

Chapter 34

LAND DIVISION AND DEVELOPMENT* (RESERVED)

***Cross references**--Buildings and building regulations, ch. 14; streets, highways and other public places, ch. 62; utilities, ch. 74; waterways, ch. 78; zoning, ch. 82.

Ordinance # 2007-8

AN ORDINANCE TO REPEAL THE
SUBDIVISION AND DEVELOPMENT CONTROL ORDINANCE FOR
THE TOWN OF MUKWONAGO AND TO CREATE CHAPTER 34 OF THE
MUNICIPAL CODE OF THE TOWN OF MUKWONAGO,
ENTITLED LAND DIVISION AND DEVELOPMENT CONTROL ORDINANCE
FOR THE TOWN OF MUKWONAGO

WHEREAS, The Town Board of the Town of Mukwonago originally adopted a Subdivision Control Ordinance for the Town of Mukwonago on December 12, 1983; and

WHEREAS, the Town Board most recently modified and renamed said ordinance to the Subdivision and Development Control Ordinance for the Town of Mukwonago on September 14, 2004; and

WHEREAS, the Town Board and the Plan Commission of the Town of Mukwonago has become aware of number of inconsistencies in the existing Subdivision & Development Control Ordinance for the Town of Mukwonago as it relates to the numerous revisions that have been made over the years; and

WHEREAS, the Town Board and Plan Commission for the Town of Mukwonago believe the Subdivision and Development Control Ordinance for the Town of Mukwonago should be modified in order to address all types of new residential development in the Town of Mukwonago; and

WHEREAS, by adopting Chapter 34 of The Municipal Code of the Town of Mukwonago, entitled Land Division and Development Control Ordinance the Town Board and Plan Commission of the Town of Mukwonago intend to make numerous revisions to the existing ordinance in order to make it consistent; and

WHEREAS, the Plan Commission for the Town of Mukwonago has recommended to the Town Board of the Town of Mukwonago that the current Subdivision and Development Control Ordinance be repealed, and that the Chapter 34 of The Municipal Code of the Town of Mukwonago, entitled Chapter 34 of The Municipal Code of the Town of Mukwonago, entitled Land Division and Development Control Ordinance attached hereto be adopted; and

WHEREAS, upon due notice being given as required by Section 236.45(4) of the Wisconsin State Statutes a public hearing was conducted by the Town Board for the Town of Mukwonago on November 7, 2007 at approximately 6:30pm as required by statutes; and

WHEREAS, a copy of the Chapter 34 of The Municipal Code of the Town of Mukwonago, entitled Chapter 34 of The Municipal Code of the Town of Mukwonago, entitled Land Division and Development Control Ordinance has been made available for public inspection for not less than two weeks prior to the date of the public hearing; and

WHEREAS, The Town Board of the Town of Mukwonago has carefully reviewed the recommendation of the Plan Commission for the Town of Mukwonago, and all information received at the public hearing, and upon due consideration of, among other things, the character of the Town, and with a view to conserving the value of the buildings placed upon land, providing the best possible environment for human habitation and for encouraging the most appropriate use of land throughout the Town, has determined that all the procedural requirements and notice requirements have been satisfied, and finds that repealing the existing Subdivision and Development Control Ordinance and adopting the attached Chapter 34 of The Municipal Code of the Town of Mukwonago, entitled Land Division and Development Control Ordinance will promote the public health, safety and general welfare of the community; will accomplish related purposes such as lessening the congestion in streets and highways; will further the orderly layout and use of land; will secure safety from fire, panic and other dangers; will provide adequate light and air; will prevent overcrowding of land; will avoid undue concentration of population; will facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; will facilitate the further re-subdivision of larger tracts into smaller parcels of land; and will be consistent with the recommendations of the Town Master Land Use Plan.

NOW, THEREFORE, The Town Board of the Town of Mukwonago, Waukesha County, Wisconsin DO ORDAIN AS FOLLOWS:

Section 1:

The Town of Mukwonago Subdivision and Development Control Ordinance for the Town of Mukwonago is hereby repealed.

Section 2:

Chapter 34 of The Municipal Code of the Town of Mukwonago, entitled Land Division and Development Control Ordinance attached hereto and incorporated herein as Exhibit A, including the construction standards depicted in Appendix A attached thereto, is hereby created.

Section 3:

The attached Chapter 34 of The Municipal Code of the Town of Mukwonago, entitled Land Division and Development Control Ordinance is being adopted and published as a Code, pursuant to Wisconsin Statutes Section 66.0103. The Chapter 34 shall be maintained and available for public inspection in the office of the Town Clerk,

Section 4: SEVERABILITY.

The several sections of Chapter 34 are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or

portion thereof directly specified in the decision and shall not affect the validity of other provisions, Sections, portions of the chapter on the remainder of the chapter shall remain

*LAND DIVISION AND DEVELOPMENT
CONTROL ORDINANCE
FOR THE
TOWN OF MUKWONAGO
WAUKESHA COUNTY, WISCONSIN*

ADOPTED 2007

CHAPTER 34
THE MUNICIPAL CODE OF
THE TOWN OF MUKWONAGO, WISCONSIN
LAND DIVISION AND DEVELOPMENT CONTROL ORDINANCE

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Town of Mukwonago Land Division Checklist

Appendix "A"

SECTION 1.0 INTRODUCTION

1.1 Authority

These regulations are adopted under the authority granted by Sections 59.69(3), 87.30, 281.31, and 236.45 of the Wisconsin Statutes. (Ord. 2009-3 § 1, 5-11-2009)

1.2 Purpose

The purpose of this chapter is to supplement the provisions of Chapter 236 of the Wisconsin Statutes and to promote the public Health, safety and general welfare of the Town of Mukwonago; to further and insure the orderly layout and use of land to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, stormwater management, and other public requirements; to implement the "Town of Mukwonago Official Map" and "Town of Mukwonago Master Plan", and the Town of Mukwonago Comprehensive Plan if and when such plan is adopted; and to facilitate the further divisions or development of larger tracts into smaller parcels of land or units. The provisions of this chapter are made with reasonable consideration, among other things, of the character of the Town of Mukwonago, with a view of conserving the value of the buildings placed upon the land providing the best possible environment for human habitation, and encouraging the most appropriate use of land throughout the Town.

1.3 Abrogation and Greater Restrictions

It is not the intent of this chapter to repeal, abrogate and annul any existing rules and regulations governing the subdivision of land. Except that the Ordinance heretofore known as the "Land Division and Development Control Ordinance for the Town of Mukwonago, Waukesha County, Wisconsin", and all amendments thereto that have been adopted prior to the date of enactment of this chapter are specifically hereby repealed. Where this chapter conflicts with any other existing rules and regulations, the more restrictive provisions shall apply.

1.4 Interpretation

The provisions of this chapter shall be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

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1.5 Non-Liability

The Town of Mukwonago does not guarantee, warrant or represent that only those areas designated as floodplains on plats and certified survey maps will be subjected to periodic inundation, nor does the Town guarantee, warrant or represent that the soils shown to be unsuited for a given land use from tests required by the chapter are the only unsuited soils within the jurisdiction of this chapter, and hereby asserts that there is not liability on the part of the Town of Mukwonago, or its officers, employees, agents, and independent contractors for any flood damages, sanitation problems, or structural damages that may occur as a result of reliance upon, or conformance with this chapter.

(Ord. 2009-3, § 2, 5-11-2009)

1.6 Title

The name of this chapter shall be known and cited as the Land Division and Development Control Ordinance for the Town of Mukwonago, Waukesha County, Wisconsin.

(Ord. 2009-3, § 3, 5-11-2009)

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SECTION 2.0 GENERAL PROVISIONS

2.1 Jurisdiction

The jurisdiction of this chapter shall apply to all lands of the Town of Mukwonago within the limits of Waukesha County, Wisconsin. No land in the Town of Mukwonago shall be divided or developed, unless that division or development complies with this chapter, Chapter 82 of the Municipal Code of the Town of Mukwonago, Wisconsin, the "Town of Mukwonago Master Plan", "Town of Mukwonago Official Map", and all other appropriate State, County, and Town ordinances and statutes. Certified Surveys shall be required for all land divisions, unless required to be divided as a subdivision or condominium plat as herein described. Lot design, dedications, and required improvements shall conform to these sections for all proposed developments and not be limited to subdivisions only. Any attempts, either intentional or unintentional, to bypass the intent of this chapter shall be construed by the courts in favor of the Town of Mukwonago.

(A) Exceptions

In no instance shall the provision of this chapter apply to:

- 1)** Transfer of interest in land by Will or pursuant to Court Order.
- 2)** Leases for a term not to exceed ten years, mortgages or easements.
- 3)** The sale or exchange of parcels of land between owners of adjoining property, if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.
- 4)** Cemetery Plats made under Wisconsin Statutes Section 157.07.
- 5)** Assessors Plats made under Wisconsin Statutes 70.27, provided such assessors plat shall comply with Wisconsin Statutes 236.15 11(a) through (g) and 236.20(1) and (2) (a) through (e).

2.2 Compliance

No persons, firm or corporation shall divide or develop any lands located within the jurisdictional limits of these regulations which results in a subdivision, minor land division, development, or replat as defined herein; no such subdivision, minor land division or replat shall be entitled to record; and, no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and

(A) Provisions of Chapter 236, Wisconsin Statutes.

- (B) Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned or controlled by the subdivider abuts a state trunk highway or connecting street and all provisions of Wisconsin Administrative Code Section Trans 233 and other applicable transportation regulations, including such revisions, re-codifications, renumbering and other amendments as may be made thereto from time to time in the future.
- (C) State Department of Natural Resource Rules setting water quality standards, preventing and abating pollution and regulating septic systems.
- (D) Duly Approved Comprehensive Land Use Plan or comprehensive plan components including zoning ordinances, sanitary codes, Established Street and Highway Width Map of Waukesha County, the Rules of the Waukesha County Department of Public Works Establishing Regulations for Access To and Work Within County Highway Rights-of-Way, Ordinance No. 156-O-70, Town of Mukwonago Official Map, Town of Mukwonago Master Plan, and all other applicable County and Town Ordinances including such revisions, re-codifications, renumbering and other amendments as may be made thereto from time to time in the future.
- (E) The Waukesha County Shoreland and Floodland Subdivision Control Ordinance, and the Waukesha County Shoreland and Floodland Protection Ordinance on file at Waukesha County and the Municipal Code of the Town of Mukwonago, Wisconsin including such revisions, re-codifications, renumbering and other amendments as may be made thereto from time to time in the future.
- (F) The Waukesha County Construction Site, Erosion Control, and Stormwater Management Ordinance on file at Waukesha County including such revisions, re-codifications, renumbering and other amendments as may be made thereto from time to time in the future.
- (G) The Land Division Review Checklist as adopted and amended from time-to-time by separate resolution of the Town Board.
(Ord. 2009-3, § 4, 5-11-2009)
- (H) The Waukesha County Code of Ordinances Regarding Regulating Private Sewage Systems, Ordinance No. 151-34, which regulates all land to be divided or developed not served by public sewer or provisions for such services have not been made on file at Waukesha County including such revisions, re-codifications, renumbering and other amendments as may be made thereto from time to time in the future.

2.3 Definitions

For the purpose of these regulations, the following terms are defined;

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(A) General Interpretations

The words used in the present tense include the future tense; the singular includes the plural and the plural the singular; the word "person" includes associations, partnerships or corporations; and the term "shall" is mandatory while the word "may" is permissive. All terms used which are defined in Chapter 236 of the Wisconsin Statutes shall have the same meaning as ascribed thereto in the Chapter, and as the Chapter may hereafter be amended, unless otherwise defined in this chapter or unless the context's subject matter clearly indicates otherwise.

(B) Specific Words and Phrases

Advisory Agencies: Those agencies who for the purpose of this chapter are able to advise the Owner/Sub-divider or the Town with respect to the impacts of the proposed development. These may include, but are not limited for lack of enumeration to Waukesha County Department of Parks and Land Use – Land Resource, Environmental Health, Planning & Zoning and Parks Divisions, the Southeastern Wisconsin Regional Planning Commission, the school district and the utility companies.

Alley: A public way affording only secondary access to abutting properties.

Approving Authorities: are as set forth below;

- 1) If within a municipality, the governing body, but if the plat is within an area, the annexation of which is being legally contested, the governing bodies of both the annexing municipality and the Town from which the area has been annexed shall approve.
- 2) If within the extraterritorial plat approval jurisdiction of a municipality:
 - a. The Town Board, and
 - b. The governing body of the municipality if by July 1, 1958, or thereafter it adopted a subdivision ordinance or an official map under s. 62.23; and
 - c. The county planning agency if such agency employs on a full-time basis a professional engineer, a planner or other person charged with the duty of administering zoning or other planning legislation.
- 3) If outside the extraterritorial Plat approval jurisdiction of a municipality, the town board and the county planning agency, if there is one.
- 4) If a subdivision lies within the extraterritorial plat approval jurisdiction of more than one municipality, the provisions of s. 66.0105 shall apply.

Block: A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-ways, shorelands or waterways, municipal boundary lines, or county lines.

Building: A structure built, used, designed or intended for shelter, protection or enclosure of persons, animals, or properties of any kind where the structure is permanently affixed to the land.

Building Envelope:

- a. The area of a lot remaining after removal of all required setback, offset and shore setback or other separation requirements including those relating to proper location of water supply, wells and onsite sewage disposal systems easements, wetlands and primary environmental corridor elements, which could be degraded by building or other activities on the site; or
- b. An area that is smaller than as described in subsection (a), above, that is depicted on the face of the certified survey map or subdivision plat.

Certified Survey Map: A map prepared according to Section 236.34 of the Wisconsin Statutes, and Section 6 of this chapter.

Common Open Space: Undeveloped land that has been designated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots, and shall be substantially free of structures, but may contain such recreational facilities for residents as are described in the approved development deed restrictions.

Comprehensive Plan: The plans adopted by the Town of Mukwonago which set forth the intent and policies of the adopting body regarding its physical, social, and economic development and includes such elements as land use, traffic circulation, utilities, parks and parkways, open space and environmental corridor protection, housing and economic development, but is not limited to those items for lack of enumeration. This may be known as the Master Plan adopted under Wisconsin Statutes Section 62.23, or the Comprehensive plan adopted under Wisconsin Statutes Section 66.1001. Local development regulations for the implementation of this plan such as zoning, an official map, land division ordinance, and building restrictions and capital improvement programs shall also be considered as part of the Comprehensive Plan.

County: Waukesha County, Wisconsin.

County Planning Agency: Waukesha County Department Of Parks and Land Use – Planning and Zoning Division.

Cul-de-sac (Permanent): Streets that are not planned to continue at some future date due to topography, wetlands, preservation of environmental corridors, natural features or the development of lots located at the end of the same or that are precluded from continuing by the subdivision design. Permanent cul-de-sacs are generally designed and built as such.

Cul-de-sac (Temporary): Streets that are planned to continue at some future date.

Developer: See Subdivider.

Developers Agreement: A contract between the developer and the Town of Mukwonago Town Board, in a form approved by the Town Planner and Town Attorney.

Development: A lot, or more than one lot, that is to be divided, improved with amenities such as building(s), structures, parking, abutting roadway(s), abutting sewer main(s), or abutting water main(s). Development may involve the division of land, as in the case of subdivision, assessor's plats, replats, or minor land division. Development does not necessarily involve the division of land, however, as in the case of condominiums, development of existing parcel(s) or combined parcels. Development does not include cases where one single-family residence is constructed or improved upon a single lot in a district where a single-family residence is a permitted use.

Drainage Easement: Any area in a plat or on a certified survey map where a portion of land is delineated on said plat or map for the purpose of providing an area for surface water, drainage and runoff to protect landowners benefiting from the proper drainage of surface water.

Environmental Corridor: An elongated area usually located along streams, valleys or other significant topographic features which may contain lakes, rivers, floodland, wetlands, woodlands, significant topography, wet soils or significant wildlife habitat. Such areas are delineated on the adopted Regional Plan, Town of Mukwonago Land Use Plan, Waukesha County Park & Open Space Plan, and corridors often include other natural resource elements that serve to support the scenic, recreational and historic preservation values of the Town.

Environmentally Sensitive Lands: "Environmentally sensitive lands" is a general term intended to represent all of the important natural resources of a given area, the preservation and protection of which are important to the maintenance of the overall environmental health and welfare of that area. The term is often used interchangeably with the term "environmental corridor".

Erosion and Storm Water Control Plan: A descriptive document approved by the Town Engineer, and the Waukesha County Department of Parks and Land Use, Land Resources Division, specifying methods for controlling soil erosion, surface water runoff, and sediment deposition caused by or resulting from land disturbing and land development activities.

Extraterritorial Plat Approval Jurisdiction Area: The unincorporated area within 1 ½ miles of a fourth class city or village or within three miles of all other cities that have adopted a Subdivision Ordinance under the provisions of Section 236 of the Wisconsin State Statutes.

Filing: A development proposal shall be considered filed upon submittal of a fully complete application, including all information required by this chapter, the number of copies required by this chapter, the required fees, the Letter of Application, the required State forms and attached fees, and the soils test to the Town of Mukwonago and Waukesha County Department of Parks and Land use.

Flag Lot: A lot that although it does front upon a public street, the frontage is a long, narrow strip of land or a parcel that does not meet the minimum lot width requirements at the building setback line; except that lots which front upon the terminal turnaround at the closed end of a permanent cul-de-sac are not considered to be flag lots.

Frontage: The total dimension of a lot abutting a public street measured along the street right-of-way line.

Greenway: Linear open spaces along either a natural corridor, such as a riverfront, stream valley, ridge line or overland along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route, any natural or landscape course for pedestrian or bicycle passage. An open space connector linking parks, natural reserves, cultural features, or historic sites with each other, and populated areas.

High Water Elevation: The average annual high water elevation of a pond, stream, lake, flood flowage or wetland referred to an established datum plane or where such elevation is not available, the elevation of the line up to which the presence of water is so frequent as to leave a distinctive mark by erosion, changing or destruction of vegetation or other easily recognizable topography, geologic or vegetative characteristics. This is also commonly referred to as the "ordinary high water mark".

Isolated Natural Area: An area consisting of pockets of wetlands, woodlands, and surface water that are isolated from the primary and secondary environmental corridors and are at least five acres in size. Such areas are delineated on the adopted Regional Plan, Town of Mukwonago Land Use Plan, or Waukesha County Park & Open Space Plan, and serve to support the scenic, recreational and historic preservation values of the Town.

Irrevocable Letter of Credit: A irrevocable written agreement guaranteeing payment for improvements, entered into by a bank, savings and loan, or other financial institution authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Town, which secures a developer's obligation to pay the cost of designing, constructing and installing required public improvements in a timely manner and certain other obligations in connection with an approved development, and is in a form approved by the Town Attorney and an amount approved by the Town Engineer.

Lot of Record: A lawfully platted lot or lot lawfully created in a Certified Survey Map or a lot lawfully created by metes and bounds description that has been approved by the Town and, in each case, has been recorded in the office of the Waukesha County Register of Deeds.

Lot: Parcel of contiguous land with described land boundaries and abutting or having access by an approved easement to a public street or other approved way and exclusive of any land lying in public rights-of-way, mill tax roads, public streets, streams or other public water body. Where such streams or public right-of-ways divide a single described parcel into two or more parts, such severed portions shall be considered separate individual lots if such separate parcels individually meet the use regulations, building location and area regulations of the zoning district in which they are located. Where such separate parcels do not meet these requirements and have been described as a single parcel of record, together such severed portions shall be considered to be a single lot for regulatory purposes under the provisions of this chapter. Such severed areas shall constitute a single lot for computation of area regulations and other locational provisions of this chapter.

- a. Corner Lot: A lot abutting two or more streets at their intersection.
- b. Double Frontage Lot: A lot, which has a pair of opposite lot lines along two substantially parallel a street which is not a corner lot.

Lot Width, Minimum Average: The horizontal distance measured between side lot lines, perpendicular to lot depth and at a point in relation to the depth where the product of the two would produce the minimum required lot area.

Minor Land Divisions: Any division of land within the Town that is not required to be divided by subdivision plat and otherwise not exempt by law.

Multi-family Units: A lot or building designed for and occupied by two or more residential units including duplexes, row houses, condominiums, and apartment houses.

Natural Drainage Area: An area in a plat, development or on a certified survey map that is preserved for natural drainage and is maintained by owner of the land, with the preservation accomplished by easement or deed restriction in a form approved by the Town Attorney and Town Engineer.

Objecting Agency: An agency empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin State Statutes. Objecting agencies include the Wisconsin Department of Administration (DOA) and the Wisconsin Department of Transportation (WDOT).

Official Map: The map indicating the location and size of existing and proposed streets, highways, parkways, parks and playgrounds as adopted and amended by the Board pursuant to s. 62.23 (6) of the Wisconsin Statutes.

Open Space: Land area used for recreation, agriculture, resource protection, and amenities for recreational purposes or buffers.

Ordinary High Water Mark: See high water elevation.

Outlot: A parcel of land, other than a buildable lot or block, so designated on the plat, or Certified Survey Map. Outlots may be created to restrict a lot, to create common open space, to create stormwater facilities or for dedication to a public entity for park and open space purposes or to transfer to a private conservation organization. Outlots may also be parcels of land intended to be re-divided into lots or combined with lots or outlots in adjacent land divisions in the future for the purpose of creating buildable lots. An outlot may also be created if a lot fails to meet requirements for a private onsite wastewater treatment system, but which may be buildable if public sewer is extended to the lot or land division.

Owner: See Subdivider

Plat: A map of a subdivision.

- a. Final Plat: A map of a subdivision, which has been accurately surveyed, clearly and definitely showing the streets, alleys, blocks, lots and other divisions thereof, in such manner that the same can be clearly and distinctly identified, along with the final plat data required by this chapter.
- b. Preliminary Plat: A map showing the salient features of a proposed subdivision submitted to an approving authority for purpose of preliminary considerations. A Preliminary Plat precisely describes the location and exterior boundaries of the parcel proposed to be divided and shows the approximate location of the lots, the proposed public improvements, location of all soils tests, the topography, floodplain, wetland, primary environmental corridor, and other features as may be required, along with the preliminary plat data required by this chapter.
- c. Condominium Plat: A map which partitions a building or a group of buildings in which units are owned individually and the common areas are owned on a proportional undivided basis, pursuant to Chapter 703 of the Wisconsin Statutes.

Recording a Plat: The filing of the original document of the final plat or condominium plat with the Waukesha County Register of Deeds for recording.

Register of Deeds: The Register of Deeds of Waukesha County.

Replat: The process of changing the map or Plat which changes the boundaries of a recorded Subdivision Plat, Certified Survey Map or part thereof.

Residential Unit: A building or a portion of a building where a person or persons live together as a single household which contains, sleeping, cooking and bathroom facilities.

Residual Parcel: The land remaining after lots have been divided.

Restrictive Covenant: A restriction also known as a deed restriction on the use of the land. A restrictive covenant usually runs with the land and is binding upon subsequent owners of the property.

Street: An area that serves as a primary vehicular and pedestrian access to abutting lands or to other streets other than an alley.

- a. Collector Street: A street, which collects the traffic from other streets and is designated as a "collector street" on the official map or as designated by the Town Board.
- b. Frontage Street: A street auxiliary to and located on the side of an arterial highway for service to abutting property and for control.
- c. Major Street: Principal arteries of through traffic such as highways, parkways and thoroughfares.
- d. Minor Streets: A street intended to serve and to provide access primarily to the properties abutting thereon. A cul-de-sac is a minor street having one opened end and being terminated at the other by a turn-around.

Subdivider: Any person, firm or entity, or any agent thereof, owning, dividing or proposing to divide land resulting in a subdivision, minor subdivision, and condominium plat or replat. For the purposes of this chapter, lots and property shall be considered in the same ownership when owned by: the same individual or corporation; an individual and another in joint tenancy, or as tenants in common, and either of said joint or common tenants owns other lots individually or as a joint tenant or tenant in common, together with another, an individual, and other lots are owned by his spouse, parent, grandparents, children, grandchildren, or a brother or sister or spouse of the brother or sister of such person; when any said lots are owned by an individual and other lots are owned by the corporation (broadly interpreted to include, but not limited to, business corporations, non-stock corporations, service corporations and limited liability companies) in which said individual is an officer or director or controlling stockholder; when any of said lots

are owned by an individual and other lots are owned by a partnership in which said individual is a partner; and when any of said lots are owned by group of individuals who are acting in concert to divide and/or develop adjoining parcels of property.

Subdivision: Is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent or subdivider for the purpose of sale or of building development,

- a. Where the act of division creates five (5) or more parcels or building sites inclusive of the original remnant parcel of one and one-half (1 ½) acres each or less in area, or
- b. Where the act of division creates five (5) or more parcels or building sites inclusive of the original remnant parcel of one and one-half (1 ½) acres each or less in area by successive divisions of any part of the original property by any person within a period of five (5) years, or
- c. Where the act of division creates six (6) or more parcels or building sites for residential development inclusive of the original remnant parcel of any size by successive divisions of any part of the original property by any person within a period of five (5) years, or
- d. Where the act of division is authorized by a planned unit development or conservation design development conditional use.

Town: Town of Mukwonago, Waukesha County, Wisconsin.

Wetland: An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions.

Section 2.4 Dedication of Open Space

(A) In order that adequate open spaces and sites for public uses may be properly located and preserved as the Town develops the following provisions are established;

(B) Dedication of sites

- 1)** Within the limits of the Town, where the Town of Mukwonago Master Plan or Park & Open Space Plan designates a portion of a property for public use by the Town, County, or State, the subdivider shall be required to develop the property as a Planned Unit Development or Conservation Design Development, in order to preserve that portion of the property, so designated to be owned by the Town, State or County, if so required by the Town Board.
- 2)** Where it is determined by the Town Board that a portion of the development is designated for public sites or open space areas as designated in the Town of Mukwonago Master Plan or Park & Open Space Plan, the Town Clerk shall give notice to the Town, County, and State of said determination. If any of the aforementioned entities have an interest in acquiring said area or site, they must give notice of interest to the property owner and the Town. Said entity shall have an 18 month option on the purchase of said property from the original notice.
- 3)** In the event that the subdivider and Town cannot agree as to the price to be paid for such land, and the Town wishes to proceed to acquire the property the Town shall follow the Condemnation Law.
- 4)** If the Town Board, County or State chooses not to purchase or condemn the area designated for public sites or open space areas on the Town of Mukwonago Master Plan or Park & Open Space Plan, the Town of Mukwonago Master Plan or Park and Open Space Plan shall be amended to show that the area designated for a public use site or open space area has not been purchased or condemned and removed from the Town of Mukwonago Master Plan or Park & Open Space Plan following the proper procedures in effect at the time, prior to final approval of the Final Plat, Certified Survey Map, or Condominium Plat.

(C) In lieu of dedication, fees must be paid in accordance with the applicable adopted impact fee ordinances #2001-3 Entitled Town of Mukwonago Ordinance To Impose Impact Fees On Developers To Pay For The Capital Costs That are Necessary To Accommodate Land Development and #2007-6 An Ordinance To Impose Impact Fees On Developers To Pay For The Capital Costs That Are Necessary To Accommodate land Development For Parks, Playgrounds And Land For Athletic Fields.

2.5 Subdivider's Agreement

(A) General. Before, or as a condition of, receiving final approval from the Town Board of any division or development of land for which public or private improvements are required by this chapter; or for which public improvements, dedications, or fees are being deferred under this chapter, the subdivider shall submit to and receive approval from the Town Board, Town Attorney and the Town Engineer, a subdivider's agreement (also known as a developer's agreement) for the improvements, including all public, private and site development improvements, prior to commencing construction of any improvement, whether public or private, or site development or approval of the final plat, condominium plat, multi family, replat or certified survey map, whichever is earlier.

(B) Fee for cash deposit. If developer elects to give the Town a cash deposit in lieu of a letter of credit, the developer shall pay a fee to the Town to compensate the Town for the additional work required of the Town Clerk and Town Treasurer to monitor and handle said cash deposit. The amount of such fee shall be set by the Town Board from time-to-time by resolution.

(C) Model subdivider's agreement. The Town Attorney, Town Engineer, and Town Planner shall jointly develop a model subdivider's agreement for projects in the Town of Mukwonago that is consistent with the provisions of this chapter and may make revisions to such model subdivider's agreement from time-to-time as many be needed to address changes in this chapter, state law, or best practices. The Town Clerk shall maintain the most current version and provide copies to subdivider's and their agents upon request.

(Ord. 2009-3 § 5, 5-11-2009)

2.6 Land Suitability

No land shall be subdivided or developed which is deemed by the Town Plan Commission to be unsuitable for such uses for reason of flooding, inadequate drainage, adverse soil or rock formations, unfavorable topography, steep slopes, or any other feature likely to be harmful to the health, safety or welfare of the future residents or occupants of the proposed development or of the community. This review will be made by the Town Plan Commission at the time of the initial proposal for the development following review by the Town Engineer, or thereafter if suitability concerns arise. Upon discovering suitability concerns, the Town Plan Commission shall notify the subdivider in writing of the concerns, and then afford the subdivider an opportunity to present evidence regarding such issues. Thereafter, the Town Plan Commission shall determine in writing whether the land is suitable for development or subdivision pursuant to the criteria described herein.

(A) In addition to the above, the following criteria are to be adhered to:

- 1)** All lands to be subdivided, other than in the R-2 and R-3 districts and Conservation Design Subdivisions, shall comply with the applicable minimum lot size requirements of the zoning code and shall contain at least one acre of buildable land per lot.

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- 2)** All lands that are designated as buildable area shall be at least two (2) feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood on record.
- 3)** All lands that are designated for residential building sites within a development shall be at least (5) feet above any moderate to severe indication of seasonal groundwater table conditions and at least (5) feet above any indication of bedrock.
- 4)** No building site shall be created which does not contain lands within each lot boundary meeting the standards established in COMM 83 of the Wisconsin Administrative Code and the Waukesha County Code, Regulating Onsite Sewerage Disposal System.

SECTION 3.0 PROCEDURE

3.1 Pre-Application

Prior to submitting for official filing or being placed on a Plan Commission agenda for approval of a land division or development, the owner or his or her representative shall consult with the Town Planner in order to obtain advice and assistance. This consultation is not formal, but is intended to inform the owner of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, neighborhood plans, and duly appointed plan implementation devices of the municipality and to otherwise assist the owner in planning the development. The owner is required to provide the Town Planner with the information requested on the preliminary land division checklist. Prior to being placed on the agenda for preliminary consultation with the Plan Commission for the municipality, the owner must obtain a finding from the Town Planner that the Town Planner has reviewed the proposed land division or development and finds that all items have been properly submitted and the matter is ready to be placed on an upcoming municipal Plan Commission agenda.

Prior to submitting a plat or Certified Survey Map for official filing or filing for approval of a land division or development, the owner or his or her representative shall consult with the Plan Commission in order to obtain their advice and assistance. This consultation is not formal, but is intended to inform the owner of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, neighborhood plans, and duly appointed plan implementation devices of the municipality and to otherwise assist the owner in planning the development. In doing so, both the owner and the Plan Commission may reach mutual conclusions regarding the general program and objective of the proposed development and its proposed effects on the neighborhood and community. The owner will gain a better understanding of the subsequent required procedures.

3.2 Residential Development Permit System

(A) Purpose

The purpose of the Residential Permit System is to establish a system to evaluate proposed subdivision development or multi-family units in the Town of Mukwonago; to encourage a variety of lot sizes available; to encourage the location and development of residential dwellings, which will promote the protection of the natural resource base such as the soils, lakes and streams, floodplains, wetlands, woodlands, wildlife and other environmentally sensitive areas; to preserve the prime agricultural areas in order to maintain the agricultural economy and insure the preservation of the rural atmosphere of the Town; to permit development properly related to the available and proposed facilities such as proposed municipal sewer, police protection, and emergency services, fire protection, and roads and highways, and to implement the goals and objectives of the Town of Mukwonago Master Plan and Chapter 82 of the Municipal Code of the Town of Mukwonago, Wisconsin.

(B) Application

The subdivider shall submit the following to the Town Clerk:

- 1) A completed application form provided by the Town.
- 2) The application fee established by the Town Board.
- 3) A preliminary lay-out at a scale of not less than 1 inch equals 100 feet on a topographic map, showing:
 - All physical features on the site and adjacent properties as required by the conditional use provisions for conservation design developments and planned unit developments.
 - All proposed roads.
 - Configuration of the lots and dimensions.
 - Extent of open space
 - Land which will be preserved in agricultural use.

This shall not be considered the filing of a Preliminary Plat.

- 4) Method of sanitary sewage disposal: one soil boring test per lot for all development not served by public sewer must be submitted at the time of the submittal of the preliminary layout.
- 5) Preliminary Grading Plans indicating the existing and proposed grades for all road, stormwater improvements and building sites, and the extent of the site alterations to the property caused by the proposed development.
- 6) Preliminary Drainage Plan indicating the impact of the storm water run-off and the methods to control, infiltrate, and retain the run-off created by the development and any water flowing through the site. Such plans shall include a Preliminary Erosion Control Plan.
- 7) Preliminary Landscape Plan, if deemed appropriate by the Town Planner. This plan shall include the existing location of trees over six (6) inches in diameter measured at six (6) feet above the grade, on all proposed lots, roads and stormwater facilities, outline of wooded areas, and general location of trees that are to remain in the open space areas.
- 8) Proposed dwelling unit sizes.
- 9) Anticipated amounts of impervious surface on the individual lots, roads, and open space improvements.
- 10) Architecturally significant proposals.

- 11) A development schedule setting forth a proposed time-table for the development and sale of lots.
- 12) A preliminary outline of Deed Restrictions as to special amenities proposed for the development.
- 13) All Environmental Corridors, (both primary and secondary) Isolated Natural Areas, wetland, floodplains and Agricultural Class I and II soils must be delineated on the face of the layout.
- 14) Any other information required by the Town of Mukwonago.
(Ord. 2009-3, § 6, 5-12-2009)

(C) Evaluation

- 1) The Town Plan Commission and Town Board shall jointly review the applications for Residential Development Permits with respect to each of the criteria set forth. The Town Board and Plan Commissions may request reports from the appropriate Town, County, School District, other governmental agencies, Boards or staffs as they deem necessary.
- 2) The Town of Mukwonago Board and Plan Commission shall jointly have the latitude to interpolate the maximum and minimum points designated in the range in each category set forth below. The following guidelines illustrate the point totals that will be assigned for the particular issues described in order to guide the Town Board and Plan Commission in the particular facts and circumstances presented on a case-by-case basis. These guidelines are not intended to be an exclusive list of the relevant facts and circumstances that may be presented. If the development has outstanding or exceptional circumstances, the Town Plan Commission and Town Board, jointly, have the latitude of the maximum range shown in each category.

- a. Preservation of Environmental Corridors, Isolated Natural Areas and Natural Topography in the Design of the Site.

Range: +4 to -4

The proposed development preserves the Primary and Secondary Environmental Corridors and Isolated Natural Areas with no building areas or improvements within the environmentally significant areas of the site. The site development preserves the original terrain; the design of the development limits excessive grading for roadways, stormwater facilities.

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1. All Primary and Secondary Environmental Corridors and Isolated Natural Area will be preserved. No grading or vegetative removal will occur within the designated corridor or natural areas and minimal site alterations only occurring within the proposed road right-of-way and stormwater facilities. +3 points
2. Minimum site alterations. Where the only site alterations within the Environmental Corridor or Isolated Natural Areas are for a proposed public street extension in accordance with the Official Map of the Town of Mukwonago. +1 points
3. Site alterations for public and/or private improvements are within the corridors and natural areas other than for the connection of a public street, in accordance with the official map and more than 10% of the entire site, which is designated Environmental Corridors and isolated Natural Areas, is proposed to be disturbed for public and private improvements. -3 points

Or as an alternative on sites which do not contain at least 20 acres of environmental corridors or natural areas, the following shall apply:

1. The site is designed to accommodate the natural terrain and the road system follows the topography of the site whereby minimal grade changes are necessary to accommodate surface water drainage patterns and the storm water facilities are located in the natural depressions on the site. +3 points.
2. The design of the development proposes significant grading and destruction of the natural topography to accommodate the proposed road system but the storm water facilities can be accommodated within the natural depressions on the site. 0 points.
3. The proposed road system in the development does not follow the natural terrain and the stormwater facilities are not being accommodated within the natural depressions on the site and large stormwater retention, detention or infiltration facilities are being artificially created to accommodate the surface water runoff from the impervious surfaces on the site. -3 points

b. Surface Water Drainage.

The design of the development shall take into account the existing drainage patterns and topography so the development causes no erosion or stormwater impacts on adjacent properties.

Range: +4 to -4

1. Very good surface water drainage: All roadside ditches and other drainage ditches will have a gradient greater than 0.5% and less than 2%, and greater than 50% of the post development runoff volume for a two [2] year 24 hour design storm must be retained on the site in infiltration basins, and the remaining storm water runoff is confined within road right-of-ways, or recorded drainage easements in commonly held outlots with no significant adverse impacts upon downstream drainage or adjacent properties and an area equal to or more than three (3%) of the developed area* in the effective infiltration area. +3 points

*Developed area is defined as a change in the land use i.e. an agricultural field to a residential parcel or impervious surfaces in an open space area or roadways.

2. Average surface water drainage: All roadside ditches and other drainage ditches shall have a gradient of less than 8%, and greater than 0.5%, and at least 25% of the storm water runoff can be retained on the site and the remaining storm water runoff is confined within the road right-of-way, or recorded drainage easements on commonly held outlots. 0 points
3. Poor surface water drainage: Some roadside ditches, and drainage ditches are steeper than 8%, or there is retention of less than 25% of the stormwater within subdivision development or the infiltration, detention or retention basins are on privately owned parcels. -3 points

c. Lot Sizes and Overall Density of the Development.

In a Conservation Design Development, a variety of lot sizes is not required. The development should be designed to accommodate the preservation of the physical features of the site; the density should be compatible with existing residential development in the area or less than the existing residential development in the area. On Planned Unit Developments and conventional subdivision plats there should be a variety of lots sizes, as required in the Chapter 82 of the Municipal Code of the Town of Mukwonago, Wisconsin and Town of Mukwonago Master Plan.

Range +3 to -3

1. In a Conservation Design Development the overall density is less than the yield plan for a conventional subdivision development. +3 points
2. In a Conservation Design development the number of lots or units equals the yield plan of a conventional development. +2 points
3. In a conventional plat or planned unit development the lot sizes and/or overall density of the development is less than the Zoning District allows. There are a variety of lot sizes and all of the proposed lots are larger in size than the existing development in the immediate area. +2 points

4. Density and lot sizes meet the requirements of the current Zoning Ordinance and in conventional subdivision developments and Planned Unit Developments all of the lots are at least as large as the adjacent parcels, which allow residential development. 0 points
5. Proposed development meets the density and lot size standards of the Zoning District and intent of the Planned Unit Development Provisions, which required varied lot sizes, but the lots are smaller than adjacent residential development in the area. -2 points

d. Preservation of Agricultural Lands and the Rural Character.

Range: + 4 to -4

It is the intent of the Town to maintain the agricultural character, preserve the rural atmosphere and other natural resource bases and provide significant open space in the Town.

1. A minimum of twenty (20) acres of open space is dedicated to the public or a non-profit conservancy agency organization in order to implement the adopted Town of Mukwonago Master Plan, or Waukesha County Park and Open Space Plan or at least forty 40% of the site (of which 80% is upland) in common or public open space. +3 points
2. At least 50% of the Class I and II agricultural soils are preserved in open spaces uses. +1 points
3. Common Open Space Equals:
 - At least 50% of the total upland area of the development or there is not open space in the proposed development, but all the lot sizes are a minimum of 5-acres in size. +2 points
 - At least 40% of the upland area of the site is in common open space. +1 points
 - In a Planned Development or Conventional Plat, common open space equals 30% of the total area of the development. 0 points
4. Common open space for other uses that equal 30% of the total area of the development. 0 points
5. No common or public open space is contained within the development and all the lots are less than three-acres in size. - 2 points

e. Traffic Circulation and Capacity of Major Streets.

The collector or arterial streets, as designated on the Town's Official Map, into which the traffic of the proposed development will flow, shall be evaluated as to their existing capacity. Failure of any street to satisfy the relevant criteria shall institute an inadequate street linkage. Entrance roads serving the development shall also be considered. Developments of more than 15 units will be considered inadequate if only served by one permanent street entrance. Developments, which connect to existing dead-end streets, and improve circulation through the Town, would be considered an improvement.

Range: +2 to -2

1. An improved street circulation system in accordance with the Official Map.
+ 1 points
2. Adequate street circulation and does not make a connection to an existing dead end street. 0 points
3. Inadequate street circulation. -1 points

f. Soils Consideration for Roads and Basement Construction.

Soils on the proposed development are considered appropriate for residential construction, road construction and minimum grading is allowed.

Range: + 3 to -3

1. There are no soils on the proposed development in the area designated for improvements, which are considered hydric soils, contain a groundwater table or bedrock limitation for basement construction, public road construction or will require a change in grade of more than three feet to accommodate residential basement construction or driveways to comply with the town building code requirements.
+2 points
2. All of the soils on the proposed development are adequate for road construction; however, there is a fluctuating groundwater table on soils which are not considered hydric on the U.S.D.A. soils maps, which may require special precautions for basement construction. 0 points
3. Soils in the proposed development on the areas designated for improvements contain hydric limitations are not suitable for basement construction and/or public road construction without significant amounts of earth-altering activities taking place. - 2 points

g. Variable Lot Sizes.

The proposed development contains a wide variety of lot sizes, as required in the Town of Mukwonago Master Plan and under the provisions of the Planned Unit Development standards of the Chapter 82 of the Municipal Code of the Town of Mukwonago, Wisconsin, or the development is a Conservation Design Development.

Range: + 3 to - 3

1. Diversified lot sizes. The proposed development has a variety of lot sizes with a range of more than 5 acres, which does not detract from each specific lot size and from the existing development patterns in that area of the Town of Mukwonago or the development is a Conservation Design Development which preserves 50% of the developable lands in common or public open space or is deeded to a private conservation organization approved by the Town Board. + 2 points
2. At least 75% of the lot sizes in the development are basically the same size and the lot sizes have a range in size less than 5-acres but more than 3 acres between the largest and smallest lots and the development is a conventional plat or a planned unit development or the development is a conservation design development and has a least 40% of the site in common open space with no more than 20% of that area considered un-developable. 0 points
3. At least 75% of the lots are similar in size and the range between the largest and smallest lot is less than 2-acres and the development is not a conservation design development. - 2 points

h. Buffers.

The proposed development buffers improvements from the adjacent arterial and collective streets and existing residences and adjacent properties.

Range: + 3 to -3

1. The proposed location of the residences is in such a manner that they will not have a visual impact and will not be visible from the arterial and collector streets in the Town and adjacent residential areas. +2 points
2. The proposed development improvements will be visible from adjacent residences, but not from the arterial and collector streets in the Town. 0 points
3. The proposed improvements and public roads will be visible from the arterial and collector streets in the general area and residents on the adjacent parcel. -2 points

i. Future Public Costs and Benefits.

The development of the parcel provides a facility, which is a benefit to the residents of the Town of Mukwonago.

Range: +4 to -4

1. A public facility or open space consistent with the Town of Mukwonago Park and Open Space Plan is part of the development, which in the judgment of the Town Board after recommendation by the Plan Commission is a benefit to the residents of the Town of Mukwonago. + 3 points
2. The development provides substantial common open space, which is more than 50% of the upland area of the site, thereby preserving open space in perpetuity. 0 points
3. No public facilities, which are a benefit to the Town, and does not require any extra ordinary maintenance costs of the public improvements by the Town. 0 points
4. The design of the development requires the installation of storm sewers or curbs and gutters, because of excessive road grades, or the building sites have greater than 12% slopes. – 3 points

(D) Allocation

- 1) No Residential Development Permit shall be issued for a development receiving fewer than 10 points in the Town Plan Commission and Town Board's joint evaluation.
- 2) Reversion of unused Residential Permits. If a residential subdivision development, which has been allocated Residential Development Permits does not receive final approval of a Preliminary Plat within 12 months from the date of allocation of the permits, or does not have the final subdivision plat recorded within the statutory time period following the final approval of the Preliminary Plat, the Residential Development Permits shall be automatically withdrawn from the property in question. If a multi-family development, which has been allocated Residential Development Permits, does not receive final approval of a conditional use permit within 12 months from the date of allocation of the permits, the Residential Development Permits shall be automatically withdrawn from the property in question.
- 3) The development shall be carried out in substantial compliance with the representations in the application. To ensure compliance with the criteria upon which the Town Plan Commission and Town Board evaluated the development initially, the Town Board may require Plat Restrictions, Deed Restrictions or other agreements necessary to ensure the compliance with the preliminary layout.

(E) Appeal Procedures

The developer may appeal to the Circuit Court the decision of the Town Plan Commission and Town Board with respect to the allocation of Residential Development Permits. Written appeal shall be filed with the Circuit Court within 40 days after written notice to the developer of the Town Plan Commission's and Town Board's decision respecting allocation of Residential Development Permits for the developer's property.

(Ord. 2009-3, § 8, 5-12-2009)

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3.3 Allotment System for Residential Development Permits

Residential Development Permit Required

(A) Purpose:

The purpose of the Allotment System for Residential Development Permits is to establish a system to evaluate proposed subdivision development and multi-family units in the Town of Mukwonago to control the rate of growth for the Town of Mukwonago in accordance with the adopted Town of Mukwonago Master Plan, population projections and Building Permit history of the Town of Mukwonago; to encourage a variety of lot sizes available in the Town of Mukwonago; to encourage the location and development of residential dwellings, which will promote the protection of the natural resource base such as the soils, lakes and streams, floodplains, wetlands, woodlands, wildlife and other environmentally sensitive areas; to preserve the prime agricultural areas in order to maintain the agricultural economy and insure the preservation of the rural atmosphere of the Town; to permit development properly related to the available and proposed facilities such as proposed municipal sewer, police protection, and emergency services, fire protection, and roads and highways, without imposing an unreasonable burden on the tax payers and residents of the Town of Mukwonago and the School District.

(B) Allotment:

During each calendar year the Town of Mukwonago Plan Commission and Town Board shall jointly allot a total of no more than 50 Residential Development Permits to qualifying Subdivision Plats, Planned Unit Developments or multi-family units, each Residential Development Permit representing a lot or residential unit, subject to the following terms and conditions of this section 3.3.

- 1) If fifty (50) total Residential Development Permits are not issued in a given year, the excess shall be carried forward one year only, and may be issued only if qualifying developments in the succeeding year exceed the Residential Development Permit allotment for that year. If no Residential Development Permits were carried forward, the Town of Mukwonago Plan Commission and Town Board may exceed the maximum number of allotted Residential Development Permits in the subsequent year by not more than 10%, upon showing of good cause, provided that the total number of Residential Development Permits allotted for any five (5) year period does not exceed two hundred and fifty (250) permits for the five year period.

- 2) The Town of Mukwonago Plan Commission and Town Board may only allot Residential Development Permits if there are 100 or fewer of the following residential units in the Town (referred to herein as "vacant residential development units").

- a. Lots which were created by the subdivision platting process in the preceding five years for which a Building Permit has not been issued and the construction has not commenced: and
- b. Residential units within multi-family units authorized by Conditional Use approval in the preceding five years for which a Building Permit has not been issued for said multi-family units, and the construction has not commenced.

Construction shall be considered to have commenced when the footings have been installed.

If there are more than 100 vacant residential development units in the Town, as described above, no Residential Development Permits may be allocated by the Plan Commission and Town Board until the number of vacant residential development units in the Town, as described above, is 100 or fewer.

(C) Application

- 1) December Pre-determination. Applicants may choose to apply for Residential Development Permits in the year immediately prior to the year in which the permits would be issued, as follows. Applications shall be submitted to the Town of Mukwonago Plan Commission and Town Board no sooner than October 1st and no later than noon on the second Wednesday of November of the year immediately prior to the year in which the permits would be issued. Those applications shall be considered at the December Town Plan Commission and Town Board meetings or at such different date as the Town Board may determine, but only to the extent that there are Residential Development Permits available. If all Residential Development Permits allocated for a given year are issued, applications will be held for consideration, unless withdrawn by the developer, for the longer of the following time periods: either for the following year's allotment or until such time that 100 or fewer vacant parcels exist that were created by the subdivision platting process in the preceding five (5) years. No priority will be given to developments which have been submitted in previous years that were not granted an allotment that year.
- 2) Subsequent Applications for Remainder. If Residential Development Permits are available for the year in question following the December pre-determination described in subsection (1) above, applicants may choose to apply for those permits at any time after the deadlines established in subsection (1) above. Applications shall be made by the developer to the Town of Mukwonago Plan Commission and Town Board. (Ord. 2009-3, § 7, 5-12-2009)
- 3) Every application shall be accompanied by all documents required to be submitted in Section 3.2 (B) of this chapter.

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(D) Evaluation

The Town Plan Commission and Town Board shall jointly review the applications for the allotment for Residential Development Permits with respect to each of the criteria set forth in Section 3.2(C) of this chapter entitled "Evaluation". The Town Board and Plan Commissions may request reports from the appropriate Town, County, School District, other governmental agencies, Boards or staffs as they deem necessary.

(E) Allocation

- 1) Timing; After the December meeting of each year or at such later date as Residential Development Permit determinations is made, the Town of Mukwonago Town Board shall notify the developers whose applications were properly on file and under consideration of the allocation decision in writing.
- 2) No Residential Development Permit shall be issued for a development receiving fewer than 10 points in the Town Plan Commission and Town Board's joint evaluation.
- 3) Allocation of Residential Development Permits. As to the December pre-determination, applications submitted pursuant to Section 3.2(B), if the total number of dwelling units in the proposed developments that receive 10 or more points, does not exceed the allotment for the year in question, and there are 100 or fewer vacant parcels created by the subdivision platting process in the preceding five (5) years, then the Town Plan Commission and Town Board, acting jointly, may issue Residential Development Permits for all dwelling units in all developments. The Town Plan Commission and Town Board reserves the right to prorate the allotment over a three-year period, in which case the number of lots assigned to each of the three years shall be applied against the total Residential Development Permits that are available for each of those years, respectively. The balance of the Residential Development Permits allotted for any given year shall be allocated to qualifying subdivisions submitted pursuant to the remainder applications process described in Section 3.3(B) on a time of submission basis.

(F) Excessive Development Proposal

- 1) If the total number of dwelling units in the proposed developments that receive ten or more points exceeds the total number of Residential Development Permits that are available in a given year, the qualifying developments will be prioritized by points. The development that received the highest point total must receive some Residential Development Permits, if they are available.
- 2) In the event a development receives Residential Development Permits prorated over a two or three-year period, at least 20% of the proposed dwelling units shall be allocated to each year.

(G) Appeal Procedure

The developer may appeal to the Circuit Court the decision of the Town Plan Commission and Town Board with respect to the allocation of Residential Development Permits. Written appeal shall be filed with the Circuit Court within 40 days after written notice to the developer of the Town Plan Commission's and Town Board's decision respecting allocation of Residential Development Permits for the developer's property.

(H) Required Submissions

Prior to preparation and submission of a preliminary or final plat, the subdivider shall submit for approval all plans, specifications, and reports as required in this chapter or as required by the Waukesha County Department of Parks & Land Use Land Resource Division, Planning & Zoning Division and/or Environmental Health Division, Waukesha County Department of Public Works and any Conditional Use approval for a Planned Unit Development or a Conservation Design Development.

(Ord. 2009-3, § 9, 5-12-2009)

3.4 Preliminary Plat Submittal

(A) Before submitting a final plat for approval, the Subdivider shall submit a preliminary plat prepared by a Land Surveyor registered in the State of Wisconsin. No preliminary plat may be submitted until the Developer has received the necessary Residential Development Permits and allotment in accordance with Section 3.2 and 3.3 of this chapter. The preliminary plat shall be prepared in accordance with this chapter and the Town of Mukwonago Land Division checklist. The Subdivider shall file the application with the Town Clerk or the Waukesha County Department of Parks and Land Planning and Zoning Division accompanied by the required number of copies of the preliminary plat stated below, as needed for forwarding to the appropriate agencies involved with the reviewing of the plat.

- 1)** Four (4) copies to the Waukesha County Department of Parks and Land Use Planning & Zoning Division with a copy of the soil boring results.
- 2)** Two (2) copies for the Waukesha County Department of Parks and Land Use - Environmental Health Division with the original copy of the Soil boring results.
- 3)** Two (2) copies for the Wisconsin Department of Administration Plat Review Unit along with the following if applicable;
 - a. Two (2) copies to the Wisconsin Department of Transportation for the State of Wisconsin, if the subdivision abuts or adjoins a State Trunk Highway or connecting street.

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- b. Two (2) copies to the Wisconsin Department of Natural Resources, if shoreland or floodlands are contained within the proposed subdivision or land included in the plat lies within 500 feet of the ordinary high water mark of any navigable stream, lake, or other navigable body of water.
 - 4) Two (2) copies to the Waukesha County Department of Public Works, if the property abuts or adjoins a County Trunk Highway or a connecting street.
 - 5) Fifteen (15) copies for the Town of Mukwonago, with two (2) copies of the soil boring results.
 - 6) Two (2) copies for any municipality exercising extra-territorial plat jurisdiction, pursuant to Sections 236.02(2), 236.10(b) (2), and 236.10(2), Wisconsin Statutes.
 - 7) One (1) copy for each utility serving the area.
 - 8) One (1) copy for the Waukesha County Department of Parks and Land Use - Land Resources Division.
- (B)** If the plat abuts Walworth County, file two (2) copies of the Preliminary Plat with that County.
- (C)** The Department of Administration - Plat Review Section and the Wisconsin Department of Transportation shall be, here and after, referred to as "objecting agencies". All other agencies mentioned, except for utility companies, the Waukesha County Department of Public Works, the Waukesha County Land Resources Division, and the Department of Natural Resources shall be, here and after, referred to as "approving agencies".
- (D)** Within twenty (20) days of the date of receiving the copies of the plat, any agency having objecting authority shall notify the subdivider and all approving and other objecting authorities of any objections which it may have, based upon failure of the plat to comply with the Statutes or rules which its examination is authorized to cover. If there are no objections, it should be so certified on a copy of the plat and return that copy to the approving authority from which it was received. If any objections are received by an objecting authority, a re-submittal of the Preliminary Plat shall be required with the required corrections noted. Such re-submittal shall be filed, as required, by Section 3.4 (A) of this chapter. If the objecting agency fails to act within the established twenty (20) day period, it shall be deemed to have no objections to the plat.

- (E) The Town Plan Commission shall conduct a public hearing to review the Preliminary Plat unless waived by the Plan Commission. The Town Clerk shall send a written notice via certified mail of the public hearing to those property owners owning property within 300 feet of the proposed subdivision. The Town Engineer and Town Planner shall review the Preliminary Plat and give a recommendation, in writing, to the Town Plan Commission. The Town Plan Commission may view the site, provided public notice of the meeting is provided as may be required by state law. (Ord. 2009-3, § 10, 5-12-2009)
- (F) After all the objecting authorities have formally removed objections; the approving agencies may approve the plat upon compliance with all other rules, regulations, or plans which are in effect in the area of the plat.
- 1) The Town Plan Commission shall, within 90 days of the date of receipt of a Preliminary Plat by the Town Clerk, approve, conditionally approve, or deny such plat. One (1) copy of the plat shall be returned to the submitting agent with the date and action endorsed thereupon; and if conditionally approved or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One (1) copy each of the plat and letter shall be placed in the Town Plan Commission's permanent file. The Town may not approve a plat upon which an objection has been certified per Wisconsin State Statutes Chapter 236.
 - 2) Failure of the Town Board to act within 90 days shall constitute an approval of the preliminary plat as submitted unless the review period is extended by consent of the Developer or his agent in writing.
 - 3) Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted with twenty-four (24) months of the Preliminary Plat approval and conforms substantially to the Preliminary Plat and its conditions of approval, as provided in Section 236.11(1) (b) of the Wisconsin Statutes, the Final Plat shall be entitled to approval.

3.5 Final Plat Submittal

- (A) The Developer shall prepare a Final Plat (prepared by a land surveyor registered in the State of Wisconsin) and a letter of application in accordance with this chapter, together with a list of the authorities to which the plat must be submitted for approval or objection, and shall file an adequate number of copies of the plat with the Town or the County, which shall within two (2) days formally file the plat as follows:
- 1) The Town Clerk or designee shall, within two (2) days after filing, transmit four (4) copies to the Waukesha County Department of Parks and Land Use; two (2) copies to the Waukesha County Department of Public Works if the subdivision abuts or adjoins a County Trunk Highway; two (2) copies to

the Wisconsin Department of Administration, two (2) copies to the Wisconsin Department of Transportation, if the subdivision abuts or adjoins a State Trunk Highway or connecting street; two (2) copies to the Wisconsin Department of Natural Resources if land included in the plat lies within 500 feet of the ordinary high water mark of any navigable stream, lake, or other navigable body of water, or if any Shoreland or Floodland areas are located within the plat. (Ord. 2009-3, § 11, 5-12-2009)

- 2) Within 20 days of the date of receiving the copies of the plat, any agency having authority to object shall notify the subdivider and all approving or objecting authorities of any objection it has. If objections are received, it shall be the responsibility of the subdivider to resubmit his plat in accordance with the foregoing procedures. If there are no objections, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or be deemed approved until any objecting agency fails to act within the 20-day limit, it shall be deemed to have no objection to the plat.
- 3) In lieu of the procedure outlines in 3.5 (A) 1 & 2, the subdivider may submit the original plat to the Department of Administration who shall forward 2 copies each to the agencies authorized to object.

The required number of copies shall be made at the subdivider's expense. Within 20 days of the date of receiving the copies of the plat, any objection agency shall notify the subdivider, and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover. If there are no objections, it shall so certify on the face of a copy of the plat and return that copy to the Department of Administration. After each agency and the Department of Administration have certified that they have no objection or that their objections have been satisfied, the Department of Administration shall so certify on the face of the plat. If an agency fails to act within 20 days from the date of receipt of copies of the plat, and the Department of Administration fails to act within 30 days of receipt of the original plat, it shall be deemed that there are no objections to the plat and, upon demand, it shall be so certified on the face of the plat by the Department of Administration.

- (B) The Town Board shall within sixty (60) days of the date of filing of the Final Plat approve or reject such plat unless the time is extended by agreement with the subdivider or unless objections have been filed which would require a formal re-submittal of the plat after the corrections have been made. The Town Board shall examine the Final Plat as to its conformance with the approved Preliminary Plat; this chapter and all ordinances, rules, regulations, or other plans which may affect the plat. The Final Plat may constitute only that portion of the approved

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Preliminary Plat which the subdivider proposes to record at that time if a phasing plan has been prepared by the developer and approved by the Town Board. The Final Plat may be rejected if it is not submitted within twenty-four (24) months of the date of the last required approval of the Preliminary Plat. No approval by any approving agency can be granted until all formal objections have been satisfied. Failure of any approving agency to act within 60 days, the time not having been extended and no objections having been filed, shall constitute an approval. The necessary certificates shall also be placed upon the original drawing of the Final Plat and must be signed by all appropriate review agencies prior to recording.

- (C) Recordation. After the final plat had been approved by the Town board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk or designee shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed. The Town Clerk or designee shall record the Final Plat with the Register of Deeds. The Register of Deeds shall not record the plat unless it is offered within time limits designated in Section 236.25 of the Wisconsin Statutes.

3.6 Replat of an Existing Subdivision

When it is proposed to replat a recorded subdivision, or any part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The Developer, or person wishing to replat, shall then follow procedures and requirements for a preliminary plat and final plat as specified in this chapter, except as modified in this section. The Town Clerk shall schedule a public hearing before the Town Plan Commission when a Preliminary Plat of a replat of lands within the Town is filed, and shall cause notices of the proposed replat and public hearing to be 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 300 feet of the exterior boundaries of the proposed replat.

(Ord. 2009-3, § 12, 5-12-2009)

3.7 Condominium Plat

- (A) Generally. A condominium plat prepared by a land surveyor registered in Wisconsin is required for all Condominium Plats, Multifamily, Planned Unit Developments, or any amendments or expansions thereof. It shall comply in all respects with the requirements of Section 703.11 of the Wisconsin Statutes and shall be reviewed in the same manner as a subdivision plat as set forth in this chapter. Such plats shall comply with the design standards improvements, and all other Town and County Ordinances, as if the same were land divisions.

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- (B)** Application. The subdivider shall submit the following to the Town Clerk:
- 1) A completed application form as provided by the Town.
 - 2) The application fee established by the Town Board.
- (C)** Density. Adequate open space shall be provided so that the average density and intensity of land use shall be no greater than that permitted for the zoning district in which it is located. To the extent that such a plan or plat proposes that particular portions or areas of the development have higher density or intensity of land use, the Plan Commission or Town Board may require additional information pertaining to such development, including information not otherwise required of subdivision plats. It is the intent of this section to permit the Plan Commission and Town Board to have sufficient information, when presented with unique or higher density or intensity of land use development projects, to adequately review the overall development.
- (D)** Review and Approval. The Plan Commission and Town Board shall review the proposed plan including but not limited to the following; the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effects of proposed uses, structures, improvements and operation upon the area and upon flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat. The Plan Commission and Town Board may approve the plat provided that the proposed uses and structures are in accordance with the purpose and intent of this chapter and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environmental quality, shoreland cover, or property values in Town. (Ord. 2009-3, § 13, 5-12-2009)

3.8 Minor Land Divisions

Any division of land, other than a subdivision, as defined herein, shall be surveyed and a Certified Survey Map prepared and recorded as provided in Section 236.34 of the Wisconsin Statutes and this chapter.

- (A)** Prior to the preparation of the map, it is required to first submit the proposed division to the Town Planner and the Town Plan Commission as set forth in Section 3.1 of this chapter for informal preliminary discussion and approval in accord with Section 3.1 of this chapter. It shall be reviewed to establish conformity with surrounding, existing or proposed developments; adjacent or future streets; schools; or other environmental corridor parkways; or other planned public developments; analysis of soil types; topography; drainage; access to any abutting street or highway; conformance with the Established Street and Highway Width Map of Waukesha County; and generally for the effect the land sale would have on the development of surrounding property.

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- (B)** After conceptual concurrence has been granted by the Plan Commission as to the general land divisions, the subdivider may proceed to have drawn a Certified Survey Map in accordance with Section 236.34 of the Wisconsin Statutes. The subdivider shall be required to dedicate any street and public improvements, which the Town deems necessary and shall be required to build the street and public improvements to Town Road standards and in conformance with this chapter. All other dedications, and payments, established by Section 2.4 of this chapter shall be required of the subdivider.
- (C)** Fifteen (15) copies of the final Certified Survey Map shall be submitted to the Town Clerk along with a completed application form as may be used by the Town and the application fee as may be established by the Town Board. If any lots to be divided are not served by municipal sanitary sewer, soil borings tests shall be submitted for approval in accordance with Waukesha County Code Regulating Onsite Sewage Disposal System, and the rules of the Department of Commerce, applicable to subdivisions. (Comm. 83) The Plan Commission shall refer the Certified Survey Map with its recommendations to the Town Board within 40 days of its submission, unless the time is extended by agreement with the subdivider. The Town Board shall approve or reject the Certified Survey Map within 90 days of its submission to the Plan Commission, unless the same is extended by agreement with the subdivider. If the Certified Survey Map is approved by the Town board, upon satisfaction of any conditions precedent, the approval shall be certified by the Town Clerk on the original of the Certified Survey Map. (Ord. 2009-3, § 14, 5-12-2009)
- (D)** The original of the Certified Survey Map shall be filed with the Register of Deeds within ninety (90) days of its approval by the governing body, shall conform to the requirements of Section 236.34, Wisconsin Statutes and shall contain certificate of approval of the Town Board along with any other certificates as may be required by Statute. The applicable recording fee shall also be filed along with the map. If the certified survey map is not recorded within the ninety (90) days, the previously approved map is thereby automatically rejected and the subdivider must recommence the entire procedure in this chapter, unless an extension of time to file has been granted by the Town Board.

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SECTION 4.0 PRELIMINARY PLAT SUBMITTAL REQUIREMENTS

4.1 Preliminary Plat Data

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 prepared on tracing cloth or paper of good quality at a scale of not less than 200 feet to the inch and shall show correctly on its face the following information:

- (A) Title under which the proposed subdivision is to be recorded.
- (B) Location of proposed subdivision by: government lot, quarter section, township, range, County and State.
- (C) Location Map, showing section in which division lies, oriented the same direction as the main drawing and any contiguous streets or highways.
- (D) Names and Addresses of the owner, developer, engineer or land surveyor preparing the preliminary plat, along with the engineer's or land surveyor's registration number.
- (E) Land contiguous to the proposed plat owned or controlled by the developer or owner of the property shall be included on the Preliminary Plat, even though only a portion of said property is proposed for immediate development.
- (F) Date, Scale, and North Arrow.
- (G) Floodplain Limits of the 100-year recurrence interval flood as determined by the Federal Flood Insurance Study, SEWRPC or other technical documents, or where such data is not available, the elevation shall be determined by a Registered Professional Engineer and the Town Engineer shall approve the sealed documents. A contour line lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood on record or a known high water elevation.
- (H) Topographic Contours (existing and proposed) not to exceed 2' intervals, if available, if not available 5' intervals on the preliminary land division.
- (I) Soil types, slopes and boundaries as shown on the soil survey maps prepared by the Soil Conservation Service, U.S. Department of Agriculture and the location of all required soil borings.
- (J) High-water and Low-water elevation of all ponds, streams, lakes, flowages, and wetlands based upon Mean Sea Level Datum. Floodland and Shoreland boundaries shall be delineated.

- (K) Wetlands Locate all wetlands and identify the source and date of the delineation, if field verified and all streams, channels, and ditches on or adjacent to the site.
- (L) Delineation of the Waukesha County Shoreland and Floodland Protection Ordinance Jurisdictional Limits.
- (M) Designated Primary and Secondary Environmental Corridors Isolated natural areas and woodland features as delineated on the Waukesha County Development Plan or any sewer service amendment for the area. If corridors or natural areas have been field verified, by a qualified professional designate the date of the staking, who did the staking and the approval date by SEWRPC.
- (N) Exact Length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in "U.S. Public Land Survey" and the total acreage encompassed thereby.
- (O) Location and names of any adjacent developments and/or property along with the location, established and existing width of all roads and names of all existing streets, alleys, or other public ways, easements, railroad and utility rights-of-way and in the immediate area of the plat. The type, width, and elevation of existing street pavements within or adjacent to the proposed development together with any legally established centerline elevations referred to Mean Sea Level Datum.
- (P) All existing structures on and within 50' of the property line, including usage and horizontal offset and setback to existing and/or proposed property lines, visible and known wells onsite and within 100' of septic or stormwater facilities as required by the Department of Natural Resources (DNR) Well Code, water courses, drainage ditches, existing property lines of abutting property, and other features pertinent to property division.
- (Q) Existing easements type and dimensions on the preliminary proposal and proposed easements, if known. Easements types may be conservation easements, access easements, scenic easements, mineral easements or air right easements.
- (R) Preplanned building sites and other improvements and any preplanned waste disposal systems, when limited by existing physical features.
- (S) Lot and outlots numbers and dimensions.
- (T) Curve information either on the curve, in a table, or along the street radius.
- (U) Public dedication of parcels, outlots and right-of-ways.
- (V) Location of soil borings with numerical cross-reference to data (frequency, location and depth need to be determined).

- (W) Building or setback lines from wetlands and floodplain as required in The Municipal Code of the Town of Mukwonago, Wisconsin and Waukesha County Shoreland and Floodland Protection Ordinance and by a Trans 233 Permit issued by the Wisconsin Department of Transportation, if applicable.
- (X) Historic or cultural features such as Indian mounds location, as designated on the State Historical Society of the Wisconsin Division of Historical Preservation Archeological Site Inventory.
- (Y) Foundation limitations due to high groundwater, bedrock, or stormwater management facilities, and appropriate disclosure statements.
- (Z) Sanitary landfill sites closed or unclosed within 1,000 yards of the proposed land division. Manure or other waste storage facilities onsite or consistent with existing Administration Rules or as listed on the Registry of Waste Disposal Sites of Wisconsin.
- (AA) Location of any known drain tile on the site or on adjacent properties and their function, if known.
- (BB) Stormwater Management facilities and easement locations, dimensions and who is responsible for maintenance of said facilities.
- (CC) Access Easements limitations, restrictions to adjacent roads and access for stormwater facility and open space maintenance.
- (DD) Designate source documents for mapping features such as wetland, floodplains, environmental corridors, etc.
- (EE) Division of Health Information Soil boring information and other information required by the Waukesha County Code of Ordinances Regulatory Private Sewage System for land divisions not being served by sanitary sewers shall be attached to and submitted with the division.
- (FF) Ownership of all outlots within and adjacent to the parcel to be divided.
- (GG) Watershed delineations before and after development shall be submitted on separate topographic maps.
- (HH) Existing zoning on and adjacent to the proposed subdivision along with corporate limit lines.
- (II) Proposed lake and stream access in the subdivision along with any improvement or relocation of the lake or stream, as approved by the DNR, the County and the Town.
- (JJ) Additional Setbacks or building lines required by the Town of Mukwonago Plan Commission which are more restrictive than the regulations of the zoning district in which the parcel is located.

- (KK) Additional Setbacks which are more restrictive than the regulations of the zoning district in which the division is located or which are proposed by the developer and included in recorded protective covenants.
- (LL) All lands reserved for future public acquisition.
- (MM) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, including any downstream that may be affected by the development, the location of manholes, catch basins, hydrants, electric power and telephone poles or underground installations, location and size of any existing water and gas mains within the area of the plat or adjacent thereto. If no sewers, water mains or other utility facilities are located on, or immediately adjacent to the tract, the nearest such facilities which might be extended to serve the tract shall be indicated by their direction and distance from the tract, their size, and their invert elevation.
- (NN) Location of existing property boundary lines, structures, drives, streams or water courses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being divided or immediately adjacent thereto.
- (OO) The proposed preliminary grades of roadways, drainage ways and culverts shall be noted on the preliminary plat.
- (PP) Deed restrictions pertaining to the land included in the plat.
- (QQ) Additional Information Any additional information requested by the Town to verify ownership, clarify questions raised during the approval procedure and any other information the Town deems necessary to reach a decision on the division.
- (RR) Preliminary Review letter from the Waukesha County Land Resource Division on the Storm water Management Plan.
- (SS) The surveyor shall also submit the following documentation;
- Compliance with local and County zoning jurisdiction
 - Compliance with the Town of Mukwonago Master Plan
 - Compliance with the Land Use Category and Density in the Waukesha County Development Plan
 - Compliance with the Town of Mukwonago Official Map
 - Compliance with the Waukesha County Street and Highway Width map
 - Compliance with the Town of Mukwonago Park & Open Space Plan

4.2 Street and Drainage Facilities Plans and Profiles

It shall be required that the developer prepare and submit street plans and profiles to the Town Engineer for his recommendation and/or approval prior to submittal of the Final Plat. These plans and profiles shall show existing ground surface, proposed and established street grades, and profiles, including extensions for a reasonable distance beyond the boundary of the proposed subdivision.

The plans shall also include drainage retention facilities, culvert sizes, calculations of drainage facilities, and tabulation of driveway culvert sizes. Details of special features shall be furnished and vertical control documentation provided within the Subdivision and noted on the plans.

4.3 Detailed Construction Site, Erosion and Stormwater Management Plans

The developer shall submit Construction Site, Erosion and Sediment Control and Stormwater Management Plans for review and approval by the Town. Such plans shall generally follow guidelines and standards as set forth in "Guidelines for Submittal of a Drainage and Erosion Control Plans" and "Minimizing Erosion in Urbanizing Areas", prepared by the U.S. Soil Conservation Service, as amended. In granting Final Plat approval, the Town Plan Commission shall specify any conditions which it deems appropriate regarding timing, methods, and financial guarantees for the installation of various items, as may be suggested in the required plans.

4.4 Borings and Soundings

The Town may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water or bedrock. These provisions may be in addition to the requirements of DILHR-85 of the Wisconsin Administrative Codes and shall be submitted for review with the Preliminary Plat.

4.5 Protective Covenants

Protective covenants may be required by the Town Board whereby the developer intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. Proposed covenants shall be in conjunction with submittal of the final plat.

4.6 Certification

The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land division and features and that he has fully complied with the provisions of this chapter. The preliminary plat shall be signed, sealed and dated by the Registered Land Surveyor who prepared or directed and controlled preparation of the plat.

SECTION 5.0 FINAL PLAT SUBMITTAL REQUIREMENTS

5.1 Final Plat Data

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:

- (A) Title under which the proposed subdivision is to be recorded.
- (B) Location of proposed subdivision by: government lot, quarter section, township, range, County and State.
- (C) Location Map showing section in which division lies, oriented the same direction as the main drawing and any contiguous streets or highways.
- (D) Names and Addresses of the owner, developer, engineer and land surveyor preparing the final plat, along with the land surveyor's certificate signed, dated, sealed and any revision dates on all pages.
- (E) Sheet numbers and total number of sheets notation and signature certificates.
- (F) Date, Scale, and North Arrow.
- (G) Floodplain Limits of the 100-year recurrence interval flood as determined by the Federal Flood Insurance Study, SEWRPC or other technical documents, or where such data is not available, the elevation shall be determined by a Registered Professional Engineer and the sealed documents shall be approved by the Town Engineer. A contour line lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood on record or a known high water elevation.
- (H) High-water and Low-water elevation of all ponds, streams, lakes, flowages, and wetlands based upon Mean Sea Level Datum.
- (I) Wetlands Locate all wetlands and identify the source and date of the delineation, if field verified and all streams, channels, and ditches on or adjacent to the site.
- (J) Delineation of the Waukesha County Shoreland and Floodland Protection Ordinance Jurisdictional Limits.
- (K) Designated Primary and Secondary Environmental Corridors, Isolated natural areas and woodland features as delineated on the Waukesha County Development Plan or any sewer service amendment for the area. If corridors or natural areas have been field verified, by a qualified professional designate the date of the staking, who did the staking and the approval date by SEWRPC.

- (L) Exact Length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in "U.S. Public Land Survey" and the total acreage encompassed thereby.
- (M) Location and names of any adjacent developments and/or property along with the location, established and existing width of all roads and names of all existing streets, alleys, or other public ways, easements, railroad and utility rights-of-way and in the immediate area of the plat. The type, width, and elevation of existing street pavements within or adjacent to the proposed development together with any legally established centerline elevations referred to Mean Sea Level Datum.
- (N) All existing structures on and within 50' of the property line, including usage and horizontal offset and setback to existing and/or proposed property lines, visible and known wells onsite and within 100' of septic or storm water facilities as required by the Department of Natural Resources (DNR) Well Code, water courses, drainage ditches, existing property lines of abutting property, and other features pertinent to property division.
- (O) Existing easements type purpose and dimensions and proposed easements. Easements types may be conservation easements, access easements, scenic easements, mineral easements or air right easements.
- (P) Preplanned building sites and other improvements and any preplanned septic system sites when limited by existing physical features.
- (Q) Vision corners and vision corner easements.
- (R) Lot and outlots numbers and dimensions.
- (S) Curve information, either on the curve or in a table or along the street radius.
- (T) Public dedication of parcels, outlots and right-of-ways.
- (U) Location of soil borings with numerical cross-reference to data (Frequency, location and depth need to be determined by the Town Engineer based upon the U.S.D.A. Soils Maps).
- (V) Building or setback lines from wetlands and floodplain as required in The Municipal Code of the Town of Mukwonago, Wisconsin or Waukesha County Shoreland and Floodland Protection Ordinance and by Trans 233 Permit issued by the Wisconsin Department of Transportation, if applicable.
- (W) Historic or cultural features such as Indian mounds location, as designated on the State Historical Society of the Wisconsin Division of Historical Preservation Archeological Site Inventory.
- (X) Foundation limitations due to high groundwater, bedrock, or storm water management facilities, and appropriate disclosure statements.

- (Y) Sanitary landfill sites Closed or unclosed within 1,000 yards of the proposed land division. Manure or other waste storage facilities onsite or consistent with existing Administration Rules or as listed on the Registry of Waste Disposal Sites of Wisconsin.
- (Z) Storm water Management facilities and easement locations dimensions and who is responsible for maintenance of said facilities.
- (AA) Access easements, limitations, restrictions to adjacent roads and access for storm water facility and open space maintenance.
- (BB) Designate source documents for mapping features such as wetland, floodplains, environmental corridors, etc.
- (CC) Ownership of all outlots within and adjacent to the parcel to be divided.
- (DD) Proposed lake and stream access in the subdivision along with any improvement or relocation of the lake or stream, as approved by the DNR, the County and the Town.
- (EE) Additional Setbacks or building lines required by the Town of Mukwonago Plan Commission which are more restrictive than the regulations of the zoning district in which the parcel is located.
- (FF) Additional Setbacks which are more restrictive than the regulations of the zoning district in which the division is located or which are proposed by the developer and included in recorded protective covenants.
- (GG) All lands reserved or designated for future public acquisition.
- (HH) Deed restrictions pertaining to the land included in the plat.
- (II) Additional Information Any additional information requested by the Town to verify ownership, clarify questions raised during the approval procedure and any other information the Town deems necessary to reach a decision on the division.
- (JJ) All final plats shall contain a statement that the subject parcels are within a "State Designated Groundwater Management Area".

5.2 Final Plat Mapping Standards

The final plat shall be drawn with a permanent non-fading black image on durable white media that is 22" wide by 30" long. The plat shall have a binding margin of 1-½" wide on the left side and a 1" margin on all other sides. Seals or signatures reproduced on images complying with this paragraph shall be given the force and effect of original signatures and seals. The following information shall be shown:

- (A) Boundary Lines: Boundary lines with length of courses to hundredths of a foot and bearings to seconds as determined by an accurate field survey performed by a registered land surveyor and balanced and closed with an error of closure not to exceed 1' in 3,000'.
- (B) Recorded Streets: The exact location and the width along the property line of all existing recorded streets intersecting or abutting the boundaries of the tract.
- (C) Tie to government survey: True bearings and distances to nearest established survey lines or other official monuments, which monument shall be located or accurately described on the plat. Any patent or established survey or corporation lines shall be accurately monumented and located on the plat.
- (D) Monuments: The accurate location and material of all permanent reference monuments as specified in s.s 236.15 of the Wisconsin Statutes.
- (E) Design: The exact design including:
 - 1) Street and alley lines: Names, bearings, angles of intersection, widths including widths along the line of any obliquely intersection street length of centerlines, etc.
 - 2) Curve data: Lengths of arcs, bearings and lengths of main chords, radii, central angles and tangent bearings at either the point of curve or point of tangency shall be shown either in their proper place or in a separate table for all streets and alleys. Lot lines may be shown in the same manner or by bearings and distances.
 - 3) Easements, natural drainage areas, drainage easements and right-of ways: Easements, natural drainage areas, drainage easements and right-of-ways shall be shown by centerline and width when lines are parallel to a boundary, otherwise boundary bearings and distances shall be shown.
 - 4) Blocks: Blocks, if designated, shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively through the several additions. The exact length and bearings of the boundary lines of all blocks shall be shown.

- 5) Lots: All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order within each block. The square footage of each lot and outlot shall be shown on the plat and in addition thereto the plat shall show the exact acreage for each lot or outlot on the plat. No lot will be approved that is not a buildable lot.
- 6) Outlots: No outlots will be approved for inclusion on a plat or certified survey unless an ultimate development or disposition plan is filed and approved by the Plan Commission and Town Board.
- 7) Meander lines: Distances and bearings for meander lines shall be shown with the distance between the point of intersection of such meander lines with lot lines and high water mark also shown.
- 8) Spite strips: No strips of land will remain un-platted, commonly known as spite strips, if such parcels of land affect future extensions of public highways or easements.
- 9) Additional requirements: As required by sec. 236.20 of the Wisconsin Statutes.
- (F) Name of subdivision: The name of the subdivision shall be shown and shall not duplicate the name of any other subdivision in Waukesha County.
- (G) Affidavits and certificates: The Surveyor's Certificate, the owner's certificate, the certificate of taxes paid, and other affidavits and certificates required by Chapter 236 of the Wisconsin Statutes shall be lettered in ink or typed legibly in black ink on the final plat.
- (H) Additional Information: Any additional information required by Chapter 236 of the Wisconsin Statutes or required by the Town.
- (I) Reproducible tracing: An acceptable reproducible tracing of the final plat shall be filed with the TOWN before the Town's approval is affixed to the final plat.
- (J) House numbers assigned: The developer shall place upon a copy of the final plat on each lot shown on said plat the correct legal house number assigned to that lot in conformity with the grid system in effect in Waukesha County.
- (K) Easement and drainage easement areas:
- 1) Easements: Easements shall be centered on rear or side lot lines whenever possible. Easements shall be the responsibility of the TOWN to maintain only if easement rights and conditions are clearly described as being conveyed to the TOWN.
- a. Utility: Easements shall be provided for utilities where required by the Town Board and shall be at least ten (10) feet wide.

- b. Drainage easements: Where a subdivision is traversed or contains a drainage easement area, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such drainage easement area, and such further width or construction, or both, as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained in an open channel with landscaped banks and adequate width for maximum potential volume of flow.

2) Deed Restrictions:

- c. General Deed Restrictions: When it is in the best interest of the TOWN, the Board may require that private deed restrictions be either shown on the plat or filed separately with the Register of Deeds.
- d. Drainage Deed Restrictions: All natural drainage areas shown on the plat will be accompanied by deed restrictions prohibiting the construction of any buildings, grading or filling or in any way interfering with the natural holding and percolation of ground water and granting the TOWN the right to enter upon any lot which contains a drainage deed restriction area to inspect, repair, or restore using any necessary means to return the area to its natural state and to maintain the movement holding or percolation of water. Said deed restrictions shall be permanent and shall run to the TOWN. In the event the Town incurs any expenses in inspecting, repairing or restoring these areas to their stated purpose, then and in that event such charge may be placed against the tax roll and collected as a special charge by the Town.

(L) Offsets and setbacks:

Offsets, setbacks and proposed location of passing the required percolation tests for septic system shall be shown on copy of final plat or certified survey map. These requirements are to be used as a guide for the Town only and shall not be deemed to give a property owner any vested rights should the Town later change the requirements.

SECTION 6.0 CERTIFIED SURVEY MAP SUBMITTAL REQUIREMENTS

6.1 Certified Survey Map Data

A Certified Survey Map prepared by a Registered Surveyor shall be required for all minor land divisions. Any improvements necessary for proper use of the subject parcels shall be required as specified by this chapter. The Certified Survey Map shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes and the following

- (A) Title under which the proposed subdivision is to be recorded.
- (B) Location of proposed certified survey map by quarter section, township, range, County and State.
- (C) Location Map showing section, in which division lies, oriented the same direction as the main drawing and any contiguous streets or highways.
- (D) Names and Addresses of the owner, developer, engineer and land surveyor preparing the certified survey map and land surveyor's certificate signed, dated, sealed and any revision dates on all pages.
- (E) Sheet numbers and total number of sheets notation and signature certificates.
- (F) Date, Scale, and North Arrow.
- (G) Floodplain Limits of the 100-year recurrence interval flood as determined by the Federal Flood Insurance Study, SEWRPC or other technical documents, or where such data is not available, the elevation shall be determined by a Registered Professional Engineer and the sealed documents shall be approved by the Town Engineer. A contour line lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood on record or a known high water elevation.
- (H) High-water and Low-water elevation of all ponds, streams, lakes, flowages, and wetlands based upon Mean Sea Level Datum.
- (I) Wetlands Locate all wetlands and identify the source and date of the delineation, if field verified and all streams, channels, and ditches on or adjacent to the site.
- (J) Delineation of the Waukesha County Shoreland and Floodland Protection Ordinance Jurisdictional Limits.

- (K) Designated Primary and Secondary Environmental Corridors Isolated natural areas and woodland features as delineated on the Waukesha County Development Plan or any sewer service amendment for the area. If corridors or natural areas have been field verified, by a qualified professional designate the date of the staking, who did the staking and the approval date by SEWRPC.
- (L) Exact Length and bearing of the exterior boundaries of the proposed certified survey map referenced to a corner established in "U.S. Public Land Survey" in accordance with Section 236 of the Wisconsin state statutes and the total acreage encompassed thereby.
- (M) Location and names of any adjacent developments and/or property along with the location, established and existing width of all roads and names of all existing streets, alleys, or other public ways, easements, railroad and utility rights-of-way and in the immediate area of the map. The type, width, and elevation of existing street pavements within or adjacent to the proposed development together with any legally established centerline elevations referred to Mean Sea Level Datum.
- (N) All existing structures on and within 50' of the property line, including usage and horizontal offset and setback to existing and/or proposed property lines, visible and known wells onsite and within 100' of septic or storm water facilities as required by the Department of Natural Resources (DNR) Well Code, water courses, drainage ditches, existing property lines of abutting property, and other features pertinent to property division.
- (O) Existing easements type purpose and dimensions and proposed easements. Easement types may be conservation easements, access easements, scenic easements, mineral easements or air right easements.
- (P) Preplanned building sites and other improvements and any preplanned waste disposal systems, when limited by existing physical features.
- (Q) Vision corners and vision corner easements.
- (R) Lot and outlot numbers and dimensions.
- (S) Curve information either on the curve or in a table or along the street radius.
- (T) Public dedication of parcels, outlots and right-of-ways.
- (U) Location of soil borings with numerical cross-reference to data (Frequency, location and depth need to be determined by the Town Engineer based upon the U.S.D.A. Soils Maps).
- (V) Building or setback lines from wetlands and floodplain as required in the The Municipal Code of the Town of Mukwonago, Wisconsin and Waukesha County Shoreland and Floodland Protection Ordinance and by a Trans 233 Permit issued by the Wisconsin Department of Transportation, if applicable.

- (W) Historic or cultural features (e.g., Indian mounds) location, as designated on the State Historical Society of the Wisconsin Division of Historical Preservation Archeological Site Inventory.
- (X) Foundation limitations due to high groundwater, bedrock, or storm water management facilities, and appropriate disclosure statements.
- (Y) Sanitary landfill sites Closed or unclosed within 1,000 yards of the proposed land division. Manure or other waste storage facilities onsite or consistent with existing Administration Rules or as listed on the Registry of Waste Disposal Sites of Wisconsin.
- (Z) Storm water Management facilities and easement locations dimensions and who is responsible for maintenance of said facilities.
- (AA) Access easements limitations, restrictions to adjacent roads and access for storm water facility and open space maintenance.
- (BB) Designate source documents for mapping features such as wetland, floodplains, environmental corridors, etc.
- (CC) Ownership of all outlots within and adjacent to the parcel to be divided.
- (DD) Additional Setbacks or building lines required by the Town of Mukwonago Plan Commission which are more restrictive than the regulations of the zoning district in which the parcel is located.
- (EE) Additional Setbacks which are more restrictive than the regulations of the zoning district in which the division is located or which are proposed by the developer and included in recorded protective covenants.
- (FF) All lands reserved for future public acquisition.
- (GG) Deed restrictions pertaining to the land included in the certified survey map.
- (HH) Additional Information Any additional information requested by the Town to verify ownership, clarify questions raised during the approval procedure and any other information the Town deems necessary to reach a decision on the division.
- (II) All Certified Survey Maps shall contain a statement that the parcels are located within a "State Designated Groundwater Management Area".

6.2 Additional Information

Each Certified Survey Map shall meet the following requirements:

- (A) Registered Land Surveyor: The survey has been performed and the map prepared by the registered land surveyor.
- (B) Monuments: All corners have been monumented in accordance with s. 236.15 (1) (c) and (d) of the Wisconsin Statutes.
- (C) Map: The map shall be prepared in accordance with s.s 236.34 on durable white paper 8½ inches wide by 14 inches long. All lines shall be made with non-fading black ink on a scale of not more than 100 feet to an inch.
- (D) Certificates and description: The certified survey map shall include the certificate of the registered land surveyor who surveyed and mapped the parcel including a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the government survey and acceptable to the Town Engineer. The owner's certificate duly notarized and the Board's approval certificate shall also be shown.
- (E) Percolation and boring tests: Percolation test data, test boring information and any other information required by the Waukesha County Department of Parks and Land Use –Environmental Health Division for areas not served by sanitary sewers shall be attached to and submitted with the Certified Survey Map. No lot will be approved that is not a buildable lot. A suitable site for a septic system must be on each buildable lot.
- (F) Certified Survey Maps: Must meet the requirements of Section 6.1, including repayment to the Town of those necessary expenses as determined by the Town Board for engineering, planning, attorney fees and/or architectural consulting or reviews.
- (G) All new parcel creations: Must have passing percolation data or contain a statement on the face of map stating "unbuildable until a state approved septic system can be installed".
- (H) No spite strips allowed: No strips of land shall remain unplatted, commonly know as spite strips, if such parcels of land affect future extensions of public highways or easements.
- (I) Additional information: The map shall show all existing building, water courses, drainage ditches, setbacks or building lines if required by the Board and other information deemed pertinent by the TOWN. The Reference Meridian shall also be given.

- (J) Remaining parcels: Any remnant parcel created by the Certified Survey must have passing percolation data or contain a statement on the face of map stating “un-buildable until a state approved septic system can be installed”.
- (K) Any additional information: As may be required by the Town.

6.3 Recordation

The Certified Survey Map shall be recorded with the County Register of Deeds after the certificates and signatures are placed on the face of the map.

6.4 Existing Substandard Lots of Record

(A) Conveyance and Building Permit Issuance Restricted. In the case of legal lot of record, which does not conform to the zoning regulations of the Town of Mukwonago and, which adjoins a lot held in the same ownership, even if separated by a public or private road, easement, or body of water, no such lot shall be conveyed to another owner, nor shall a building permit be issued for a structure on said lot, except in conformity with the following:

- 1) **Petition for Determination.** The owner of any substandard lot, as set forth above may, at any time prior to the proposed conveyance of such lot or request for a building permit, file an application with the Town Plan Commission and Town Board at least two (2) weeks prior to their regularly scheduled meeting for a determination as to whether the lots should be combined, re-divided, and/or rezoned prior to any such sale or Building Permit issuance.
- 2) **Refer to Plan Commission.** Such petition shall be submitted to the Town Planner and the Town Engineer, who shall prepare a report for the Town Plan Commission for use in making a recommendation to the Town Board. The Town Planner and Town Engineer shall determine the practical possibility of use, re-division, or combination of said lots, or construction of a permitted structure, which shall be as much in conformity to the zoning district regulations as possible.
- 3) **The Plan Commission shall make a recommendation to the Town Board and the Town Board shall make a final determination upon consideration of the following, as to whether the lots should be combined, re-divided, and/or rezoned.**
 - a. **Compatibility.** The size, quality, and character of the existing lots and building development in the immediate area with a view toward maintaining compatibility and protecting existing property values.
 - b. **Sewage Disposal.** All newly created lots must conform to all provisions of the Waukesha County Ordinance Regulating On-site Sewage Disposal Systems.

- c. Practicality. The economic and engineering practicality of any possible re-division or combination.
 - d. Building Location. All newly created parcels shall have a building site location, which complies with locational requirements of The Municipal Code of the Town of Mukwonago, Wisconsin.
 - e. Public Improvements. All newly created lots must meet the minimum standards for public road access, and if public road improvements would be necessary, the proposed public road improvements must meet the minimum standards for public road improvements, including in relation to topography, access to the newly created and adjacent parcels, and maneuvering area within the public right-of-way.
 - f. Compliance with Zoning District Regulations. All newly created lots must comply with the zoning district regulations for the district in which the lots are located, pursuant to the Chapter 82 of the Municipal Code of the Town of Mukwonago, Wisconsin, even if that can only be achieved by rezoning the property to a zoning district that would allow the creation of the proposed lots, except as follows. If the combination of all of the lots in common ownership would result in a single lot that is necessarily and unavoidably less than 100 ft. wide and/or less than 20,000 sq. ft. in area, then compliance with the zoning district regulations for the district in which the lot is located is not required to combine the substandard lots into one lot.
- 4)** The Plan Commission shall make its recommendation to the Town Board within a reasonable time after receiving all necessary information and the Town Board shall act within a reasonable time to receipt of the Town Plan Commission's recommendation.
- 5)** Method of Re-division or Combination. Such re-division or combination must be accomplished by a Certified Survey Map approved by the Town Board.
- a. Determination, The Town Board's determination shall either require or not require the combination, re-division, or rezoning of the lots as follows:
 - b. Combination, Re-division, Rezoning Required. If the Town Board determines that conveyance or issuance of a Building Permit shall be prohibited unless a combination and/or re-division and/or rezoning of the lots is completed, the Town Board may suggest a proposed combination, re-division, and/or rezoning. The Town Board may impose reasonable conditions upon any such determination. Any plat or Certified Survey Map or rezoning petition that would ensue is subject to all applicable review proceedings required by law, and the Town Board's determination made pursuant to this Section shall not be interpreted as warranting that all required approvals would be granted. If, however,

the Town Board determines that a lot may be created that is less than 100 feet in width and/or less than 20,000 sq. ft. in area pursuant to Section 6.4(A)(3)(f), the Town may not thereafter deny the request on the sole basis that the lot is less than 100 ft. in width and/or less than 20,000 sq. ft. in area, if the application for combination of such lots is received within one year of such determination and it is in substantial compliance with the Town Board's determination.

- c. Combination, Re-division, Rezoning Not Required. If the Town Board determines that conveyance or issuance of a Building Permit can take place without a combination or re-division or rezoning of the lots, the Town Board shall notify the applicant and the Building Inspector of this determination. The Town Board may impose reasonable conditions upon any such determination. Thereafter, upon satisfying any conditions precedent that may be imposed, the conveyance and/or issuance of the Building Permit may proceed.
- 6)** Continuing Effect. When a determination is made pursuant to Section 6.4(A) (5), above, the determination shall be final. Any lot(s) created pursuant to a determination made in Section 6.4(A) (5) (a), and any lot that is allowed to be separately conveyed or constructed upon pursuant to a determination made in Section 6.4(A) (5) (b) and the adjacent lot(s) in common ownership, shall be considered a legal lot of record and all provisions in the Town of Mukwonago Zoning Ordinance, which pertain to a legal lot of record shall apply. To the extent such a determination allows greater use of non-conforming lots than would otherwise be permitted, this determination shall be deemed to be a special exception to the terms of the Town of Mukwonago Zoning Ordinance.
- (B)** Determination of ownership. For the purposes of this section, lots and properties shall be considered in the same ownership when owned by: the same individual or corporation; an individual and another in joint tenancy, or as tenants in common, and either of said joint or common tenants owns other lots individually or as joint tenant or tenant in common with another; an individual and other lots are owned by said spouse, parents, grandparents, children, grandchildren, or the spouse of any child or grandchild, or a brother or sister or spouse of a brother or sister of such person; and when any of said lots are owned by an individual and other lots are owned by a corporation in which said individual is an officer or director or controlling stockholder.

6.5 Multi-Family Units

No Conditional Use Permit involving residential units or Building Permits for multi-family development shall be issued unless Residential Development Permits and the necessary allotment has been granted by the Town Plan Commission and the Town Board for each residential unit and all of the following have been submitted to and approved by the Town Plan Commission, Town Planner and the Engineer.

(A) A Development Plan Submittal

A Development Plan for all multi-family developments shall be required based upon a survey by a registered land surveyor, engineer and the Development Plan shall be at a scale of not less than 1 inch equals 200 feet, and shall show correctly on its face all the information required in Section 4.1 of this chapter.

(B) Density

A minimum of 40 percent of the entire site shall be in vegetative open space, and said multi-family development shall provide that the average density of the land use shall be no greater than that permitted in a Yield Plan which complies with all requirements of Section 4.1 of this chapter and the zoning district in which it is located.

(C) Street and Drainage Facilities, Plans and Profiles

Developers shall prepare and submit Street Plans and profiles to the Town Engineer for his recommendation and/or approval prior to submittal of the Final Development Plan for the multi-family development. These plans and profiles shall show existing contours, proposed and established street grades and profiles, including extensions for a reasonable distance beyond the boundary of the proposed certified survey map. The plan shall include drainage retention facilities, culvert sizes, calculations of drainage facilities, and tabulation of driveway culvert sizes. Details of special features shall be furnished in vertical control monumentation, provided within the development and noted on the plans. These plans shall be prepared and comply with all the provisions of Section 7, "General Requirements and Design Standards" of this chapter, unless otherwise waived by the Town Board.

(D) Detailed Erosion and Storm Water Management Plans

The developer for any multi-family development shall submit with the Preliminary Development Plan a letter from the Waukesha County Land Resources Division stating that they have conducted a Preliminary Storm Water Review, which complies with the Waukesha County Construction Site and Erosion Control and Stormwater Management Ordinance and prior to approval of the final multi-family development an Erosion and Stormwater Waste Permit must be issued by the Waukesha County Land Resources Division.

(E) Soil Suitability

The developer shall submit soil tests that verify that the soils on the subject property are suitable for onsite sewage disposal systems, foundation and basement construction, and road construction. These soil tests shall verify the subsurface soil: rock, water or bedrock. The soil tests must prove that adequate measures are taken to comply with the Waukesha County Code of Ordinance

Regulating Onsite Sewage Disposal Systems. Anytime there is more than one (1) unit proposed on an individual septic system, this will be considered a community septic system and must be approved by the Waukesha County Department of Parks and Land Use Environmental Health Division and the Town Board. The applicant shall submit a preliminary draft of the Declaration of Restrictions and Protective Covenants which shall address the above issues to the Town Plan Commission, which shall specify all architectural requirements, open space and ownership restrictions, and maintenance regulations.

(F) Review and Approval

The Town Plan Commission and Town Board shall review the Proposed Development Plan, the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems and the effect of the proposed uses, structures, improvements and operation upon the area and upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat. The Town Plan Commission may approve the plan, provided that the proposed uses and structures are in accordance with the purpose and intent of the chapter and are found not to be hazardous, harmful, offensive or otherwise adverse to the environmental quality, shoreland cover, or property values in the Town of Mukwonago, and then forward its recommendation to the Town Board.

(G) Final Development Plan

The Final Development Plan for multi-family units shall then be submitted for review and approval by the Town Plan Commission and Town Board addressing all of the issues of the Planned Unit Development or multi-family Conditional Uses, and Section 703.11 of Wisconsin State Statutes if applicable, as it pertains to the development of condominium plats. Prior to approval by the Town Plan Commission and Town Board, documentation shall be presented from the Town Planner and Town Engineer acknowledging that, to the best of their knowledge, the application complies with all applicable laws and Ordinances of the Town of Mukwonago, Waukesha County and the State of Wisconsin, and that all necessary Access, Erosion and Stormwater Management Permits have been issued by the Waukesha County Land Resources Division and that the Town Attorney and Town Engineer have approved the Letter of Credit and Developers Agreement and the necessary Sanitary Permit has been issued for the onsite sewage disposal systems.

7.0 GENERAL REQUIREMENTS AND DESIGN STANDARDS

7.1 General

The proposed Subdivision or certified Survey shall conform to the provisions of Chapter 236 of the Wisconsin Statutes; all applicable ordinances of the Town, and design and construction standards as established by this chapter and/or the Town's Standards.

7.2 Street Design

(A) General Considerations

1) Arrangement: In any new subdivision, the street layout shall conform to the arrangement, width and location indicated on the official map, comprehensive plan, the Established Street and Highway Width Map of Waukesha County or any of its components, or any neighborhood development plan of the governmental unit. 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 *or* safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivisions shall be designed so as to provide each lot with satisfactory access to a public street.

(B) Street Classification

1) Major streets: Major streets shall be properly integrated as principal arteries of through traffic. The minimum right-of-way width of a major street shall be as shown on the Official Map or the Established Street and Highway Width Map for Waukesha County but not less than 80 feet.

2) Collector streets: Collector streets shall be properly related to mass transit routes, to special traffic generating from facilities such as schools, churches, shopping centers, to population densities and to the major streets into which they feed traffic and shall have minimum right-of-way of at least 80 feet.

3) Minor Streets: Minor streets shall be designed to conform to topography to discourage use by through traffic, to permit efficient drainage and to require the minimum length of street necessary to provide convenience and safe access to the property and shall have minimum right-of-way of not less than 66 feet.

- 4) Frontage streets: Frontage streets shall be designed in relation to the Major Street, which it serves, and to the existing topography to provide for safe traffic flow and property value preservation and shall have a minimum right-of-way width of 50 feet.
- 5) Half-streets: Where a half-street exists adjacent to the subdivision, the other half-street shall be dedicated by the subdivider. Platting of new half streets shall be permitted only with specific approval of the Board.
- 6) Access reserve strips: Reserve strips controlling access to streets shall be prohibited except where the access control has been placed under Board control and such control has been accepted by the Board.
- 7) Cul-de-Sacs: Cul-de-sacs are regulated as follows:
 - a. Permanent cul-de-sac streets shall not be permitted where it is possible to provide a loop street or a through street. The feasibility of a through street or a loop street shall be based on the physical features of the tract proposed for development, the potential for extension of the street to adjoining lands, restrictions imposed by other governmental regulations, and the ability of the design to meet all other requirements of this chapter.
 - b. Temporary cul-de-sac streets shall not be permitted where it is possible to provide a loop street or a through street, unless a waiver or modification is granted as provided for in this chapter. The feasibility of a through street or a loop street shall be based on the physical features of the tract proposed for development, the potential for extension of the street to adjoining lands, restrictions imposed by other governmental regulations, and the ability of the design to meet all other requirements of this chapter.
 - c. When cul-de-sac streets are proposed, whether permanent or temporary, the application for the conceptual discussion shall be accompanied by a written analysis by the Developer of the merits of the design and the reasons that a through street or loop street would not be feasible.
 - d. Approval of cul-de-sac streets, whether permanent or temporary, shall be made at the sole discretion of the Town Board after referral and receipt of a recommendation from the Plan Commission, all which must occur prior to submittal of a preliminary plat.
 - e. The length of a cul-de-sac, whether temporary or permanent, shall be measured from the centerline intersection with the through street to the center point of the turnaround.
 - f. Permanent cul-de-sacs shall include a terminal turnaround, which shall be provided at the closed end with a right-of-way radius of not less than sixty (66) feet.

- g. Temporary cul-de-sacs shall be provided with a temporary terminal turnaround, which shall be provided at the closed end with a right-of-way radius of not less than sixty-six (66) feet. The temporary terminal turnaround right-of-way shall be placed adjacent to lot boundary line and the right-of-way of the same widths, as the street shall be carried to said property line in such a way as to permit future extension of the street into the adjoining tract. No "T" shaped turnarounds, "hammerhead" shaped turnarounds or dead end streets are allowed.
- h. Permanent cul-de-sac streets shall not exceed 1,200 feet in length and no waiver or modification may be granted to this restriction.
- i. Temporary cul-de-sac streets shall not exceed 1,200 feet in length, unless a waiver or modification is granted to this restriction. In order to be granted a waiver or modification to this requirement, the Developer must submit proof that the temporary cul-de-sac has an ability to be extended. This feasibility shall be based on the physical features of the tract proposed for development, the physical features of the adjoining tract, the potential of extension of the street to adjoining lands, restrictions imposed by other governmental entities, the ability of the design to meet all other requirements of this chapter, a review of topographic, wetlands, environmental corridors, and natural features and adequate access for emergency vehicles.
- j. Consideration should be given when approving all streets whether permanent or temporary that there is place to put snow.

7.3 Intersections

- (A) Right angle: Streets shall intersect as nearly as possible at right angles and not more than two streets shall intersect at one point unless approved by the Board.
- (B) Corners: The minimum turning radius at an intersection shall not be less than 40 feet.
- (C) Jogs: Street jogs with center line offsets of less than 150 feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.
- (D) Hazards: If a proposed street is to enter a Town, County or State arterial and it is deemed a hazardous entrance by the governing body having jurisdiction over the road, it will be the responsibility of the subdivider to correct the potential hazard through an agreement with the governing body or else relocate the proposed entrance to a more suitable location.

(E) Connections: Minor and collector streets may normally not empty into State and Federal highways at intervals less than 1,300 feet and into County Trunk Highways at less than the Rules of the Waukesha County Department of Public Works Establishing Regulations for Access To and Work Within County Highway Rights-of-Way, Ordinance No. 156-O-70. They shall be in alignment with existing and planned streets entering the above highways from the opposite side.

7.4 Alleys

(A) Residential districts: Alleys shall not be provided in residential districts unless necessitated by topographic or other exceptional circumstances accepted by the Board.

(B) Commercial and industrial districts: The Board may require alleys in commercial and industrial districts when necessary to assure service access for off-street loading and parking. Alleys shall have a minimum width of 30 feet.

(C) Dead end alleys: Dead end alleys and "T" or "L" shaped alleys shall be prohibited.

7.5 Blocks

(A) Shape and size: The lengths, widths and shapes of blocks shall be such as are appropriate for the type of development contemplated but block lengths in residential areas shall not exceed 2000 feet nor be less than 600 feet measured from center to center of intersection unless approved by the Board.

(B) Pedestrian crosswalks: Pedestrian crosswalks not less than twenty (20) feet wide may be required by the Board within blocks more than 900 feet long to provide convenient pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

7.6 Lots

(A) General: The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(B) Dimensions:

1) Depth and width: Lots shall be designed so that the depth to width ratio does not exceed 2-½ to 1 unless a waiver is granted by the Plan Commission and Town Board.

- 2) Area: Lot area shall meet the minimum requirements of the Zoning Code. Residential lots to be served by private sewerage disposal facilities shall comply with the rules of the "The Waukesha County Code of Ordinances Regarding Regulating Private Sewage Systems, Ordinance No. 151-34" or Comm. 83 as to minimum area where it exceeds the minimum required by the Zoning Code.
 - 3) Commercial and industrial: Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off street service and parking facilities required by the type of use and development contemplated.
 - 4) Fronting or backing into major streets: Residential lots, fronting or backing into major roads, shall be platted with extra depth to permit generous distances between the buildings and such traffic ways even if the 2-½ to 1 ratio has to be exceeded.
- (C) Corner lots: Corner lots for residential use shall have extra width to permit full building setback from both streets and shall have buildable lot area equal to or exceeding adjacent parcels.
- (D) Access to public streets: Every lot shall front or abut on a public street; except that this subsection (D) does not apply to flag lots, which are separately regulated by subsection (K), below. A lot shall only be considered to be abutting on a public street if:
- 1) The lot abuts a public street for at least sixty (60) feet; and
 - 2) Either of the following is true:
 - a. The lot meets the minimum average width requirement of the zoning district in which it is located at the building setback line; or
 - b. One-half (½) the depth of the lot is at least the minimum average width of the zoning district in which it is located; and
 - 3) Provided further, that a lot which has a narrow strip as part of the lot extending to the public street from the main part of the lot where the building could lawfully be placed, shall only be considered to be abutting on the public street if the narrow portion of the lot is as wide as the required minimum average width for the district in which it is located.
- (E) Right angles: Lots at right angles, butt lots, shall be avoided unless lot exceeds 3 acres.
- (F) Lot lines: Lot lines shall be substantially at right angles or radial to street lines.

- (G) Oversized lots: Where lots are created of a size larger than normal for the area, the Town Board may require that the plat be so designed as to allow for the possible future re-subdivision of such lots into normal sizes compatible with the immediate area.
- (H) Survey boundaries: Lots shall follow Town boundary lines wherever practicable.
- (I) Double frontage and reversed frontage: Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (J) Fences: The Town Board may require fencing of any or all of a subdivision boundary.
- (K) Flag Lots. Flag lots may only be permitted with Town Plan Commission and Town Board approval, where they provide flexibility in the design, reduce the length of permanent cul-de-sacs; avoid preservation areas such as floodplains, wetlands, steep slopes, or Primary or Secondary Environmental Corridors, while permitting the construction of homes having minimal impact on the environment. The access drive to the proposed building must be paved or graveled from the road right-of-way to the residence to a width of at least 12' and not conflict with the future development of streets in the area. The grade of the proposed access drive must meet the building code requirements, or extension of the street to adjoining lands restrictions.

7.7 Construction Standards In accordance with appendix "A".

SECTION 8.0 REPLATS, VACATING AND ALTERING PLATS, CORRECTION INSTRUMENTS

8.1 Replats

A replat of all or any part of a recorded subdivision may not be made or recorded except after proper court action has been taken to vacate the original plat or the specific part thereof; provided that such replat may be made and recorded without taking court action to vacate the original plat or the specific part thereof when all the parties in interest, including the Town, in writing agree thereto, if allowed by applicable laws. The subdivider shall follow the same procedure for processing a replat as he does for any other preliminary and final plat. The Town will then apply the applicable provisions of this chapter to the replat.

8.2 Vacating and Altering Plats

The owner of the subdivision, the owner of any lot in the subdivision by tax deed, or the County Board, if the County has acquired an interest in the subdivision or in any lot in the subdivision by tax deed, may apply to the Circuit Court for Waukesha County for the vacation or alteration of all or part of the recorded plat of that subdivision. The provisions of section 236.40, 236.41, 236.42, 236.43 236.44 and 236.445 of the Wisconsin Statutes shall be followed.

8.3 Correction instruments

Correction instruments approved by the Board shall be recorded with the Register of Deeds as provided by section 236.295 of the Wisconsin Statutes.

SECTION 9.0 FEES

9.1 Administrative and Development Review Fees

- (A)** Initial Application Fees. From time-to-time, the Town Board may by resolution establish an application fee for each of the various development review procedures required in this chapter.
- (B)** Professional Charge-Back Fees. The developer, or the developer's agent, shall reimburse the Town for professional fees pursuant to Chapter 2.2 and 23 of the Municipal Code of the Town of Mukwonago, Wisconsin. The Town Board may require that a cash deposit or an irrevocable letter of credit be provided prior to signing the final plat to guarantee payment of all related fees. In those instances where a project requires multiple reviews, all charge-back fees that have been invoiced shall be paid prior to submittal of a subsequent application.
- (C)** Administrative Fees. From time-to-time, the Town Board may by resolution establish fees to cover the cost of performing administrative duties required, or allowed, in this chapter. (Ord. 2009-3, § 15, 5-12-2009)

9.2 Public Site Fee

Fees shall be as set forth in the Town's adopted fee schedule.

REVISED 5-12-2009

SECTION 10.0 APPROVALS AND ACCEPTANCE OF IMPROVEMENTS

10.1 Approvals Prior to Construction

Prior to commencing construction, the subdivider shall provide the Town with cash deposit or an irrevocable letter of credit approved by the Town Board that is equal to one hundred fifteen (115) percent of the estimated cost of improvements and other fees, costs and other money as determined by the Town Engineer. The Town Engineer may from time to time adjust the amount of estimated costs of said improvements and within thirty (30) days of written notice of said change, the subdivider shall increase his financial security by that amount or any other amount acceptable to the Town Board. Reduction of the financial security for any purpose shall be made only after written approval of the Town Board. As the required improvements are installed and accepted, the Town Board may authorize reductions of the financial security in the amount deemed appropriate. No surety bonds will be accepted as financial security. (Ord. 2009-3, § 16, 5-12-2009)

10.2 Contractor listing

The subdivider shall supply the Town with a list of contractors from whom the subdivider proposes to solicit proposals for the installation of the improvements. The information shall include prequalification statements from each proposed contractor. The Town Board shall have the right to review said information and discuss it with the subdivider.

10.3 Initial Acceptance

Written initial acceptance shall be issued as set forth in the developers agreement only after all fees due the Town have been paid; and after the grading, initial bituminous concrete paving, seeding and other erosion control construction is completed. The initial acceptance shall mean that the Town accepts and approves only the paved surface for snow plowing. Other road and ditch maintenance shall be the responsibility of the subdivider until final acceptance is given. Before the initial acceptance can be issued, the subdivider shall furnish sufficient proof that all costs for consideration have been or will be paid by the subdivider.

10.4 Maintenance Prior to Final Acceptance

The subdivider shall be responsible for the maintenance of all required improvements in the subdivision from the date of initial acceptance until the date the Town Board accepts the specified public improvements. If any repairs should be required as determined by the Town Engineer, the Town Clerk shall give the subdivider a 14-day written notice to perform such repairs. If the repairs are not begun within the 14-day period and completed within a reasonable time thereafter, as determined by the Town Board, the Town may complete the repairs. The cost of the repairs shall be billed to the subdivider and paid by the subdivider within a reasonable time, as determined by the Town Board, taken out of the cash deposit or letter of credit. (Ord. 2009-3, § 17, 5-12-2009)

REVISED 5-12-2009

10.5 Final Acceptance

Written final acceptance by the Town Board shall be issued to the subdivider only after the final inspection of the road surface, ditches and improvements indicates compliance with this chapter and the applicable requirements of the Developer's Agreement. The subdivider shall be notified of any deficiencies found by the Town Engineer during the final inspection. The subdivider shall correct any deficiencies and shall notify the Town that the required repairs have been completed. If the re-inspection indicates satisfactory compliance with this chapter and the applicable requirements of the Developer's Agreement and the subdivider gives the Town a cash deposit or letter or credit for continued maintenance as provided for in Section 10.6 of this chapter, the Town Board shall issue the written final acceptance to the subdivider. Following the date of final acceptance, the Town shall, within a reasonable period of time, return the remaining balance of the cash deposit, together with interest, if any, to the subdivider or terminate the letter of credit. (Ord. 2009-3, § 18, 5-12-2009)

10.6 Maintenance Guarantee After Final Acceptance

Prior to final acceptance of the required public improvements, the subdivider shall provide the Town with a cash deposit or an irrevocable letter of credit, in a form acceptable to the Town Attorney, that is equal to fifteen (15) percent of the amount of the cash deposit or letter of credit the subdivider provided the Town prior to the start of construction. If within one year of final acceptance, the Town Engineer determines that the public improvements need repair due to faulty materials or workmanship or the subdivider damages Town property and/or improvements, the Town Clerk shall give the subdivider a 14-day written notice to perform such repairs. If the repairs are not begun within the 14-day period and completed within a reasonable time thereafter, as determined by the Town Board, the Town may complete the repairs. The cost of the repairs shall be billed to the subdivider and paid by the subdivider within a reasonable time, as determined by the Town Board, or taken out of the cash deposit or letter of credit. If the Town draws against the cash deposit or letter of credit, the subdivider shall within ten (10) working days of such draw replenish said monies up to the aggregate amount. This financial guarantee shall not be a bar to any action the Town might have for negligent workmanship or materials. Wisconsin law on negligence shall govern such situations. (Ord. 2009-3, § 19, 5-12-2009)

10.7 Letter of Credit

The Town Attorney shall develop a model letter of credit for use in the Town of Mukwonago that is consistent with the provisions of this chapter and may make revisions to such model from time-to-time as may be needed to address changes in this chapter, state law, or best practices. The Town Clerk shall maintain the most current version of the model letter of credit and provide copies to subdividers and their agents upon request. (Ord. 2009-3, § 20, 5-12-2009)

REVISED 5-12-2009

SECTION 11.0 REQUEST FOR WAIVER OR MODIFICATION OF PROVISIONS

11.1 Waiver or Modification

A Petitioner may request that the Town of Mukwonago waive or modify enforcement of one or more provision(s) of this chapter, as follows.

(A) Written Request:

The Petitioner shall submit a written request for a waiver or modification to the Town Clerk. In the written request for the waiver or modification, the Petitioner shall specify the specific provision that the Petitioner requests the Town of Mukwonago to waive or modify, and Petitioner's reasons for requesting the same.

(B) Referral to Town Board:

Upon receipt of a written request for a waiver or modification, the Town Clerk shall, within a reasonable time, place the matter on a Town Board agenda for review and action.

(C) Considerations:

The Town Board shall make a determination, which shall include consideration, but not necessarily an affirmative finding, of the following factors:

- 1) Whether the request for a waiver or modification, if granted, would be consistent with the general intent of the Ordinance.
- 2) Whether the request for a waiver or modification, if granted, would adversely affect property owners in the surrounding area.
- 3) Whether the request for a waiver or modification, if granted, would benefit the Petitioner's project in a way that is not inconsistent with the Town of Mukwonago's interests.
- 4) Whether Petitioner is in full compliance with applicable ordinances and agreements with the Town of Mukwonago.
- 5) Whether, instead of granting the request for a waiver or modification, the Chapter itself should be changed to accommodate the kind of situation presented by the Petitioner.

(D) Grant or Denial of Request for a Waiver or Modification:

After considering the above-listed factors and any other factors that may be relevant to the matter, the Town Board shall then determine whether it is objectively reasonable to grant the request for a waiver or modification. A waiver or modification may be granted without making an affirmative finding concerning any one or more of the above-listed factors if, on the whole, it is objectively reasonable to do so.

(E) Past non-compliance not waived:

A waiver or modification that is granted pursuant to a written request as described in this section shall not waive any fines, forfeitures, or other penalties that may have accrued due to violations of the chapter that took place prior to the date of the request being granted, unless specifically stated otherwise in the decision of the Town Board.

(F) Reasonable Conditions:

In granting a waiver or modification, the Town Board may require such conditions as will in its judgment secure the objectives of this chapter.

(Ord. 2009-3, § 21, 5-12-2009)

11.2 Planned Unit Development and Conservation Design_Developments

The standards and requirements of these regulations may be modified by the Town Board after recommendation of the Plan Commission in the case of a Planned Unit Development or Conservation Design Development per Chapter 82 of the Municipal Code of the Town of Mukwonago.

REVISED 5-12-2009

SECTION 12.0 VIOLATIONS AND PENALTIES

12.1 Violations

It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes, and no person, firm or corporation shall be issued a zoning or building permit authorizing the building upon, or improvement of any subdivision, minor subdivision, or replat within the jurisdiction of this chapter, or record as of the effective date of the ordinance until the provisions and requirements of this chapter are fully met.

12.2 Penalties

Penalties shall apply to the following violations:

- (A) Improper recording of plat or certified survey: not less than \$100.00 or more than \$1,000.00, together with the costs of prosecution and in default of payment of said penalty, shall be imprisoned in the County Jail until payment thereof, but not exceeding 60 days.
- (B) Transfer or attempts to transfer lot or parcels: not less than \$300.00, nor more than \$1000.00, together with the costs of prosecution and in default of payment of said penalty, shall be imprisoned in the County Jail until payment thereof, but not exceeding 60 days.
- (C) Disturbing or not placing monuments: not less than \$100.00 or more than \$1000.00, together with the costs of prosecution and in default of payment of said penalty, shall be imprisoned in the County Jail until payment thereof, but not exceeding 60 days.
- (D) Prohibited subdividing or violation of any other provision of this chapter: not less than \$200.00 or more than \$1000.00, together with the costs of prosecution and in default of payment of said penalty, shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days.
- (E) Violations: Each day that a violation exists or continues as provided for above shall constitute a separate offence. Compliance therewith may also be enforced by injunction at the suit of the Town, Owner or Owners of real estate within the area affected by the regulations of this chapter as provided by law.

(Ord. 2009-3, § 22, 5-12-2009)

(Ord. 2009-3, § 23, 5-12-2009)

REVISED 5-12-2009

Approved this 15th day of April, 2009

TOWN OF MUKWONAGO

Dave Dubey, Town Chair

ATTEST:

Katherine W. Wilson, Town Clerk

Name _____

Submittal Date _____

Location _____

Review Date _____

Reviewer _____

Plan Commission Meeting Date _____

TOWN OF MUKWONAGO LAND DIVISION REVIEW CHECKLIST				
DEVELOPMENT IDENTIFICATION	Preliminary Plat (P)	Final Plat (F)	Conceptual Certified Survey Map	Certified Survey Map
Development Title				
Property Location (¼ section, section, township, range, county)				
Location of map showing section or a government subdivision of section in which subdivision lies, oriented the same as main drawing				
Name and address of owner and subdivider				
Surveyor's certificate signed, dated and sealed and revision dates on all pages				
Sheet numbers (total number of sheets notation)				
Project Engineer, name, address and phone number				
Signature Certificates				
MAPPING FEATURES				
North arrow and graphic scale				
100 year Floodplain limits (elevation and contour) as made available by FEMA and SEWRPC				
Topographic contours (existing and proposed) not to exceed 2' interval if available, if not available 5' interval				
Soil types				
Ordinary high water mark on any navigable water body				
Wetlands, (P – identify source of delineation; F – field delineation) lakes, streams, channels, ditches on or adjacent to the site				
Delineated shoreland jurisdiction				
Designated primary and secondary environmental corridors (P – identify source of delineation; F – field delineation), isolated natural areas (P), woodland features (P)				
Bearings and length of exterior boundaries				
Right-of-way and street locations, name, width, bearing (F), elevation, grades and existing access drives (P), including existing and proposed street extensions to/and from adjacent parcels <i>NOTE:</i>				

NOTE: Check with the Town Planner on whether a plan showing potential further division of the parcel is necessary.

TOWN OF MUKWONAGO LAND DIVISION REVIEW CHECKLIST

MAPPING FEATURES (continued)	Preliminary Plat (P)	Final Plat (F)	Conceptual Certified Survey Map	Certified Survey Map
Structures, wells and septic systems existing on-site and within 50 feet of lot line or adjoining properties and use of structures to be retained				
Existing easements, proposed easements (F) – type and dimensions, pre-planned building sites and other improvements and any preplanned waste disposal systems, when limited by existing physical features				
Vision corners and vision corner easement				
Lot numbers and dimensions (including outlots)				
Curve information on curve or in a table, street radius				
Public dedication parcels and right-of-way dedications				
Location of soil borings with numerical cross-reference to data (frequency, location and depth need to be determined) (See Sec.5.1(C) of Subdivision Control Ordinance				
Building or setback lines from wetlands, floodplains, and state highways (when required by Trans 233)				
Historic or cultural features (i.e., Indian mounds) As per State Historical Society of WI Division of Historian Preservation Archeological Site Inventory				
Foundation limitations due to high groundwater, bedrock or stormwater management facilities				
Survey monumentation or other attributes as required by Section 236 Wisconsin Statutes.				
Landfill, manure or other waste storage facility locations on site and consistent with existing Administrative rules (Registry of Waste Disposal Sites of Wisconsin)				
Wells (onsite and within 100' of septic or stormwater facilities or as required by DNR Well Code)				
Drain tile location disclosure and function (if known)				
Stormwater management facilities				
Access easements, limitations, restrictions to adjacent roads and access for stormwater facility and open space maintenance.				
Designation of source documents for mapping features				
ACCOMPANYING DOCUMENTATION				
Letter of credit or other financial guarantee (verification from local municipality)*				
Erosion and sediment control measures (i.e., site stabilization).				
Covenants and restrictions (if required by other actions)				

TOWN OF MUKWONAGO LAND DIVISION REVIEW CHECKLIST

ACCOMPANYING DOCUMENTATION (continued)	Preliminary Plat (P)	Final Plat (F)	Conceptual Certified Survey Map	Certified Survey Map
Soil boring and testing data or sewer service availability letter				
Stormwater management and practice design computations.				
Stormwater facility and open space maintenance agreement with schedule and responsibility identified				
Stormwater system as-built engineering certification (after construction).				
County or state road access permit.				
Outlot ownership.				
Sediment control practice delineations – separate maps.				
Watershed delineations (before and after development – separate maps)				
Developer agreements*				
Other regulatory permits				
Approved Construction Plans*				
Stormwater Management and Erosion Control Permit*				
Letter of Review from the Utility Companies				

* only if public improvements

PLANNING AND ZONING DOCUMENT CONSISTENCY

Town of Mukwonago Master Plan				
Consistency with County Development Plan and its components				
Street and Highway Width Map				
Jurisdictional Highway Systems Plan				
Town and County Park and Open Space Plans				
Town of Mukwonago Official Map				
Local and County zoning				
Stormwater Management System Plans or Water Quality Management Plans				
Compliance with Section 7 of the Subdivision Control Ordinance				

**TOWN OF MUKWONAGO REVIEW CHECKLIST
(LOCAL LAND DIVISION REQUIREMENTS)**

<u>ACCESS AND STREET DESIGN</u>	Preliminary Plat(P)	<i>Final</i> Plat (F)	Conceptual Certified Survey Map	Certified Survey Map
Access limitations (local roads)				
Compliance with County Ordinance (Chapter. 24, Article III – Waukesha County Code of Ordinances)				
Access to lots, outlots, floodplains and wetlands				
DOT 233 approval				
County highway access permit				
Spite strips				
Conflicts with drainage patterns				
Existing use conforms to zoning ordinance				
Cul-du-sac length				
Right-of-way width				
Street extensions – temporary cul-du-sacs				
Vision corners and vision corner easement				
Street name conflicts				
Streets follow natural terrain				
Intersections (Section 7.3)				
LAYOUT				
Design and Lot Configuration				
Double or triple frontage lots				
Depth to width ratio problem				
Flag lots				
Lots served by ingress-egress easements				
Road frontage requirements				
Lot line angles				
OUTLOTS				
Ownership				
Use of outlots				
Public access to water bodies (every 1/2 mile – 60 ft. wide)				

Rev 3/24/05

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