

18.0209...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 City authorizing the building on, or improvement of, any subdivision, minor land division or replat within the jurisdiction of the City not of record on the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Common Council may institute appropriate action or proceedings to enjoin violations of any part of this Chapter or the applicable Wisconsin Statutes.

18.0210...PENALTIES

Any person, firm or corporation who violates or fails to comply with any 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. Violations and concomitant penalties shall include:

- a. Recordation improperly made, which violation carries penalties as provided in Section 236.30 of Wisconsin Statutes.
- b. Conveyance of lots in unrecorded plats carries penalties as provided in Section 236.31 of Wisconsin Statutes.
- c. Monuments disturbed or not placed carries penalties as provided for in Section 236.32 of Wisconsin Statutes.

In addition, an assessor's plat as set forth in Section 70.27 of Wisconsin Statutes may be ordered by the Common Council at the expense of the subdivider when a subdivision as defined herein is created by successive divisions.

18.0211....APPEALS

Any person aggrieved by an objection or failure to approve a Plat or CSM may appeal to the Common Council such objection or failure to approve as provided in Sections 236.13(5) of Wisconsin Statutes and Chapter 24 of the City Codes and Ordinances, within 30 days of notification of the rejection of the Plat or CSM. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action.

**TABLE 1
SOILS HAVING SEVERE OR VERY SEVERE LIMITATIONS(a)
FOR INSTALLATION AND OPERATION
OF ON-SITE SOIL ABSORPTION SANITARY SEWAGE DISPOSAL FACILITIES
IN WAUKESHA COUNTY, WISCONSIN**

B SEWRPC	c SCS	b SEWRPC	c SCS	b SEWRPC	C SCS
1	Ry	126	Dt	328	PrA
3	HmC2	142	MaA	330	Na
4	Mf	165	MaA	332	KeA
5W	Sg	174	MmA	339	-
7	Am	176	MzK	345	LmB
11	Am	178	GwB	346	-
11w	Ww	189	-	357	HmE
12	SeA	203	MmA	362	HmD2
15	-	206	RkB	364	LmB
26	MafA	208	KwB	369	AzA
28	-	212	Ph	386	Gf
37	MafA	212R	Pm	399	MtA
42	MgA	217	MzB	416	-
45	MzfA	231	BsA	417	-
48	Cw	233	MmA	419	SFr
51	AzA	250	WmA	451	HtA
54	Lo	261	-	452	Ac
59	-	278	KlA	453	Ac
76	Sm	298	AsA	456	Oc
78	Wma	299	BlA	458	Rv
79	Gd	303	-	461	Mzg
80	Sm	306	RIA	462	-
82	JuA	311	-	505	-
87	VsA	326	Dt	3251	EsA
124	SvA	327	Wa	3361	-

- a. For one or more of the following reasons: High or fluctuating water table, periodic flooding, groundwater contamination, silting, slow permeability, steep slopes, or proximity to bedrock.
- b. Soil number code as shown in Southeastern Wisconsin Regional Planning Commission Planning Report No. 8, Soils of Southeastern Wisconsin, and on SEWRPC 1"=1000' and 1"=2000' photo maps.
- c. Soil letter code as shown in the United States Department of Agriculture, Soil Conservation Service Soil Survey of Milwaukee and Waukesha Counties, Wisconsin, published in 1971, and as amended.

SECTION 18.0300----PRELIMINARY PLATTING PROCEDURE

18.0301....PRE-PRELIMINARY PLAT

The Land Division or Platting Procedure in the City of Pewaukee is dissimilar to such procedures in most other communities. The procedure is designed to accomplish the highest quality development possible given the physical and fiscal constraints involved in every development. Set forth in the following subsections are the procedures for preparing a Preliminary Plat (including a pre-preliminary plat) and post-preliminary plat improvements.

Prior to the filing of a Preliminary Plat for approval, the developer shall consult with the Plan Commission and/or its staff in order to obtain their review, advice and assistance in the preparation of a Preliminary Plat. Such consultation shall be termed the Pre-Preliminary Plat stage of the land division procedure and include the following steps and information:

- a. The Developer Shall prepare and submit to the City Planner and Plan Commission, along with a review fee as set forth in the City's Fee Schedule, a conceptual development scheme or sketch plan at a scale of 1"=100' or 1"= 200' for all the contiguous lands in which he has legal or equitable interest, which "sketch plan" shall constitute the Pre-Preliminary Plat.
- b. Such Sketch Plan Shall Include enough information to set forth the proposed development potential of the parcel to the satisfaction of the Plan Commission, and include at least the following:
 - (1) Topographic mapping at not greater than two (2) foot contour interval;
 - (2) Soil characteristics or interpretations secured from detail soil maps prepared by the U.S.D.A - Soil Conservation Service (SCS);
 - (3) The limits of woodland cover, designated wetlands and 100 year recurrence interval floodplain on the entire parcel;
 - (4) Location of lakes, ponds, streams, or "kettles", standing water, rock outcroppings and designated lowland conservancy areas on the parcel;
 - (5) Areas of steep slope conditions (12 percent or more), high water table conditions, and potential drainage and erosion problems;
 - (6) Existing and proposed access from proposed parcels to adjacent streets, road, or properties;
 - (7) Proposed street locations and widths;
 - (8) Proposed lots including size to the nearest one-tenth acre; and,
 - (9) Any other pertinent information useful to the developer and Plan Commission in their determination of developability of the parcel. Ten (10) copies of such

“sketch plan” shall be transmitted to the City Planner or City Engineer for review at least fourteen (14) days prior to the Plan Commission meeting at which such plan is to be discussed.

- c. Following Review and Approval of the Sketch Plan, the Plan Commission shall either reject the Pre-Preliminary Plat giving reasons for such rejection or approve the Pre-Preliminary Plat and make necessary and appropriate recommendations regarding rezoning of the parcel. Such review and approval of the sketch plan shall constitute conceptual approval only and does not necessarily bind the Plan Commission or Common Council to approval of the Preliminary Plat or rezoning of the land when submitted.
- d. Through the Pre-Preliminary Plat Procedure it is expected that the developer and Plan Commission will reach mutual conclusions regarding the general design and objectives of the proposed development and its possible effect or impact on the City. The developer will also gain a better understanding of the subsequent required procedures and the entire process may be expedited.

18.0302----PRELIMINARY PLAT REVIEW AND APPROVAL

Subsequent to Plan Commission review and conceptual approval of a Pre-Preliminary sketch plan and before submitting a Final Plat for approval, the developer shall prepare and submit a Preliminary Plat in accordance with these regulations along with a petition for rezoning of the lands (See City Zoning Ordinance at www.cityofpewaukee.us) within the boundary of the Preliminary Plat, pursuant to the following procedure:

- a. The Developer Shall File 21 Copies and a compact disk (CD) of the Preliminary Plat and supplemental documents along with the executed state and county review forms and a check made out as directed on the state and county forms, as well as the appropriate rezoning petition with the City Clerk at least 35 days prior to the meeting of the Plan Commission at which action is desired.
- b. At the Time of Submittal of a Preliminary Plat the developer shall pay an Administrative and Planning Review Fee as set forth in the City Fee Schedule. (See www.cityofpewaukee.us)
- c. The City Clerk Shall, Within Two (2) Regular Work Days After Filing, transmit two (2) copies of the proposed Preliminary Plat to the County Park and Land Use Department, four (4) copies to the Director of the Planning Function in the State Department of Commerce, one (1) copy to the Southeastern Wisconsin Regional Planning Commission, one (1) copy to each utility company involved, one (1) copy to the school district, five (5) copies for the Plan Commission and the Common Council, five (5) copies to the City Engineer, one (1) copy for the City Planner and, one (1) copy for the City Clerk’s file.
- d. The Common Council and state shall hereafter be referred to as approving agencies and all other public or private agencies shall be referred to as objecting agencies.
- e. The Approving and Objecting Agencies shall, within thirty-five (35) days of date of receiving their copies of the proposed Preliminary Plat, notify the developer 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 proposed Preliminary Plat or respond in writing and shall return that copy or letter to the City Clerk. If an approving or objecting agency, other than the City, fails to act within thirty (30) days, it shall be deemed to have no objection to the Plat.

- f. Prior to Plan Commission Review the City Engineer and City Planner shall review the Preliminary Plat for correctness, design, layout, and conformance with City plans, regulation, policies, standards and good engineering practice. The developer will be billed the actual cost of any technical work required to be accomplished by the City as a part of such review.
- g. The Preliminary Plat shall be reviewed by the Plan Commission for conformance with this Chapter and all codes, chapters, ordinances, rules, regulations, comprehensive plans, and comprehensive plan components of the City relating to the Plat and make its recommendations regarding the Preliminary Plat, any Final Plat staging, and the rezoning of the land encompassed within the plat to the Common Council.
- h. The Common Council, with or without the recommendations of the Plan Commission and the objecting or other approving agencies shall, within ninety (90) days of the date of filing of a Preliminary Plat with the City Clerk, approve, approve conditionally, or reject such Plat unless the time is extended by written agreement by the developer. One (1) copy of the Preliminary Plat shall then be returned to the developer 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 rejections shall accompany the Plat. At least one (1) copy each of the Preliminary Plat and the letter shall also be placed in the Common Council's permanent file. In addition, if the Preliminary Plat is recommended for approval, the Plan Commission shall also recommend the rezoning of the land.
- i. Failure of the Common Council to Act on the proposed Preliminary Plat within ninety (90) days from the date of filing of the Plat with the City Clerk, the time having not been extended as set forth herein and no unsatisfied objections having been filed, shall constitute approval of the Preliminary Plat.
- j. At the Time of Preliminary Plat Approval the Common Council shall, upon recommendation of the Plan Commission, also approve any rezoning of the property encompassed within the Preliminary Plat.
- k. Approval or Conditional Approval of a proposed Preliminary Plat shall not constitute approval of the Final Plat, but rather shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of detail street, storm water management, grading and utility plans and the Final Plat which will be subject to further consideration by the City Plan Commission and Common Council at the time of their submission. If, however, the Final Plat or a phase thereof is submitted within twelve (12) months of Preliminary Plat approval and conforms substantially to the approved Preliminary Plat layout, the Final Plat shall be entitled to approval with respect to such layout. Approval or conditional approval of a Preliminary Plat will, however, expire twelve (12) months after the last required Preliminary Plat approval is granted unless a Final Plat of at least one phase of the approved Preliminary Plat is submitted within such twelve (12) month period; or unless substantial physical work has been accomplished on development of the subdivision, as determined by the City Engineer; or unless the time is extended in writing by the City. In addition, with respect to a phased Final Plat, said twelve (12) month period shall be renewed and measured from approval of the last preceding Final Plat phase. After expiration of said twelve (12) month period the developer has the option of resubmitting the original Preliminary Plat for approval or submitting a newly designed Preliminary Plat in accordance with this subsection and subsection 18.0303.

- I. Following Approval of a Preliminary Plat and prior to submission of a Final Plat, the developer shall prepare and submit to the City for review, approval and execution a City Developers Agreement; Deed Restrictions (Covenants) and proceed to prepare improvement plans and obtain written approval of such plans by the City Engineer and provide a letter of credit as set forth herein. Following such approvals the developer shall install all required improvements in those areas proposed to be final platted and then prepare a Final Plat of those phases of the Preliminary Plat as proposed and submit such Final Plat to the City Clerk as outlined in Section 18.0400.

18.0303...PRELIMINARY PLAT DATA AND PREPARATION

- a. General. A Preliminary Plat shall be required for all subdivisions as defined herein and shall be based upon a survey by a registered land surveyor and the plat shall be prepared on reproducible drafting film at a graphic map scale of either 100 or 50 feet to the inch and shall also be furnished in reproducible electronic form (a CD) and shall show correctly on its face the following information:
 - (1) Title or name under which the proposed subdivision is to be recorded;
 - (2) Proper Location of the proposed subdivision by: government lot, quarter-section, section, township, range, county and state;
 - (3) General Location Sketch at either 1000 or 2000 feet to the inch showing the location of the subdivision within the U.S. Public Land Survey Section;
 - (4) Date, Graphic Scale, Numeric Scale and North Point;
 - (5) Names and Addresses of owner, developer, land surveyor and any other professional staff involved in preparing the plat;
 - (6) The Entire Area contiguous to the proposed plat in which the developer has a legal or equitable interest if such area is less than 100 acres in size even though only a portion of said area is proposed for immediate development. If 100 acres or more in size, the Preliminary Plat may include that area of such contiguous land which is proposed to be developed immediately if: the land area is included in an approved Pre-Preliminary sketch plan; the land area is at least 65 acres in size; and the remnant unplatted parcel is not less than 40 acres in size. The Common Council may modify the requirements of this subsection where it is determined unnecessary to fulfill the purpose and intent of this Chapter and physical hardship would result from strict application thereof.
- b. Plat Data. All preliminary plats shall show the following:
 - (1) Exact Length and Bearing of the exterior boundaries of the proposed subdivision referenced to two (2) section or quarter corner monuments established in U.S. Public Land Survey, and the total acreage encompassed thereby;
 - (2) Existing and Proposed Topography at Contour intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of 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 1929 (mean sea level). Such topography shall extend at least 50 feet beyond the boundaries of the proposed plat;
 - (3) Water Elevations of adjoining lakes and streams at the date of the survey and the approximate high and low water elevations, all referenced to mean sea level (1929 datum);

- (4) Wetland Limits as designated by SEWRPC, DNR or other authorized government agency;
- (5) The 100 year recurrence interval floodplain limits and the line lying a vertical distance of two (2) feet above or 75 feet landward from the elevation of the 100-year recurrence interval floodplain, whichever is further from the floodplain elevation.
- (6) 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 and immediately adjacent thereto;
- (7) 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);
- (8) Location and Names of any Adjacent Subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands;
- (9) Location, Size and Invert elevation of any existing sanitary sewers or storm sewers, culverts and drain pipes; the location of manholes, catch basins, hydrants, electric 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 feasibly 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.
- (10) Locations of all Existing Property Boundary Lines, structures, drives, streams and watercourses, lowland and upland conservancy areas, rock outcrops, wooded areas, railroad tracks and other similar significant natural or man-made features within the property being subdivided and immediately adjacent thereto;
- (11) Location, Width and Suggested Names of all proposed streets and public rights-of-way such as alleys and easements;
- (12) Approximate Dimensions of all Lots together with proposed lot and block numbers;
- (13) 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 division into lots;
- (14) Approximate Proposed Street Grades;
- (15) Existing Zoning adjacent to the proposed subdivision;
- (16) Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access;
- (17) Any Proposed Lake, Stream or Pond Improvement or relocation;
- (18) Soil Type, Slope, and boundaries as shown on the detached operational soil survey maps prepared by the U.S. Soil Conservation Service;
- (19) Location of Soil boring Tests, where required by Section H65.06(2) 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.

- (20) Location of Soil Percolation Tests where required by Section H65.06(3) of the Wisconsin Administrative Code, conducted in accordance with Section H65.06(4) of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are proposed to be installed. The number of such tests initially made shall not be less than 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;
- (21) Special Restrictions required by the Plan Commission such as those relating to points or areas of access control along public ways, provisions of planting screen areas, areas of fill or earth moving restriction, tree cutting/replacement, or areas of land clearance restriction;
- (22) School District in which the Plat is encompassed;
- (23) Proposed Zoning District(s) based on rezoning petition as well as the proposed staging of final platting.

18.0304...SPECIAL PLATTING REQUIREMENTS.

- a. Street Plans and Profiles. Subsequent to Preliminary Plat approval the plans and profiles of all proposed streets and alleys shall be submitted to the City Engineer showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon mean sea level (1929 datum), and plans and profiles shall meet the approval of the City Engineer. At the time of submittal of improvement construction plans and specifications the developer shall pay a public improvements review fee as estimated by the City Engineer to partially cover the cost to the City of checking and reviewing such plans and specifications. (See City Fee Schedule). The fee may be recomputed, upon demand of the developer or City Engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the developer. Evidence of cost shall be in such detail and form as required by the City Engineer.
- b. Testing. As a part of Preliminary Plat preparation the City Engineer may require the developer to provide that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table, Where the subdivision will not be served by public sanitary sewer service, the provisions of Chapter H65 of the Wisconsin Administrative Code shall be complied with, and the appropriate data submitted with the Preliminary Plat.
- c. Soil and Water Conservation. The City Engineer shall require the developer to provide soil erosion and sediment control measures based on guidelines and standards set forth in the City's Storm Water Management Plan and City Ordinance No. 19 and in the publication, Minimizing Erosion in Urbanizing Areas, as prepared by the U.S. Department of Agriculture, Soil Conservation Service, 1972 and its sequel, and shall be in accordance with standards set forth in Section 18.0800 when applicable, and by Waukesha County and Wis-DNR.
- d. Covenants. Subsequent to Preliminary Plat approval the Plan Commission shall require inclusion and submission of a draft of protective covenants or deed restrictions whereby the developer intends to regulate land use, density,

- environmental protection, property maintenance, and street and highway access in the proposed subdivision and otherwise protect the proposed development.
- e. Affidavit. The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he/she has fully complied with the provisions of this Chapter.

SECTION 18.0400....IMPROVEMENTS

18.0401....REQUIRED IMPROVEMENTS

- a. Survey Monuments. The developer shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the City Engineer.
- b. Grading. After the installation of temporary block corner monuments by the developer and establishment of street grades by the City Engineer, and unless otherwise stipulated by the Plan Commission in writing, the developer shall grade the full width of the right-of-way of all rural streets and the area within three (3) feet outside the proposed curbs on all urban streets proposed to be dedicated in accordance with plans and standard specifications approved by the City Engineer. The developer shall grade the roadbeds in the street rights-of-way to subgrade. Any necessary cut and filled lands outside of street right-of-way shall be graded to a maximum slope of twenty-five (25%) percent or the soils angle of repose, whichever is the lesser. All graded lands, with the exception of roadbeds of streets, shall be treated for sediment and erosion control purposes as set forth in Section 18.0402 of this Chapter and the City Ordinance No. 19.
- c. Surfacing. After the installation of all public sanitary sewers, water mains and storm water drainage improvements including the installation of curb and gutter, if required, the developer shall surface all roadways in streets proposed to be dedicated to the widths prescribed by this Chapter and the other comprehensive plan components and regulations of the City. Said surfacing shall be accomplished in accordance with plans and standard specifications approved by the City Engineer and in conformance with the adopted street construction standards of the City.
- d. Curb and Gutter. Unless the Plan Commission and Common Council have agreed that a rural cross section may be used, the Common Council shall require the developer to construct concrete curbs and gutters in all subdivisions in accordance with plans and standard specifications approved by the City Engineer. In addition, curbs and gutters may be required by the Common Council on streets adjacent to uses which generate volumes of traffic in excess of 1600 ADT, or on streets where because of steep topography, conditions cannot be overcome by redesign. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.
- e. Rural Street Sections. When permanent rural street sections have been approved by the Common Council the developer shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts or otherwise prevent erosion and sedimentation in accordance with plans and standard specifications approved by the City Engineer and as set forth in Section 18.0402 and Ordinance No. 19 and in the adopted City street construction standards.
- f. Sidewalks, Bicycle Paths and Other shared use paths.
 - (1) In All Land Divisions the Common Council may require the developer to construct a concrete sidewalk on one side of all frontage streets, and on both sides of all other through, and/or continuous streets within the land division.

The Common Council may also require the developer to construct concrete sidewalks on one or both sides of all dead end or cul-de-sac streets which are in excess of 900 feet in length or on streets which serve uses other than single family development. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the City Engineer.

- (2) In Addition, Wider Than Standard Sidewalks may be required by the Common Council in the vicinity of schools, commercial areas and other places of public assemblage, and the Common Council may require the construction of sidewalks in locations other than required under the preceding provisions of this ordinance if such walks are necessary in its opinion, for safe and adequate pedestrian circulation. Paved bike/pedestrian trails may be required as a means of linking residential subdivisions to the City park and parkway system and to the County system of parkways and bike/hike paths/trails.
- g. Public Sanitary Sewerage and Private Sewerage Disposal Systems. When public sanitary sewerage facilities are available to the land division such facilities shall be designed and constructed in accordance with all applicable rules and regulations in Section 127 of the Wisconsin Administrative Code and approved by the City Engineer. When it is proposed to establish a private sanitary sewerage system to serve two (2) or more lots, the developer shall cause sanitary sewerage facilities to be constructed in such a manner as to make adequate sanitary sewerage service available to each lot within the land division. In addition:
- (1) The Common Council shall require the installation of sewer laterals to the street lot line.
 - (2) The Size, Type and Installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and standard specifications approved by the City Engineer.
 - (3) In that area of the City where the Lake Pewaukee Sanitary District has been given jurisdiction of public sanitary sewerage systems (south of Lake Pewaukee and west of Meadowbrook Road) such plans and specifications shall be further subject to approval by the Sanitary District Board.
 - (4) The Developer Shall Assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed land division and their connection to the City sewer mains as stipulated in adopted regulation or policy of the Common Council.
 - (5) All Sanitary Sewerage Facilities constructed by the developer to serve the proposed subdivision shall be dedicated to the appropriate public agency having jurisdiction upon demand and upon conditions set forth in City Codes and Ordinances and developers agreements.
- h. Storm Water Drainage Facilities. The developer shall construct storm water drainage facilities, adequate to serve the land division which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, culverts, open channels, water retention/detention structures, infiltration ponds, swales, 'rain gardens', settling basins and other measures deemed appropriate by the City Engineer. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow through and from the land division 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:

- (1) Unpaved Road Ditches and back slopes shall be shaped and the soil stabilized by seeding and/or sodding as grassed waterways as determined by the City Engineer. The bottom or “V” of all drainage channels or ditches having a slope of three (3) percent or more along the channel shall be sodded with grass strips laid perpendicular to the slope of the drainage channel. Where the velocity of flow is expected to be in excess of six (6) feet per second on other soils, the developer shall install a paved invert or check dams, flumes, velocity attenuators or other energy dissipating devices.
 - (2) Drainage Facilities, if required by the City Engineer, shall include water retention/detention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge directly into streams 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 stabilized in accordance with the construction standards approved by the Common Council.
 - (3) The Developer Shall Assume the cost of installing all storm drainage facilities within the proposed subdivision as stipulated in adopted ordinances or policies of the City.
- i. Water Supply Facilities. When public water supply and distribution facilities are available to the land division to serve two (2) or more lots, the developer shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the land division. The developer shall make provision for adequate private water systems as required by the City in accordance with the standards of the Wisconsin Department of Commerce (DComm). In addition:
- (1) The Common Council shall require the installation of water laterals to the street lot line.
 - (2) The Size, Type, and Installation of all public water mains proposed to be constructed shall be in accordance with the construction standards approved by the Common Council.
 - (3) The Developer Shall Assume the cost of installing all water system appurtenances within the proposed land division and their connection to the City water mains as stipulated in adopted ordinances and policy of the Common Council.
 - (4) All Water Supply Facilities constructed by the developer to serve the proposed subdivision shall be dedicated to the appropriate public agency having jurisdiction upon demand and upon conditions set forth in City Codes and Ordinances and developers agreements.
- j. Other Utilities. The developer shall cause electrical power, communication cables, and where possible, natural gas to be installed in such a manner as to make adequate service available to each lot in the land division. All electrical or communication cable shall be located underground unless otherwise allowed by the Plan Commission due to exceptional topography or other physical barrier. Plans showing the proposed location of all gas, electrical power and communication cable lines required to service the plat shall be approved by the City Engineer. Once installed, it shall be the responsibility of the developer to complete or cause the completion of the restoration of any lands disturbed by such installation to the satisfaction of the City Engineer.

- k. Street Lamps. The Plan Commission shall require the developer to install street lamps of a design compatible with the neighborhood and type of development proposed at or near the intersection of all streets proposed to be dedicated and may require the installation of street yard lights on each lot or in front of each building within the subdivision/development. Such “yard lights” shall be placed outside of but within ten (10) feet of the public right-of-way, shall be not more than ten or less than six (6) feet in height and shall be the responsibility of the property owner.
- l. Street Name and Traffic Control Signs. The Common Council shall require the installation of standard street signs at the intersection of all streets and the developer shall reimburse the City for the cost of such signs – plus cost of installation. In addition, the cost of any traffic control signs plus cost of installation placed by the City on completed streets within one (1) year of the date of such completion shall be reimbursed by the developer.
- m. Planting Screens.
 - (1) Street Trees. In an urban subdivision as well as rural subdivisions the Plan Commission may require the installation of street trees or other development landscaping. In such an event, the trees and/or landscaping shall be of a species acceptable to and specified as to location, type and size by the Plan Commission. The required trees and shrubs shall be planted in accordance with plans and specifications approved by the Plan Commission. The Plan Commission may accept tree plantings arranged in groupings rather than spaced equally in rows. The provision of such tree planting shall be by the establishing by the developer of a street tree planting escrow fund of such amount to allow the City to complete the afore-described planting at such time as more than seventy (70) percent of the land uses on the street are in place. Trees with a caliper measurement of two inches or more existing within the subdivision boundary prior to development must be retained unless the developer has prepared a ‘tree growth’ plan that has been approved by the Plan Commission.
 - (2) Planting Screens. When the Plan Commission requires a planting/ landscaping screen between conflicting land uses, and/or to provide visual and sound screening along arterial streets or highways, such plantings shall be included in the aforementioned ‘tree growth’ plan and placed by the developer within a designated planting easement of adequate width but not less than thirty (30) feet, and shall conform to plans required as a part of the Preliminary Plat submittal, and in accuracy and detail sufficient for review by the Plan Commission. The developer may provide for such screen plantings/landscaping by following the above described escrow fund creation.
- n. Erosion and Sediment Control. The developer shall prepare an erosion and sediment control plan in accordance with the City Ordinance No. 19 and best management and engineering practices. Based on such a plan, once approved by the Plan Commission and City Engineer, the developer shall plant those grasses, trees, and vines, a species and size specified on the Plan Commission approved plans in order to prevent soil erosion and sedimentation. The Plan Commission may require the developer to provide or install certain protection and rehabilitation measures, such as: walls, fencing, slopes, sodding and/or seeding, trees, shrubs, riprap, wells, revetment, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures. In addition:

- (1) Tree Cutting and Shrubbery Clearing on wooded parcels shall not exceed 30 percent of the lot or tract or as otherwise specified in the City Zoning Ordinance, and shall be so conducted as to prevent erosion and sedimentation, preserve and improve scenic qualities; and, during foliage, substantially screen any development from stream or lake users.
 - (2) Paths and Trails in wooded and wetland areas shall not exceed six (6) feet in width unless otherwise approved by the Plan Commission, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.
 - (3) Earth Moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagoon construction, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, and topography, (see Section 18.0402).
 - (4) Review of the Conduct of All Cutting, Clearing, and Moving may be requested of governmental experts in the appropriate fields of endeavor by the Common Council or Plan Commission as they deem appropriate.
- o. Optional Provision of Public Utilities and Facilities. If for any reason the developer fails to install public utilities or facilities as prescribed herein or as required or ordered by the Common Council pursuant to this Chapter, the Common Council may install such improvements and assess the full cost of such installations plus ten (10) percent for administration against the developer or property owner as set forth in Section 66.60 of the Wisconsin Statutes. Also, the City and developer may agree to have public improvements installed by the City pursuant to Section 66.60 of the Wisconsin Statutes.
- p. The Developer will be billed the actual cost of review and supervision by the City staff of the construction of all improvements.

18.0402....CONSTRUCTION

- a. Commencement. No construction or installation of improvement shall commence in a proposed subdivision until the Preliminary Plat or Preliminary CSM has been approved by the Plan Commission, concurred in by the Common Council where applicable, and the City Engineer has given written authorization for such commencement.
- b. Building Permits. No building, zoning, or sanitary permits shall be issued for erection of a structure on any lot not of record on August 1, 1987 until all the requirements of this Chapter, Waukesha County and the State of Wisconsin have been met.
- c. Occupancy Permit. No occupancy permit shall be issued until all requirements of this Chapter and Chapters 17, 19 and 25 are met to the satisfaction of the Building Inspector and the streets serving the parcel of land to be occupied have been completed sufficiently to be traversed by emergency vehicles in all normal weather conditions as specified by the City Engineer.
- d. Plans. When applicable, the following plans and accompanying construction specification will be required by the City Engineer and shall be reviewed by the Plan Commission and the City Engineer before authorization of construction or installation of improvements:
 - (1) Street Plans and Profiles showing existing and proposed grades, elevations and cross-sections of required improvements.

- (2) Sanitary Sewer plans and profiles, showing the locations, grades, sizes, elevations and materials of required facilities and appurtenances.
 - (3) Storm Water Management plans and profiles, showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities and appurtenances pursuant to City Ordinance No. 19.
 - (4) Water Main plans and profiles, showing the locations, sizes, elevations and materials of required facilities and appurtenances.
 - (5) 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 City Ordinance No. 19.
 - (6) Planting Plans showing the locations, age, caliper, and species of any required grasses, vines, shrubs, and trees. [See 18.0401m(1)]
 - (7) Master Grading Plan showing existing and final contour intervals.
 - (8) Plans for All Private Utilities.
 - (9) Additional Special Plans or information as required by the Plan Commission or City Engineer.
- e. Erosion Control. The developer 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 City Ordinance No. 19, Wis-DNR NR 216 and other City plans and specifications and at such times as approved by the City Engineer. Such erosion control may include but is not limited to the following measures:
- (1) Sod Laid in Strips at right angles to the direction of drainage at those intervals necessary to prevent erosion.
 - (2) Temporary Vegetation and mulching immediately provided to protect critical areas, with permanent vegetation installed as soon as practical.
 - (3) Construction at any given time being confined to the smallest practical area and for the shortest practical period of time.
 - (4) Sediment Basins installed and maintained, temporarily, at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.
 - (5) Erosion Fences installed as required by the City Engineer and/or Building Inspector.
 - (6) Permanent Retention or Detention Ponds and water dissipating devices installed pursuant to a specific plan(s) prepared by the developer or his agent and approved by the City Engineer.
 - (7) Stabilization of soils as specified by best management practices.
- f. Existing Flora. The developer shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying within public roadways, drainageways, buildings foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Any such flora 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.
- g. Filling or Excavation. Any earth materials imported to the site or exported from the site shall require permission of the Plan Commission.
- h. Inspection. The developer, prior to commencing any work within the land division, shall make arrangements with the City Engineer to provide for adequate inspection. The City Engineer shall inspect and approve, in writing, all required

or necessary work prior to Final Plat approval and prior to the release of any sureties.

- i. Changes and Modification. The City Engineer or the developer may petition the Common Council to secure changes or modifications to an approved Preliminary Plat or Preliminary Certified Survey Map as the development progresses.

SECTION 18.0500....FINAL PLATTING PROCEDURE

18.0501....FINAL PLAT REVIEW AND APPROVAL

Within twelve (12) months from date of approval of the Preliminary Plat, the time not being extended by the Plan Commission, the developer shall submit a Final Plat in accordance with this Section, as follows:

- a. Partial Platting. If 20 or more acres in area, the approved Preliminary Plat may be final platted in phases with each phase encompassing at least ten (10) acres or twenty (20%) percent of the area of the approved Preliminary Plat, whichever is larger.
- b. The Developer Shall File the original and thirteen (13) copies of the proposed Final Plat with the City Clerk at least 35 days prior to the meeting of the Plan Commission at which action is desired.
- c. At the Time of Application for Final Plat approval, the developer shall pay an administrative review fee as set forth in the City's official fee schedule. If the developer elects to Final Plat in phases, the Common Council shall require a timetable of estimated completion of development of the entire property included in the Preliminary Plat at or prior to the time of submittal of the first phase of the Final Plat.
- d. The City Clerk Shall, Within Two (2) Regular Work Days After Filing, transmit two (2) copies to the County Park and Land Use Department; the original and two (2) copies to the Director of the Planning Function in the State Department of Development; five (5) copies to the City Engineer; one (1) copy to the City Planner, two (2) copies to the Plan Commission; and, one (1) copy to the City Clerk.
- e. The Approving and Objecting Agencies shall, within 35 days of the date of receiving their copies of the proposed Final Plat, notify the developer 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 proposed Final Plat and shall return that copy to the City Clerk. If an objecting or approving agency, other than the City, fails to act within thirty (30) days, it shall be deemed to have no objection to the Plat.
- f. The Plan Commission shall examine the Final Plat for conformance with the approved Preliminary Plat, conditions of approval of the Preliminary Plat, this Chapter and all codes, chapters, ordinances, rules, regulations, comprehensive plans, and comprehensive plan components which may affect it, and shall, within forty (40) days from the date of filing with the City Clerk, recommend approval, conditional approval or rejection of the Final Plat to the Common Council.
- g. Notification. The Plan Commission shall, at the time it recommends approval of a Plat to the Common Council, give at least ten (10) day prior written notice of its recommendation to the Clerk of any municipality within 1,000 feet of the Proposed Final Plat.
- h. The Common Council Shall, Within Sixty (60) Days of the Date of Filing the Original Proposed Final Plat with the City Clerk, approve or reject such Plat unless the time is extended by mutual written agreement with the developer. If the proposed Final Plat is rejected, the specific reasons shall be stated in the

minutes of the meeting and a written statement of the reasons forwarded to the developer. The Common Council may not inscribe its approval of the Final Plat unless the City Clerk certifies on the face of the Final Plat that the copies were forwarded to objecting and approving agencies as required herein, the date thereof, and that no objections have been filed within thirty (30) days, or if filed, have been met.

- i. Failure of the Common Council to take action on the Final Plat within sixty (60) days from the date of filing the proposed Plat with the City Clerk, the time having not been extended by mutual agreement and no unsatisfied objections having been filed, shall constitute approval of the Final Plat.
- j. Recordation. After the Final Plat has been approved by the Common Council and required improvements either installed or a cash bond or irrevocable letter of credit insuring their installation is filed with the City Clerk, all fees paid and any conditions imposed at the time of initial approval met, the City Clerk shall cause the certificate inscribed upon the Final Plat attesting to such approval to be duly executed and the Final Plat returned to the developer for recording with the County Register of Deeds. The Register of Deeds shall not record the Final Plat unless it is offered within thirty (30) days from the date of the City Clerks signature.
- k. Copies. The developer shall file six (6) copies of the approved Final Plat with the City Clerk for distribution to the City Planner, City Engineer, Building Inspector, Assessor, and other affected departments for their files. Also, one (1) certified copy of the Final Plat as recorded by the County Register of Deeds and a CD thereof shall be filed with the City Clerk by the developer.

18.0502....FINAL PLAT DATA AND PREPARATION

- a. General. A Final Plat prepared by a registered land surveyor shall be required for all subdivisions or phases thereof. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.
- b. Additional Data Requirements. The final Plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:
 - (1) Exact Length and Bearing of the centerline of all streets;
 - (2) Exact Street Width along the line of any obliquely intersecting street;
 - (3) Railroad, Utility, and Pedestrian Rights-of-Way within and abutting the plat;
 - (4) Setbacks or Building Setback Lines required by the Plan Commission or other City or County laws, codes, chapters, or ordinances;
 - (5) Utility, Drainage and Pedestrian Easements;
 - (6) All Lands Dedicated for Public Use, reserved for future public acquisition, or reserved for the common use of property owners within the Plat and, unless specifically stated otherwise by the Plan Commission or Common Council, such lands must be placed in an "outlot".
 - (7) Special Regulations required by the Plan Commission such as those relating to points or areas of access control along public ways, provision of planting screen areas, areas of fill or earth moving restrictions, or areas of land clearance restrictions; and,
 - (8) Utilities, showing their exact location and depth.
- c. Surveying and Monumenting. All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.
- d. Survey Accuracy. The City Engineer shall examine all Final Plats within the City's jurisdiction and where appropriate, make field checks for the accuracy and

closure of survey, accuracy of topographic data, the proper kind and location of monuments, and the legibility and completeness of the drawing. In addition:

- (1) Maximum Error of Closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in ten thousand (1:10,000), nor in azimuth, four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
 - (2) 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.
 - (3) Where the Plat is Located within or adjacent to a U.S. Public Land Survey one-quarter section the corners of which have been relocated, monumented, and coordinated by Waukesha County, the City of Pewaukee or the Southeastern Wisconsin Regional Planning Commission, the tie required by Section 236.20(3)(b) of the Wisconsin Statutes plus a second tie required by the City Engineer shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monuments marking the relocated section or quarter corners to which the plat is tied shall be indicated on the Plat. The grid bearing and distance of the ties shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
 - (4) The Common Council shall receive the results of the City Engineer's examination prior to approving the Final Plat.
- e. State Plane Coordinate System. Where the Plat is located within, or immediately adjacent to a U.S. Public Land Survey one-quarter section the corners of which have been relocated, monumented, and coordinated by Waukesha County, the City of Pewaukee, or the Southeastern Wisconsin Regional Planning Commission, the Plat shall be tied directly to two of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such ties shall be determined by field measurements, and the material and Wisconsin State Plane coordinates of the monuments marking the relocated section or 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 Zone, and adjusted to the County's control survey.
 - f. Certificates. All Final Plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he/she has fully complied with all the provisions of this Chapter.
 - g. Protective Covenants. The Plan Commission may require that any and all protective covenants (or deed restrictions) be filed with the Final Plat.
 - h. Fees. The developer shall pay all fees applicable to the proposed Final Plat to the City Clerk at the time the Final Plat is first submitted for Plan Commission review and approval, and in the following amounts;

- (1) Administrative Review Fee as set forth in the City's official fee schedule.
- (2) Any unpaid Improvement Review Fee as set forth in Section 18.0400.
- (3) To offset the cost of City staff inspection of the surveying, engineering and improvement construction, the developer shall pay a fee equal to the actual cost to the City for such inspection as the City Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and codes and ordinances of the City or any other governmental authority.
- (5) The developer shall pay a fee equal to the actual cost to the City for all engineering work incurred by the City in connection with any Preliminary or Final Plat or Certified Survey Map. Engineering work shall include the preparation of construction plans and standard specifications. The City Engineer may permit the developer 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, checking and reviewing of work by the City Engineer requires fees as provided above.
- (6) The developer shall pay a fee equal to the cost of any legal work which may be undertaken by the City in connection with any Preliminary or Final Plat or Certified Survey Map. Legal work shall include the drafting of contracts between the City and the developer; review of draft agreements and any actions or proceedings to enforce this Chapter, together with expenses and disbursements.

SECTION 18.0600.... MINOR LAND DIVISION (CSM) PLATTING PROCEDURE

18.0601....MINOR LAND DIVISION REVIEW AND APPROVAL

When it is proposed to divide land into at least two (2) but not more than four (4) parcels or building sites any one of which is less than twenty (20) acres in size; or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or outlot; (thus not constituting a 'Subdivision' as defined in Section 18.1000 of this Chapter), such division of land shall constitute a Minor Land Division and the developer shall subdivide by use of a Certified Survey Map, (CSM) as follows:

- a. If the Proposed Minor Land Division Includes within its boundaries proposed street, drainage, or utility improvements which will ultimately become the jurisdiction of the City, the developer, the Plan Commission and Common Council shall be required to follow the same procedure as set forth in Section 18.0301 of this Chapter, except that the Preliminary CSM shall be prepared as set forth in Section 18.0302.
- b. If the Proposed Minor Land Division Does Not Include such improvements, the subdivider, the Plan Commission and the Common Council shall be required to follow the applicable procedure set forth in this section.
- c. Following Applicable Preliminary or Pre-Preliminary Approval of such Minor Land Division, the subdivider shall prepare a Final Certified Survey Map in accordance with the following provisions and shall file the original and three (3) 'hard' copies plus a CD of the final Certified Survey Map along with any petition for rezoning of the lands within the CSM with the City Clerk at least 35 days prior to the Plan Commission meeting at which action is desired.
- d. At the Time of Submittal of a Certified Survey Map for approval the developer shall pay an administrative review fee as set forth in the City's official fee schedule.

- e. The City Clerk Shall, Within Two (2) Normal Work Days After Filing, transmit copies of the Final Certified Survey Map and letter of application to the Plan Commission, City Engineer; and to all agencies and persons entitled to a copy according to Wisconsin Statutes for their review and recommendations concerning matters within their jurisdiction. (State, County).
- f. Recommendations of Such Persons or Agencies shall be transmitted to the City Clerk within 35 days from the date of receipt of the Final Certified Survey which shall then be reviewed by the Plan Commission for conformance with this Chapter and all adopted ordinances, rules, regulations, and comprehensive plan components.
- g. The Plan Commission Shall, Within Thirty (30) Days From the Date of Filing of the final Certified Survey Map, recommend approval, conditional approval or rejection of the Map, and shall transmit the Map along with its recommendations to the Common Council.
- h. Regarding the Certified Survey Map and Any Necessary Rezoning of the Land Involved, the Common Council Shall approve, approve conditionally, or reject such Final Certified Survey Map within sixty (60) days from the date of filing of said Map with the City Clerk unless the time is extended by mutual agreement with the owner/developer. If the Map is rejected, the reason shall be stated in the minutes of the meeting at which such action is taken and a written statement forwarded to the owner and subdivider. If the Map is approved, the Common Council shall direct the City Clerk to so certify on the face of the original Map. If the Map is submitted within twelve (12) months of the approval of a required Preliminary Certified Map and conforms to such approved Preliminary Certified Survey Map, the Final CSM shall be entitled to approval.
- i. Failure of the Common Council to take appropriate action on the Final CSM within sixty (60) days from the date of first filing with the City Clerk, the time not having been extended by the developer, shall constitute approval of the Final CSM and it shall be entitled to certification by the City Clerk and recording by the County Register of Deeds.
- j. Recordation. After the Final CSM has been approved by the Common Council and any required improvements either installed or a cash bond or irrevocable letter of credit insuring their installation is filed with the City Clerk, all fees paid, and any/all conditions of approval met, the City Clerk shall cause the certificate inscribed upon the Map attesting to such approval to be duly executed and the Final CSM returned to the developer for recording with the County Register of Deeds. The Register of Deeds shall not record the CSM unless it is offered within thirty (30) days from the date of the City Clerk's signature.
- k. Copies. The subdivider shall file four (4) 'hard' copies plus a CD of the Final CSM with the City Clerk for distribution to the City Engineer, Building Inspector, Assessor and other affected departments and agencies for their files. Also, one certified copy of the Final Certified Survey Map, as recorded, shall be retained by the City Clerk for the City files.

18.0602....COMBINATION OF EXISTING LOTS OR PARCELS

When it is proposed to combine two or more lots or parcels or portions thereof, such combination shall be accomplished by use of a CSM and the procedure for creation, submittal and processing of such CSM shall follow the same procedures as set forth in sections 18.0601 and 18.0603 except that the property line(s) within the boundaries of the CSM that is proposed to be removed shall be shown on the CSM

as a dotted or dashed line and labeled as a 'original or previous lot line – to be removed'.

18.0603...CERTIFIED SURVEY MAP DATA AND INFORMATION

- a. General. A Final Certified Survey Map prepared by a registered land surveyor shall be required for all Minor Land Divisions as defined herein. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. When required as set forth in Section 18.0601 of this Chapter, a Preliminary CSM shall also be prepared as set forth in this Section. The design and improvements relating to a Minor Land division shall also comply with the design standards and improvement requirements set forth in Sections 18.0700 and 18.0900 of this Chapter.
- b. Additional Required Data. Both Preliminary and Final CSMs shall show correctly on their face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:
 - (1) All Existing buildings, watercourses, drainage ditches, and other features pertinent to proper land division;
 - (2) Setbacks or Building Setback Lines required by the Plan Commission or other City or County Ordinances;
 - (3) Utility, drainage, and access easements;
 - (4) All Lands Dedicated for Public Use or reserved for future acquisition;
 - (5) Date of the CSM;
 - (6) Graphic Scale and North Point;
 - (7) Name and Address of the owner, subdivider, and surveyor;
 - (8) Location of all Soil Boring and Soil Percolation Tests conducted in accordance with Section H65.06 of the Wisconsin Administrative Code. The written results of such test shall be submitted along with the CSM.
 - (9) All Proposed Streets, Roads, or Highways within 200 feet of the boundaries of the parcels created by the Minor Land Division;
 - (10) A Required Preliminary CSM shall include existing and proposed contours as set forth in Section 18.0601.
 - (11) The Elevation at each lot; and,
 - (12) Utilities, showing their exact location and depth.
 - (13) One hundred year recurrence interval floodplain boundary.
- c. State Plane Coordinate System. Where the CSM is located within or adjacent to a U.S. Public Land Survey one-quarter section the corners of which have been relocated, monumented, and coordinated by Waukesha County, City of Pewaukee, or the Southeastern Wisconsin Regional Planning Commission, the CSM shall be tied directly to two of said section or quarter corners as set forth in Section 18.0502.
- d. Certificates. The surveyor shall certify on the face of the CSM that he/she has fully complied with all the provisions of this Chapter. The Plan Commission and Common Council, after a recommendation by the approving agencies, shall each certify its approval on the face of the CSM. Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2) of Wisconsin Statutes.
- e. Recordation and Fees. The CSM shall be transmitted to the owner/developer for recording by the County Register of Deeds only after the certificates of the Plan Commission and Common Council and the surveyor are placed on the face of the CSM and after all applicable fees have been paid.

SECTION 18.0700....REPLAT REVIEW AND APPROVAL

When it is proposed to Replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the developer or person wishing to replat shall vacate or alter the recorded Plat as provided in Section 236.40 through 236.44 of the Wisconsin Statutes. The developer, or person wishing to replat, shall then proceed as specified in Sections 18.0300 through 18.0600 of this Chapter. The City Clerk shall request that the City Planner schedule a public hearing before the Plan Commission when a proposed Preliminary Plat of a replat of lands within the City 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 600 feet of the exterior boundaries of the proposed Replat.

SECTION 18.0800....DESIGN STANDARDS

- a. Street Arrangement. In any new 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 City of Pewaukee. In addition, streets shall be constructed in conformance with the adopted construction standards of the City or other jurisdictions as applicable. 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, and to the most advantageous development of adjoining areas. The Land Division shall be designed so as to provide each lot or parcel with satisfactory access to a public street without thereby causing undue conflict with existing or anticipated traffic flow on such streets. In addition:
- (1) Arterial Streets and Highways, 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 county and state trunk highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect in order to provide for cross-community traffic movement.
 - (2) Collector Streets, as hereafter defined, shall be arranged so as to provide collection of traffic from the interior of residential plats, neighborhoods or business 'parks' and conveyance of such traffic to the arterial street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the arterial and other major streets to which they connect.
 - (3) 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, utility systems, and to require the

- minimum street area necessary to provide safe and convenient access to abutting properties.
- (4) Proposed Streets Shall Extend to the boundary lines of the property being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent lands, in which case a permanent cul-de-sac shall be provided in accordance with City design standards. Such permanent cul-de-sac streets shall be no longer than 900 feet measured from the center of the 'sac' to the nearest street intersection having access to an arterial or collector street. The Plan Commission may require a temporary "turn-around" or a full cul-de-sac at the end of streets that extend to the boundary of the plat if such extension would facilitate future appropriate access to abutting undeveloped lands. 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 developer.
 - (5) Arterial Street and Highway Protection. Whenever the proposed Land Division 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 parcels, with screen planting contained in a nonaccess reservation along the rear property line, and/or by the use of frontage streets. In addition, deceleration, acceleration and bypass lanes may be required on the arterial street.
 - (6) Stream or Lake Shores shall have a minimum of sixty (60) feet of public access platted to the low water mark at intervals of not more than one-half (1/2) mile as required by Section 236.16(3) of Wisconsin Statutes.
 - (7) Reserve Strips Shall Not Be Provided on any plat to control access to streets or alleys, except where control of such strips is placed with the City under conditions recommended by the Plan Commission and approved by the Common Council.
 - (8) Alleys May Be Provided in commercial and industrial areas for off-street loading and service access unless otherwise prohibited by the Plan Commission, but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not connect directly to an arterial street or highway.
 - (9) Street Names shall not duplicate or be similar to existing street names elsewhere in the City, and existing street names shall be projected wherever possible. All street names shall be subject to approval of the Common Council.
- b. Limited Access Highway and Railroad Right-of-Way Treatment. Whenever the proposed Land Division contains or is adjacent to a limited access highway or railroad right-of-way, the land division design shall provide for the following:
- (1) When Lots Within the Proposed Land Division back upon the right-of-way of an existing or proposed arterial highway or a railroad, a planting strip at least twenty-five (25) feet in depth shall be provided adjacent to the highway or railroad where no spur track is proposed or contemplated, in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs. The building of structures hereon prohibited."

- (2) Commercial and Industrial Properties shall have provided, on each side of arterial streets, highways or railroads, streets approximately parallel to and at a suitable distance from such arterial street, highway or railroad to allow for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
 - (3) Streets Parallel to a Limited Access Highway or railroad right-of-way, when intersecting an arterial street or highway or a collector street which crosses said railroad or 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.
 - (4) 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.
- c. 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 adopted comprehensive plan, comprehensive plan component, official map, neighborhood development plan, or County jurisdictional highway system plan; or, as set forth in Appendix A. 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:
- (1) Cul-de-sac Streets designed to have one end permanently closed shall not, as a general rule, exceed 900 feet in length and measured as set forth above. In no case should more than thirty (30) dwelling units abut and have direct access to a permanent cul-de-sac or temporary dead-end street. 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 80 feet on rural cross-sections and a minimum right-of-way radius of 75 feet on urban cross-sections. Such cul-de-sacs shall be designed as specifically prescribed by the City. (Rev. 08-01)
 - (2) Temporary Termination of streets at the boundary of a land division or phase of land division intended to be extended at a later date and where three (3) or more dwelling units have driveway access to such streets shall, at the discretion of the Plan Commission, be accomplished with a widened boulevard turn-around designed in accordance with the standards set forth in the City's adopted construction standards or by construction of a temporary "T" or "Y" turn-around within the street right-of-way having a "cross-bar" length of at least 58 feet and width of 24 feet, taking into account storm water management concerns. Such temporary streets that are intended to be or required to be extended into abutting developable land at some time in the future may, at the discretion of the Plan Commission, be longer than 900 feet if when ultimately extended, the street will intersect and connect to a collector or arterial street or a minor street which connects to such streets. [Also see subsection 18.0800c(1)]. (Cr. 08-01)
 - (3) Street Grades. Unless necessitated by exceptional topography as determined by the Plan Commission the maximum centerline grade of any street or public way shall not exceed the following:
 - (a) Arterial streets: six (6) percent.
 - (b) Collector streets: eight (8) percent.

- (c) Minor Streets, cul-de-sacs, alleys and frontage streets: ten (10) percent.
- (d) Pedestrian ways: twelve (12) percent unless steps of acceptable design are provided. In addition, the grade of any street shall in no case exceed ten (10) percent or be less than five tenths (0.5) of one percent.

Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. Removal from or manipulation of topsoil requires Plan Commission approval. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (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.

- (4) Radii of Curvature. When a continuous street centerline deflects at any one point by more than 18 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
 - (a) Arterial streets and highways: 500 feet.
 - (b) Collector streets: 300 feet.
 - (c) Minor streets: 100 feet.A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.
- (d) Street Intersection Design. Streets shall intersect each other at 90 degree angles as topography and other limiting factors of good design permit. In addition:
 - (1) The Number of Streets Converging at one intersection shall be reduced to a minimum, preferably not more than two.
 - (2) 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 1200 feet.
 - (3) 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 to at least 250 feet or the adjoinment across the intersecting street is continuous and a “jog” is avoided.
 - (4) Where a minor street intersects a collector or arterial street or a collector street intersects an arterial street, deceleration, acceleration and bypass lanes may be required as determined and delineated by the City Engineer to facilitate safe movement of traffic.
 - (5) On All Streets Where Sidewalks are provided, ramps or openings to accommodate handicapped individuals or vehicles shall be provided in accordance with Wisconsin Statutes.
 - (6) The Platting of Half-Streets shall not be permitted except where it is necessary to complete a half-street existing on the effective date of this Chapter.
- (e) Block Design. 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:
 - (1) The Length of Blocks in residential areas shall not, as a general rule, be less than 600 feet nor more than 1600 feet unless otherwise

- dictated by exceptional topography or other limiting factors of good design.
- (2) Pedestrian Ways of not less than twenty (20) feet in right-of-way or easement width may be required near the center and entirely across any block over 1000 feet in length where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.
 - (3) The Width of Blocks shall be 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 designated 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.
 - (4) All Main Communication Cable and Electric Power lines shall, where practical, be placed on mid-block easements of not less than twenty (20) feet in width centered on the property line, and where physically possible, along rear lot lines for underground construction.
- (f) Lot Design. The size, shape, and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:
- (1) Side Lot Lines shall be at 90 degree angles to straight street lines or radial to curved street lines on which the lots abut. Lot lines shall follow municipal boundary lines rather than cross them.
 - (2) Double Frontage or "Through" Lots shall be prohibited except where necessary to provide separation of residential development from railroads or arterial traffic or to overcome specific disadvantages of topography and orientation.
 - (3) Access. Every lot shall front or abut for a distance of at least 33 feet on a public street.
 - (4) Area and Dimensions of all lots shall conform to the requirements of the City Zoning Ordinance for the land divisions within the City. 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 designed in accordance with Section H62.20 of the Wisconsin Administrative Code and approved by the County Health Department.
 - (5) Excessive Depth of Lots in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a maximum depth to width ratio under normal conditions. Lots shall normally be rectangular in shape and lots having more than five (5) sides shall be avoided. Depth of lots or parcels designated for commercial or industrial use shall be adequate to provide for all off-street service and parking required by the use contemplated.
 - (6) The Width of Lots within the interior of a block shall conform to the requirements of the City Zoning Ordinance, or other applicable ordinance, and in no case shall a lot have a minimum width at the building setback line of less than as prescribed in the City Zoning Ordinance.

- (7) Corner Lots should have an additional width of at least ten (10) percent to permit adequate building setbacks from abutting streets.
- (g) Building Setback Lines. Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the Plan Commission. The definition of building setback lines is found in the City Zoning Ordinance. (www.cityofpewaukee.us 'click' on Ordinances, Chapter 17).
- (h) Easements.
 - (1) The 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.
 - (2) Where a Land Division is Traversed by a watercourse, drainageway, channel or stream, an adequate drainageway easement shall be provided as may be required by the Plan Commission. The location, width, alignment and improvement of such drainageway easement shall be subject to the approval of the City 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 by the City Engineer.
 - (3) The Plan Commission May require restrictive easements which will protect the natural resources and/or aesthetic value of the land and land cover.

SECTION 18.0900----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 an adopted 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 18.0302 of this ordinance. If not so designated, consideration 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, potholes and ravines. Specifically, lands designated as, lowland conservancy, wetlands, floodplain, or isolated environmental areas shall be shown on the plat as not developable. In addition, each developer of land shall, at the discretion and direction of the Plan Commission, either reserve public sites and open-space lands designated on the City comprehensive plan or plan component for purchase by the appropriate public entity; or, dedicate public sites and open-space lands designated on the City comprehensive plan or plan component to the appropriate public entity; or, reserve public/private site and open space lands and transfer them via the required deed restrictions or land covenants to a designated (home)owners association at time of final platting. The Plan Commission shall, at the time of reviewing the Preliminary Plat or Preliminary 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 Preliminary Certified Survey Map is presented to the Plan Commission for approval:

- a. Reservation of Site Option. Whenever a proposed school site, playground, park, or other proposed public open-space land designated on the City's adopted comprehensive plan, land use plan, neighborhood unit development plan, or other comprehensive plan component is encompassed, all or in part, within land to be subdivided, the proposed public 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. If the land is not acquired within the three (3) year period or the time extended by mutual agreement as set forth herein, the land will be released to the owner from reservation by action of the Common Council on written request of the owner.
- b. Repealed 12-05
- c. Dedication of Site Option. Whenever a proposed school site, playground, park, or other public open space land designated on the City's comprehensive plan, land use 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 at the developers option, may be dedicated to the public by the developer at the rate of:
 - (1) One (1) acre of park or open space land for each fifty (50) proposed or potential dwelling units.
 - (2) One (1) acre of school site for each thirty (30) proposed or potential dwelling units. Any such proposed public lands in excess of the rate established shall be reserved for a period not to exceed three (3) years, unless extended by mutual agreement, for the public agency having jurisdiction. If the lands in excess of the established rate are not acquired within the three (3) years from the recording of the final plat, the time not being extended by mutual agreement as set forth herein, the land will be released to the owner from reservation by action of the Common Council.
- d. Engineering Fee. The developer shall pay a fee equal to the actual cost to the City for all engineering work incurred by the City in connection with any Plat or Certified Survey Map. Engineering work shall include the preparation of construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications. Inspection, checking and reviewing of work by the City Engineer requires fees as provided in Section 18.0300 and 18.0400 of this Chapter.

- e. Legal Fee. The developer shall pay a fee equal to the cost of any legal work which may be undertaken by the City in connection with the Plat or Certified Survey Map. Legal work shall include the drafting of contracts between the City and the developer, review and drafting of developer agreements, and any actions or proceedings to enforce this Chapter, together with expenses and disbursements.

SECTION 18.1000----DEFINITIONS

- a. General Definitions. For the purpose of this Chapter certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meaning or are intended to be interpreted to have a specific meaning. 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, the word “should” is advisory and the word “may” is permissive. Words not defined in this chapter or in Chapter 17 of City codes shall be presumed to have their customary dictionary definition. (See www.cityofpewaukee.us click on Ordinances.)
- b. Specific Words and Phrases.
 - 1. Alley. A special public way affording only secondary access to abutting properties.
 - 2. Arterial Street. An urban or rural street used, or intended to be used primarily for fast or heavy inter-neighborhood or inter-community, through-traffic. Arterial streets shall include freeways and expressways as well as standard state, county and community arterial streets, highways and parkways.
 - 3. Building Setback Line. A line generally parallel to the street lot line and at a minimum distance from said lot line as specified and defined in the City Zoning Ordinance and which delineates the street side of the buildable area of the lot or parcel.
 - 4. Building Space. A designated/delineated space in a Planned Unit Development (PUD) within which building(s) are proposed to be built.
 - 5. Collector Street. An urban street used, or intended to be used, to carry traffic from minor streets to the arterial street system, including the principal entrance streets to urban residential or commercial subdivisions.
 - 6. Community. A town, city or village, or a group of adjacent towns, cities or villages having common social, economic or physical interests or characteristics.
 - 7. Comprehensive Plan. An extensively developed plan, also called a “master plan”, adopted by the Plan Commission and certified to the Common Council pursuant to Section 62.23 of the Wisconsin Statutes, including proposals for future land use, transportation, redevelopment, utilities and public facilities. Devices for the implementation of such plans, such as zoning, official map, land division, and building line codes or ordinances, land use plans, storm water management plans and capital improvement programs may also be considered a part of the comprehensive plan.
 - 8. County Park and Land Use Commission. The agency of County government in Waukesha County having land division plat review authority.
 - 9. Cul-De-Sac Street. A minor street closed at one end with a bulbous turn-around provided for safe movement of motorized vehicles. (See section 18.0800 and Appendix B).

10. Developer. Any person, corporation, family trust, partnership, or other legal entity that engages in the development of land. Sometimes called the 'subdivider'. Such developer may be the owner of the property being developed or one or more of the aforementioned entities representing the owner or prospective owner in the development process.
11. 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 and 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 which may have detrimental impact on the ground and surface waters. Historically, in southeastern Wisconsin, urban development occurs when residential development is concentrated in large areas at densities in excess of 0.2 dwelling units per gross acre [or one (1) dwelling unit per five acres].
12. 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.
13. Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one-and-one-half (1-1/2) miles of a fourth class City or a Village and within three (3) miles of all other cities which have established a land division control ordinance pursuant to Section 62.23 of the Wisconsin Statutes. (See, also, Sections 66.32 and 236.10 of Wisconsin Statutes.)
14. Face of Curb. The vertical portion of the curb facing the pavement on a vertical face curb. On mountable curbs, the curb face is computed to be at a point seven (7) inches from the back of the curb.
15. Floodplain. Those lands, including the flood fringe, 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.
16. 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 safer access and service to the abutting properties.
17. High Water Elevation. The average annual high water level of a pond, stream, lake, flowage, or wetland referred to as established datum plane; or, where such elevation is not available, the elevation of the line up to which the presence of water is so frequent as to leave a distinct mark by erosion, change in, or destruction of vegetation, or other easily recognized topographic, geologic, or vegetative characteristic.
18. 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, chemicals within the soil create gray, yellow, red, and brown colors which are usually intermingled giving a multicolored 'mottled' effect.)

19. Land Division. Any division of land which results in the legal creation of additional lots, parcels or tracts of land.
20. Letter of Credit. A written letter engagement by a commercial bank made at the request of the developer whereby the issuer will honor drafts or other demands for payment by the developer or third party upon compliance with the conditions specified in the letter of credit.
21. 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 City Zoning Ordinance or this and other City codes, Chapters and Ordinances.
22. 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.
23. Lot, Double-Frontage. A lot which has opposite lot lines along, and coincidental with, two perpendicular or, substantially parallel streets, and which is not a corner lot. Street access from a double-frontage lot shall be allowed only on the most minor street of the two frontage streets.
24. Minor Street. A street used, or intended to be used, primarily for access to abutting properties.
25. Minor Land Division. Any division of land, whether acquired by one or more conveyances, not defined as a "subdivision", and having one or more parcels less than twenty (20) acres in size. Minor land divisions include the division of land by the owner or subdivider or developer resulting in the creation of two (2) to four (4) parcels or building sites; 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. Such minor land divisions shall be made by a Certified Survey Map (CSM).
26. Municipality. An incorporated village or city.
27. National Map Accuracy Standards. Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in southeastern Wisconsin.
28. Navigable Stream. Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes at any time of the year.
29. Outlot. A parcel of land, other than a lot or block, so designated on the plat, but generally not of standard lot size, which is used to convey or reserve parcels of land for purposes other than residential development and which may be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent land divisions in the future for the purpose of creating buildable lots. An "outlot" may not be built on without permission of the Common Council.

30. Preliminary Plat. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of official preliminary consideration.
31. Public Way. Any public road, street, highway, walkway, drainageway, or part thereof.
32. Replat. The changing of the boundaries of a recorded land division or part thereof.
33. Shorelands. Those lands in the unincorporated areas of Waukesha County, lying within 1,000 feet from the high water elevation of navigable lakes and flowages or 300 feet from the high water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
34. Soil Mapping Unit. An area inscribed on the operational soil survey maps prepared by the U.S. Soil Conservation Service and designated by soil type, slope, and erosion factor.
35. Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a land division or replat. (See Developer)
36. Subdivision. The division of a lot, outlot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites; or where the act of division creates five (5) or more parcels or building sites by successive division within a period of five (5) years irrespective of size. Also, the common term for a residential land development.
37. 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 developer.
38. Wetlands. Those lands which are partially or wholly covered by marshland flora and may be covered with shallow standing water or lands which are wet and spongy due to a high water table.
39. Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

PLEASE NOTE: Additional, supplemental definitions are published in section 17.1400 of the City Zoning Ordinance which can be found at www.cityofpewaukee.us – and click on Ordinances, Chapter 17.

APPENDIX A

MINIMUM STREET CROSS-SECTIONS

IN THE

CITY OF PEWAUKEE, WISCONSIN

TYPE OF STREET a	MINIMUM RIGHT-OF-WAY WIDTH	MINIMUM PAVEMENT WIDTH b	MINI/MAXIMUM CURB LAWN WIDTH c	MINIMUM OUTSIDE SHOULDER WIDTH d	MINIMUM SIDE DITCH WIDTH e	MINIMUM SIDEWALK WIDTH (If required)
RURAL ARTERIAL f	100 FEET	24 FEET	N/A	10 FEET	28 FEET h	5 FEET
URBAN ARTERIAL g	120 FEET	DUAL 28 FEET i	6 FEET/10 FEET i	N/A	N/A	5 FEET
URBAN ARTERIAL	80 FEET	49 FEET	10 FEET/15 FEET j	N/A	N/A	5 FEET
RURAL COLLECTOR	80 FEET	24 FEET	N/A	8 FEET	20 FEET	N/A
URBAN COLLECTOR	80 FEET	34 FEET k	13 FEET/18 FEET j	N/A	N/A	5 FEET
RURAL MINOR	66 FEET	24 FEET	N/A	3 FEET	15 FEET	N/A
RURAL/URBAN MINOR	66 FEET	28 FEET	13 FEET/19 FEET j	N/A	N/A	5 FEET
URBAN MINOR (Ind/Comm) lk	60 FEET	34 FEET	13 FEET j	N/A	N/A	5 FEET
URBAN MINOR (Residential)	60 FEET	28 FEET	9 FEET/16 FEET	N/A	N/A	N/A
RURAL CUL-DE-SACmn	80 FEET RADIUS	24 FEET	N/A	3 FEET	15 FEET	N/A
URBAN CUL-DE-SACn	75 FEET RADIUS	24 FEET	10 FEET/16 FEET j	N/A	N/A	5 FEET
RESIDENTIAL COURTo	120 FEET	24 FEET	10 FEET/16 FEET	N/A	N/A	5 FEET

FOOTNOTES

- a - Please refer to Section 18.1000 of this chapter (Ch. 18) of City ordinances.
- b - Back-of-curb to back-of-curb on “urban” streets and edge-of-pavement to edge-of-pavement on “rural” streets.
- c - Back-of-curb to edge-of-sidewalk; or, where no sidewalk, the area in back of the curb within the right-of-way.
- d - Non-grassed area between edge-of-pavement and top of outside ditch slope.
- e - Outside edge-of-shoulder to right-of-way.
- f - Where residential development is generally more than two (2) acres per dwelling unit and/or traffic is basically farm or rural residential related.
- g - Where residential development is generally less than two (2) acres per dwelling unit and/or traffic is basically urban residential, commercial or industrial.
- h - Extra side ditch width facilitates turning movements at intersections as well as acceleration and deceleration lanes.
- i - Assumes 24 foot median barrier and 5 foot sidewalks on both sides.
- j - Assumes 5 foot sidewalks.
- k - Assumes two (2) nine foot parking lanes on 42 ft. street and no parking lane on 34 ft. street.
- l – Commercial/industrial street.
- m - A permanent bulbous turn-around at the end of a dead-end street and having a curbed “teardrop island” in the middle of the “sac”.
- n – See City detail design for cul-de-sac and courts.