

9.09 FINAL INSPECTION AND ACCEPTANCE. Prior to the final road inspection, the owner shall provide the Municipal Engineer with a written certification from the owner's engineer or surveyor to the effect that the improvements conform to all municipal specifications and all plans previously filed and approved. Final inspection of road improvements shall be made a minimum of seven (7) days after the surface course has been applied. Final acceptance of the improvements will be made only between May 1st and December 15th of any year.

SECTION 10.00 FEES.

10.01 GENERAL. The owner shall pay the Municipality all fees as hereinafter required and at the times specified.

10.02 PRELIMINARY REVIEW FEE. The owner shall pay a fee amounting to \$30.00 plus \$5.00 for each lot or parcel within the Preliminary Plat, replat or Certified Survey Map to the Municipal Clerk at the time of first application for approval of any Preliminary Plat, replat or Certified Survey Maps to assist in defraying the cost of review by the Plan Commission and Governing Body. Reapplication fee amounting to \$25.00 shall be paid to the Municipal Clerk at the time of reapplication for approval of any Preliminary Plat, replat or Certified Survey Map which has previously been reviewed.

10.03 FINAL PLAT REVIEW FEE. The owner shall pay a fee amounting to \$5.00 plus \$1.00 for each lot or parcel within the Final Plat to the Municipal Clerk at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review by the Plan Commission and Governing Body. Reapplication fee amounting to \$5.00 shall be paid to the Municipal Clerk at the time of a reapplication for approval of any Final Plat which has previously been reviewed.

10.04 PUBLIC SITE FEE. If the Plat or Certified Survey Map does not contain lands to be dedicated, as required by Sections 2.03 and 7.09, the Municipality shall require a fee for the acquisition and development of public sites to serve the future owners of the proposed land division and/or development. Said fee shall be paid to the Municipal Clerk at the time of the approval of the land division and/or development in the amount as outlined in Section 7.09. Public site fees shall be placed in a separate nonlapsing special fund by the Municipal Clerk to be used only for the acquisition and development of public sites.

10.05 ENGINEERING FEE. The owner shall pay a fee equal to the actual cost to the Municipality in connection with a Plat, replat, Certified Survey Map or development including but not limited to all costs incurred by the Municipality for review of plans and documents, inspections, field surveys, etc., within

thirty (30) days of notice of the same, prior to being entitled to recording of a Plat, replat or Certified Survey Map or acceptance of any improvement or final approval of a development, whichever is earliest.

10.06 ADMINISTRATIVE FEE. The owner shall pay a fee equal to the actual cost of any legal, planning, administrative or fiscal work which may be undertaken by the Municipality in connection with the Plat, replat, Certified Survey Map or development. In the event any special meetings are called, either by the Governing Body or the Plan Commission, for the benefit of the Plat, replat, Certified Survey Map or development, the owner may be required to pay to the Municipality all expenses for such a special meeting, including any extra salaries paid to Municipal Officials. All such fees shall be paid by the owner within thirty (30) days of notice of the same.

10.07 STREET LAMPS AND STREET SIGNS. The owner shall pay the actual cost of acquiring and installing street lamps and street signs pursuant to the policy set forth in Sections 8.10 and 8.11 of this Ordinance within thirty (30) days of notice of the same.

10.08 DRAINAGE EASEMENT FEES. The owner shall pay a drainage easement fee prior to the recording of a Final Plat or Certified Survey Map as follows:

\$2.00 per linear foot for easements up to 50 feet wide.

\$0.04 per square foot for easements over 50 feet wide and irregular shaped areas.

#### SECTION 11.00 DEFINITIONS.

11.01 GENERAL DEFINITIONS. For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "person" includes associations, co-partnerships or corporations. The word "shall" is mandatory and not directory. 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 Ordinance or unless the context and subject matter clearly indicates otherwise.

#### 11.02 SPECIFIC WORDS AND PHRASES.

ALLEY. A special public way affording only secondary access to abutting properties.

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

ASSESSOR'S PLAT. Plats developed under Section 70.27, Wisconsin Statutes.

BLOCK. A tract of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines or navigable waters and municipal boundaries.

BUILDING LINE. A line parallel to a lot line and at a distance from the lot line to comply with the terms of this Ordinance and the Zoning Ordinance. A building line may also be referred to as a setback line, street yard line, side yard line, a rear yard line or an offset line.

CERTIFIED SURVEY MAP. Any division of land other than a subdivision, assessor's plat, condominium plat or replat.

COLLECTOR STREET. A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.

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

COMPREHENSIVE PLAN. The extensively developed plan, also called a Master Plan, adopted by the Plan Commission and certified pursuant to Sections 61.35 and 62.23, Wisconsin Statutes, including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

CONDOMINIUM PLAT. Any development proposal presented to the Municipality designed under Chapter 703, Wisconsin Statutes.

COUNTY. Waukesha County, Wisconsin.

COUNTY PARK AND PLANNING AGENCY. Waukesha County Park and Planning Agency.

CUL-DE-SAC. Any street with one end closed either permanently or temporarily.

DEVELOPMENT (URBAN). Residential, commercial, industrial, governmental and institutional development in sufficient concentrations or densities to require consideration, whether available or not, of a variety and level of traditional urban services and facilities including, but not limited to: Full, part-time or contracted municipal police and fire protection, additional public streets and highways; neighborhood parks and playgrounds; sanitary sewer facilities, water supply facilities and solid waste removal; storm sewers; continual street maintenance; curbs, gutters and sidewalks; and street lighting. Such development may be expected to alter or require the altering of land and land cover and have detrimental impact on the ground and surface waters. Urban development is deemed to occur when residential development is concentrated in densities in excess of one dwelling unit per five acres.

DEVELOPMENT (RURAL). Agricultural, residential, recreational and other open space development at such concentrations and densities not requiring traditional urban services and facilities. Such rural development may be expected to result in minimum disturbance of the land and land cover and, therefore, less impact on the natural environment. Rural development is deemed to occur when residential development is concentrated in densities not in excess of one dwelling unit per five acres.

DRAINAGE EASEMENT. Any area lying outside of a public street right-of-way which through design may require construction for the channeling, swaling, restricting or controlling of the movement, disbursement or collection of surface water.

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.

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

FRONTAGE STREET. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

HIGH WATER ELEVATION (SURFACE WATER). The average annual high water level of a pond, stream, lake flowage or wetland referred to on an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of,

vegetation or other easily recognized topographic, geologic or vegetative characteristic.

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

IMPROVEMENTS. Any modification to the land which could ultimately result in streets, or effects a drainageway, floodplain or wetlands or systems intended to be dedicated to the Municipality.

LETTER OF CREDIT. An irrevocable letter from a chartered federal or state lending institution addressed to the Municipality, guaranteeing to the municipality payment of legal money if certain conditions required by the Municipality are not met.

LOT. A parcel of land of at least sufficient size to meet minimum zoning requirements for use, width and area as set forth in the Zoning Ordinance.

LOT, BUTT. A lot with the rear lot line abutting the side lot line of another lot platted in the same block and not separated by an alley or other space.

LOT, CORNER. A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

LOT, DOUBLE FRONTAGE. A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have two (2) front yards and two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways are often used to restrict direct access to an arterial highway by means of a planting buffer or some other acceptable access buffering measure.

LOT WIDTH, MINIMUM AVERAGE. The mean horizontal distance measured between side lot lines, perpendicular to the 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 STREET. A street used, or intended to be used, primarily for access to abutting properties.

MINOR LAND DIVISION. Any division of land not defined as a subdivision, condominium plat, assessor's plat or replat.

MUNICIPALITY. The town, village or city adopting this Ordinance.

NATIONAL MAP ACCURACY STANDARDS. Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities.

These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in Southeastern Wisconsin and any additions, corrections or modifications thereto.

NATURAL DRAINAGE EASEMENT. Any area lying outside of the public street right-of-way which in its natural undisturbed state, channels, swales, restricts or controls the movement, disbursement or collection of surface water. A natural drainage area is essentially an area which utilizes the natural contours and once established will, if allowed to remain undisturbed, require little or no upkeep.

NAVIGABLE STREAM. Any watercourse so delineated by the Department of Natural Resources or meeting the standards for the same as set by the Department of Natural Resources.

OFFICIAL MAP. The map indicating the location and size of existing and proposed streets, highways, pathways, parks and playgrounds as adopted and amended by the Municipality.

OUTLOT. A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions or minor land divisions in the future for the purpose of creating buildable lots. No outlot shall be permitted unless the ultimate disposition is delineated in advance, documented in the records and approved by the Municipality.

OWNER. The record title owner or owners of the subject property or properties or his or her authorized designee, the developer of the property, the subdivider of the property, or anyone having control over the property.

PLAT. A map of a subdivision or condominium development.

PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

PUBLIC WAY. Any public road, street, highway, walkway, drainageway or part thereof.

RECORDING A PLAT. The filing of the original of a Final Plat with the Register of Deeds for recordation.

REMNANT. The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, Certified Survey Map, or part thereof. The division of a large block, redivision of a lot or outlot without changing the exterior boundaries of said block, lot or outlot is not a replat.

REGISTER OF DEEDS. The Register of Deeds for Waukesha County.

SOIL MAPPING UNIT. Soil type, slope and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service.

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

STREET. An improvement or area which serves as vehicular and pedestrian access to abutting lands or to other streets other than an alley.

SUBDIVIDER. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision, condominium plat or replat or proposing to develop land.

SUBDIVISION. The division of a lot, parcel or tract of land by the owners thereof, or their agents:

A. Where the act of division creates five (5) or more parcels or building sites, inclusive of the original remnant parcel, the size of which is controlled by the Zoning Ordinance; or

B. Where the act of division creates five (5) or more parcels or building sites, inclusive of the original remnant parcel by successive division in a period of five (5) years, the size of which is controlled by the Zoning Ordinance; or

C. Where the act of division necessitates the construction of an improvement as defined in the Land Division and Development Ordinance.

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

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

SECTION 12.00 ADOPTION AND EFFECTIVE DATE.

12.01 PLAN COMMISSION RECOMMENDATION. The Plan Commission recommended the adoption of this Land Division and Development Ordinance at a meeting held on the 2nd day of May, 1994.

12.02 PUBLIC HEARING. The Governing Body held a public hearing on this proposed Land Division and Development Ordinance on the 9th day of May, 1994.

12.03 GOVERNING BODY APPROVAL. The Governing Body concurred with the recommendations of the Plan Commission and proceeded to adopt the Land Division and Development Ordinance.

12.04 EFFECTIVE DATE. This Land Division and Development Ordinance shall be in full force and effect from and after its passage and publication, as provided by law.

THIS ORDINANCE PASSED and adopted this 9th day of May, 1994.

TOWN BOARD, TOWN OF OTTAWA

  
Vytautas Janusonis  
Town Chairman

ATTEST:

  
Melissa M. Klein, Town Clerk