Meeting: **Special Town Board of Supervisors**
Place: 1293 Washington Avenue, Cedarburg
Date/Time: **June 17, 2026 Immediately following the Plan Commission Meeting at 7pm**
Web Page: www.townofcedarburgwi.gov
Posted: **June 12, 2026**
This meeting is also available remotely online. For remote access, email **sjacoby@townofcedarburgwi.gov** for information.

Town Chairman	David Salvaggio	Administrator	Eric Ryer
Supervisor Seat #1	Wayne Pipkorn	Director of Public Works	Adam Monticelli
Supervisor Seat #2	Russ Lauer	Building Inspector	Paul Mortimer
Supervisor Seat #3	Larry Lechner	Director of Parks & Recreation	Paul Jungbauer
Presiding Supervisor Seat #4	Thomas Esser	Town Treasurer	Katie LeBlanc
Town Attorney	Brad Hoeft	Deputy Town Clerk	Julie Mett
Town Constable	Samuel Peters	Asst. Administrator/Clerk	Sara Jacoby
Consulting Planners	Cedar Corp. / Stantec		

1. **CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**

2. **PUBLIC HEARING**
   Public hearing to take comment on Ordinance 2026-10, "An Ordinance to Amend Chapter 184 Land Division of the Town of Cedarburg, Ozaukee County, Wisconsin"

3. **NEW BUSINESS**
   Discussion and possible motion on Ordinance 2026-10, "An Ordinance to Amend Chapter 184 Land Division of the Town of Cedarburg, Ozaukee County, Wisconsin"*

4. **ADJOURNMENT**

*At the Town Board's discretion, the Board may take comment from the public

Note: A quorum of Plan Commission and Finance Committee may be present at this meeting for the purpose of gathering information and possible discussion on items listed on this agenda. However, unless otherwise noted in this agenda, no official action by the Plan Commission or Finance Committee will be taken at this meeting.

Agenda Date: 6/17/26
PC Agenda Item: # 5e
TB Agenda Items: # 2, 3

PLAN COMMISSION & SPECIAL TOWN BOARD OF SUPERVISOR MEETING MEMORANDUM

MEMO TO: David Salvaggio, Chairman
Plan Commission & Town Board of Supervisors

MEMO FROM: Eric Ryer, Administrator, Town Attorney, Brad Hoeft

MEMO WRITTEN: June 5, 2026

MEMO SUBJECT: PC **Item #5e:** Discussion and possible recommendation on Ordinance 2026-10, "An Ordinance to Amend Chapter 184 Land Division of the Town of Cedarburg, Ozaukee County, Wisconsin"*
TB **Item #2:** Public hearing to take comment on Ordinance 2026-10, "An Ordinance to Amend Chapter 184 Land Division of the Town of Cedarburg, Ozaukee County, Wisconsin"
TB **Item #3:** Discussion and possible motion on Ordinance 2026-10, "An Ordinance to Amend Chapter 184 Land Division of the Town of Cedarburg, Ozaukee County, Wisconsin"*

BACKGROUND

Wisconsin 2025 Act 68 was enacted December 2025, and requires all local governments to amend land division/subdivision ordinances by July 1, 2026. The law makes changes to existing statutory language and introduces new requirements for the approval of subdivision plats. Accordingly, municipalities must update ordinances to reflect these changes (Chapter 184 Land Division). Below is list of items to be addressed:

- Review and amend the Purpose Statement at the beginning of the ordinance.
- Amend the ordinance to add language providing for an informal non-binding pre-submission conceptual review of preliminary plats.
- Amend the ordinance so that a subdivider may submit preliminary rather than final plans and reports regarding sewer, water, road cross sections, grading, stormwater, soil testing, landscaping and street lighting.
- Amend the ordinance so it reads that the subdivider agrees to install public improvements reasonably necessary and provide financial security to ensure that the subdivider will make the improvements within a reasonable time after approval. Municipalities can no longer require that public improvements be installed or accepted as a condition of submitting, reviewing, approving, or recording of a preliminary or final plat. The Town could require as a condition that the public improvements be installed within a reasonable period of time after the plat is approved.
- Amend the ordinance so that upon such substantial completion of public improvements, outstanding local building permits for home sites on the plat that meet requirements of building codes and zoning ordinances shall be released and may not be withheld solely because of the status of the public improvements.

- Amend the ordinance so that plats approved under 236.10, or deemed approved under 236.11 are entitled to be recorded no less than 10 days after the subdivider submits the plat with certificates and affidavits as required under statute.

Since Chapter 184 must be addressed at this time, staff took the opportunity to propose other amendments to update the chapter in regard to referencing current staffing, reviewing authorities referenced, recovering professional service costs to the Town related to land division/plat applications, and other edits. Attorney Hoeft is in the process of reviewing the draft Ordinance 2026-10 for consideration by the Plan Commission and Town Board. Of note is that amendments related to Wisconsin 2025 Act 68 are not optional, but required by statute.

The ordinance will be added to the online packet and the Plan Commission and Board notified once available from the Attorney.

PUBLIC NOTICE

Wis. Stat. Sec. 236.45 (4) provides that "*[b]efore adoption of a subdivision ordinance or any amendments thereto the governing body shall receive the recommendation of its planning agency and shall hold a public hearing thereon. Notice of the hearing shall be given by publication of a class 2 notice, under ch. 985. …*"

Such notice was published in the News Graphic on June 2nd and June 9th.

PLAN COMMISSION ACTION REQUESTED

Staff requests the Plan Commission make a recommendation to the Town Board on Ordinance 2026-10.

TOWN BOARD ACTION REQUESTED

Staff requests the Town Board hold a public hearing on Ordinance 2026-10.
Following the public hearing, the Board should take action on Ordinance 2026-10.

ATTACHMENT

I. Draft Ordinance 2026-10 **(to be added once received form the Town Attorney)**

IN THE NAME AND BY THE AUTHORITY OF THE TOWN OF CEDARBURG, WISCONSIN

ORDINANCE NO. 2026-10

An Ordinance to Amend Chapter 184 Land Division of the Town of Cedarburg, Ozaukee County, Wisconsin.

WHEREAS, the Town of Cedarburg is a body corporate and politic; and

WHEREAS, the Town currently regulates land divisions under Chapter 184 Land Division of the Town Code; and

WHEREAS, the State of Wisconsin passed and signed into law 2025 Wisconsin Act 68 relating to subdivision plat approvals; and

WHEREAS, all notices required by Town Code and State Statutes have been published and a public hearing was held before the Town Board of Supervisors on June 17, 2026; and

WHEREAS, the Plan Commission of the Town of Cedarburg, by a majority vote of the entire Commission, has recommended the Town Board adopt the following amendments to Chapter 184 Land Division; and

WHEREAS, the Town Board has determined that such amendments will promote the public health, safety, and welfare of the general public and the Town, and has directed that Chapter 184 Land Division of the Town of Cedarburg be amended accordingly.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Chapter 184 Land Division of the Town of Cedarburg is hereby amended to read as follows:

(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).

§ 184-1. Title; purpose.

The title of this chapter is the "Town of Cedarburg Land Division Ordinance." The purpose of this chapter is to regulate and control the division of land within the limits of the Town of Cedarburg, Ozaukee County, Wisconsin, in order to accomplish all of the following purposes:

A. Promoting the public health, safety, ~~convenience,~~ and general welfare of the Town of Cedarburg.
B. Supplementing county, state, and federal land division controls to implement any Town comprehensive plan, master plan, or other land use plans.
C. ~~Promoting~~ Furthering the ~~planned and~~ orderly layout and use of the land in the Town of Cedarburg.
D. Encouraging the most appropriate use of the land throughout the Town of Cedarburg.
~~E. Minimizing the public impact resulting from the division of large tracts into smaller parcels of land in the Town of Cedarburg.~~
E.~~F~~. Facilitating the adequate provision of transportation, water, sewerage, health, education, recreation, and other public requirements in the Town of Cedarburg.

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F. ~~G.~~ Providing the best possible environment for human habitation in the Town of Cedarburg.
G. ~~H.~~ Enforcing the goals and policies set forth in any Town comprehensive plan, master plan, or other land use plans.
H. ~~I.~~ Ensuring that the design of the street system provides proper ingress and egress and will ~~not have a negative~~ have a positive long-term effect on ~~neighborhood quality,~~ traffic flow and safety in the Town of Cedarburg.
I. ~~J.~~ Realizing goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town of Cedarburg.
J. ~~K.~~ Securing safety from fire, flooding, and other dangers in the Town of Cedarburg.
K. ~~L.~~ Avoiding the inefficient and uneconomical extension of governmental services in the Town of Cedarburg.
L. ~~M.~~ Conserving the value of prime agricultural soils in the Town of Cedarburg.
M. ~~N.~~ Providing for the conservation of the agriculturally important lands in the Town of Cedarburg by minimizing conflicting land uses.
N. ~~O.~~ Promoting the rural and agricultural character~~, scenic vistas,~~ and the natural beauty of the Town of Cedarburg.
O. Promoting proper monumenting of land subdivided and conveyancing through ~~Ensuring~~ accurate legal descriptions.
P. Ensuring that land is developed in a manner that supports healthy, livable communities; to foster the development of a range of housing types; to advance complete streets that prioritize safety, comfort, and accessibility for pedestrians, cyclists, transit riders, and motorists alike.
Q. Providing for adequate light and air.
R. Encouraging development patterns that provide safe and convenient transportation choices for a variety of users.
~~Q.~~ S. Providing for administration and enforcement of this chapter by the Town Board.

§ 184-7 Specific compliance provisions.

A. All parcels, lots, or outlots that will be proposed to be divided for land division purposes under this chapter that are bisected or divided by a public road, public street, public trail, or a navigable water shall be divided along these natural or constructed features.
B. No land shall be issued a land division approval:

(1) If the Town Board of the Town of Cedarburg determines that any proposed land division plat or certified survey map will materially interfere with existing agricultural uses or will conflict with other goals, objectives, and policies as set forth in the Town Comprehensive Land Use Plan, master plan, or other land use plan. In addition, the land division approval must be determined to be, by the Town Board, consistent with the Town comprehensive plan, if any, and if any other land division plat approval or certified survey map approval to the land applies, the most restrictive requirements to the land apply.
[Amended 10-4-2006 by Ord. No. 2006-11]
(2) For a purpose that poses a significant threat to the quality or quantity of groundwater in the Town of Cedarburg.
(3) If it is held unsuitable by the Town Board for its proposed use for reason of flooding, inadequate drainage, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, impairment of wildlife habitat ~~and scenic vistas~~, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of Town of Cedarburg governmental services, or any other feature likely to be harmful to the health, safety, or welfare of persons. ~~of current or future residents of the Town of Cedarburg, or likely to cause a public nuisance in the Town of Cedarburg~~. The Town Plan Commission may require any proposed land divider to furnish maps, data, and other information as may be necessary to determine land suitability.

C. No person shall be issued any land division approval by the Town Board until the appropriate land division fees have been paid to the Town Clerk.
D. No person shall be issued any land division approval by the Town of Cedarburg who has failed to properly and fully complete and submit to the Town Board the land division forms developed and provided by the Town of Cedarburg. All final plats or certified survey maps submitted for approval shall be accompanied by a copy in electronic form acceptable to the Town and the County Register of Deeds.
[Amended 11-7-2007 by Ord. No. 2007-17]
E. No person shall sell any parcel of land, lot, or outlot of one acre or more in size in the Town of Cedarburg if it abuts on a road which has not been accepted as a public road unless the seller informs the land purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town of Cedarburg or the County of Ozaukee.
F. No person shall be issued a final land division approval by the Town Board:

(1) Until the land divider agrees to ~~makes or~~ install~~s all~~ any public improvements deemed reasonably necessary by the Town Board ~~or until the land divider~~ and provide financial security ~~executes a surety bond or other security acceptable to the Town Board~~ to ensure that the land divider will make these public improvements within a reasonable time after approval ~~established by the Town Board~~. The Town Board may not require that public improvements be installed or accepted as a condition of submitting, reviewing, approving, or recording of a preliminary or final plat. The Town Board may not require the subdivider to provide security at the commencement of a project in an amount that is more than 120 percent of the estimated cost to complete the required public improvements, as determined by Wis. Stat. Ch. 236.

(2) Until the land divider submits and obtains approval of the proposed land division plat or proposed certified survey map, if required by the following approving authorities:

(a) Ozaukee County.
(b) Wisconsin Department of Natural Resources.
(c) Wisconsin Department of Transportation.
(d) Wisconsin Historical Society.

~~(3) Unless any proposed Town of Cedarburg roads have been specifically accepted for dedication/approved by the Town Board. The applicant shall finish all necessary improvements in accordance with plans and standard specifications approved by the Town of Cedarburg Plan Commission.~~

(3~~4~~) Unless any natural gas, electrical power, cable and telephone facilities are installed in such manner as to make adequate service available to each parcel, lot, or outlot in the proposed land division. No such electricity, cable, or telephone service shall be located on overhead poles. In addition, plans indicating the proposed location of any new or replacement natural gas, electric, cable, and telephone facilities required to serve the land division shall be noticed to and approved by the Town Board.

G. No person shall be issued a final land division plat approval by the Town Board:

(1) Until the land divider agrees, in writing, that the land divider will be responsible for the cost of any necessary alteration of any existing utilities that by virtue of the land division are within the public right-of-way.

(2) Unless all public improvements to be constructed or installed as required by the Town Board within the land division plat area or certified survey map area meet the requirements established ~~in writing~~ by the Town Board.

H. No person shall, unless specifically waived ~~in writing~~ by the Town Board, be issued a final land division approval by the Town Board unless formal dedication of parks, open spaces, or sites for other public uses has been made, as required by the Town Board, at no cost to the Town of Cedarburg, or such fees, in lieu of such dedication, as established by the Town Board, shall have been paid by the land divider to the Town ~~Treasurer of the Town of Cedarburg~~.

§ 184-9. Land division concept plan.

A. Pre-submission Conceptual review. The Town, having authority under Wis. Stat. §. 236.10 to approve a subdivision shall provide the subdivider the opportunity to meet informally with representatives of the Town before the subdivider submits a preliminary plat for approval, or a final plat if the subdivider does not intend to submit a preliminary plat for approval, to obtain the representatives' conceptual review of the subdivider's proposed subdivision and opinions regarding whether the subdivision complies with the Town's requirements and conditions for approving plats. Conceptual reviews and opinions provided under this section are not binding on the town, county, or the subdivider.

B. ~~A.~~ Any land divider who divides, or proposes to divide for land division purposes, land located in the Town of Cedarburg that will create a land division, including a cluster development, major subdivision, certified survey map, minor land division, replat, or revision of an existing land division, shall, prior to any submittal of any preliminary plat or certified survey map information, submit to the Plan Commission a land division concept plan checklist and concept plan with the appropriate fee. Checklist forms may be obtained from the Town Clerk.

(1) The intention is to inform the subdivider of the purpose and objectives of these regulations, the Comprehensive Land Use Plan, comprehensive plan components and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his/her development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

(2) This provision does not apply to a correction instrument, except that if the affidavit in the correction instrument would change the areas dedicated to the public or restricted for the public benefit, then the Town Board must approve such change.

C. ~~B.~~ With any initial land division concept plan checklist the land divider shall submit three paper and one electronic copy ~~20 copies~~ of a concept plan to the Town Clerk ~~Plan Commission~~. Each submission shall include all contiguously owned land, except that the concept plan need not show more than 20 times the area of the intended certified survey. The concept plan shall comply with the land division concept plan checklist, available from the Town Clerk.

D. ~~C.~~ The Town Director of Public Works, Town Engineer, consulting planner and or their designee shall review the initial land division concept plan checklist and concept plan for completeness, including payment of the applicable concept plan checklist fee. The Town Clerk ~~Director of Public Works~~ shall thereafter notify the land divider if the concept plan checklist is determined by the Town Director of Public Works, Town Engineer, consulting planner or their designee to be complete or incomplete. The Town ~~Director of Public Works~~ shall provide written reasons for any alleged incompleteness of the concept plan checklist with the notification. The Town Clerk shall transmit the copies of any complete land division concept plan checklist and concept plans to the Town Plan Commission. Submittals will be transmitted to the Town Plan Commission only after the Town determines them to be complete.

E. ~~D.~~ The Town Clerk shall send to the land divider a notice and agenda of the scheduled date of the Town Plan Commission for the appropriate meeting to review and consider the complete ~~or incomplete~~ concept plan checklist and any preliminary approvals for the land division prior to the date of the meeting.

F. ~~E.~~ The land divider and/or the land divider's designee shall attend the meeting and present the proposed land division, preliminary plat or map documents and concept plan to the Town Plan Commission for its consideration. Failure of the land divider or designee to attend the meeting ~~or provide a complete land division concept plan checklist~~ may be used as grounds for the Town Plan Commission to recommend denial of any later requested approvals for the land division.

§ 184-10 Major subdivision preliminary plat.

A. After the submittal of the concept plan and checklist as noted in § 184-9 and the review by the Plan Commission, the land divider shall submit the preliminary plat/certified survey map checklist, the major subdivision preliminary plat, public improvements plan, and other relevant document information to be reviewed by the Town Plan Commission for conformance and consistency with §§ 236.11 and 236.12, Wis. Stats., and this chapter, any Town comprehensive plan, any land use plan or master plan and all other applicable Town of Cedarburg ordinances, rules, regulations, and plans. The Town Plan Commission shall also review applicable county, state and federal laws, ordinances, rules, regulations and plans for consistency and conformity that may affect the proposed major subdivision.

B. Before submitting a preliminary plat for approval, the subdivider shall prepare a preliminary plat and a letter requesting approval of the preliminary plat. The preliminary plat shall be prepared in accordance with this chapter, and the subdivider shall file an adequate number of copies of the plat and the request for approval as required by this section with the Town Clerk at least 30 days prior to the meeting of the Plan Commission at which action is desired. The Town Clerk shall submit a copy of the preliminary plat to the ~~Plan Commission and to the~~ Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~ for review and written report of their ~~his~~ recommendations and comments ~~reactions~~ to the proposed plat to the Plan Commission.

(1) A subdivider that submits a preliminary plat for approval under §§ 236.11 may submit preliminary, rather than final, plans and reports regarding sewer, water, road cross-sections, grading, stormwater, soil testing, landscaping, and street lighting. The approving authority, or its agent authorized to approve preliminary plats, may not reject the preliminary plat on the basis that the plans and reports are not final, but the approving authority or its agent may approve conditionally the preliminary plat on that basis and state in writing the conditions of approval as allowed under §§ 236.11, including conditions that final plans and reports are submitted. ~~Simultaneously with the filing of the preliminary plat, the owner shall file with the Town Clerk five complete sets of pre-final plans 90% complete and specifications for the construction of any public improvements required by this chapter.~~ The plans for all public improvements shall be prepared in accordance with the ~~pre-final plan~~ checklist provided by the Town Clerk. This checklist shall be included with the submittal of the preliminary plat.

(2) The Plan Commission shall require submission of a draft of the legal instruments and rules for proposed property owners' associations when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners.

(3) The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that they have ~~he has~~ fully complied with the provisions of this chapter. The following shall also be filed with the preliminary plat:

(a) A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population;

(b) If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and

~~(c) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission may require that the subdivider submit a preliminary plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.~~

(4) Referral to other agencies. The Town Clerk shall, within two days after filing, transmit two copies to the applicable County reviewing departments, committees, and objecting agencies ~~Zoning Committee~~, if the subdivision involves a shoreland zoning district(s), two copies to the County Land and Water department and Planning and Parks department and Natural Resources Committee ~~Commission~~, if the subdivision adjoins a county park, two copies to

the Supervisor of Plat Review in the Wisconsin Department of Administration, additional copies to the Supervisor of Plat Review for retransmission of two copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Commerce if the subdivision is not served by the public sewer and provision for such service has not been made, and an adequate number of copies to the Plan Commission. The County ~~Zoning Committee~~, the Wisconsin Department of Administration, the Wisconsin Department of Transportation, Wisconsin Department of Natural Resources and the Wisconsin Department of Commerce shall be hereinafter referred to as objecting agencies.[1]

[1]*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

C. The subdivider shall submit to the Town Clerk and to those agencies having the authority to object to plats under provisions in Ch. 236, Wis. Stats., copies of a preliminary plat based upon an accurate exterior boundary survey by a registered land surveyor which shall show a major subdivision preliminary plat which shall be required for all proposed major subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a map scale of not more than 100 feet to the inch and shall show correctly and completely on its face all items listed in the preliminary plat/certified survey map checklist.

D. Unless the timeline is extended by agreement with the land divider, the Town Board shall, within 90 days of the date of receipt by the Town Clerk of a complete proposed preliminary plat, deem the major subdivision preliminary plat complete, approve ~~grant preliminary approval of~~, ~~grant~~ approve conditionally ~~approveal of~~, or reject the major subdivision preliminary plat and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the approving authority or its agent to act within the 90 days, or extension thereof, constitutes an approval of the preliminary plat ~~as proposed~~. One copy of the major subdivision preliminary plat shall thereupon be returned to the land divider with the date and action endorsed thereon. If approved conditionally or rejected, the conditions for approval or reasons for rejection shall be stated in the minutes of the meeting and a letter setting forth the conditions of approval or the reasons for rejection shall be sent to the land divider. Reasons for conditional approval or rejection may include nonconformance or inconsistency with this chapter, the Town comprehensive plan, master plan, or other land use plan, nonconformance or inconsistency with Town of Cedarburg ordinances, rules, regulations, or plans, and nonconformance with applicable county, municipal, state, or federal laws, ordinances, rules, regulations, or plans. One copy of the major subdivision preliminary plat shall be filed with the Town Clerk for the Town of Cedarburg records.

E. In the event of a rejection of the proposed major subdivision preliminary plat by the Town Board, the Town Board shall recite in writing the particular facts upon which it bases its conclusion for rejection, including incompleteness of preliminary plat/certified survey map checklist or that the land is not suitable for the proposed land division. The Town Plan Commission shall afford the land divider 30 days from the notification of rejection for the opportunity to review the Town Board's decision of unsuitability and present evidence refuting the determination, if so desired. Thereafter, the Town Plan Commission may recommend that the Town Board affirm, modify, or withdraw its prior determination of unsuitability. The Town Board may affirm, modify, or override the Town Plan Commission decision or recommendation. The Town Board shall recite in writing findings for any decision to modify or override the Town Plan Commission's decision or recommendation.

F. ~~If the Town Board denies two consecutive major subdivision preliminary plats for the same parcel, no subsequent reapplication for a major subdivision approval of that parcel will be accepted, received, or considered by the Town Board or Town Plan Commission within three months of the second denial.~~

~~G.~~ The subdivider shall pay a fee to reimburse ~~equal~~ the actual cost to the Town of Cedarburg and/or consultants for professional services per §**21-16** of the Town Code related to the application. ~~to the actual cost to the Town for all engineering work incurred by the Town in connection with the preliminary plat and public improvement plan.~~

~~H. The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the preliminary plat and public improvement plan.~~

§ 184-11 Major subdivision final plat.

A. The major subdivision final plat shall comply fully with §§ 236.11, 236.12, 236.20, 236.21, and 236.25, Wis. Stats.

B. The Town Clerk shall refer two copies of the final plat to the Plan Commission, one copy to the consulting planner, Town Engineer, and Director of Public Works or their designee ~~Town Administrator~~, and a copy each to the telephone, gas, cable, power and other utility companies. The abstract of title or registered property report shall be referred to the Attorney along with applicable legal documents and instruments for ~~his~~ examination and report. The Town Clerk shall also refer the ~~final~~ plans and specifications of public improvements to the consulting planner, Town Engineer, and Director of Public Works or their designee ~~Town Administrator~~ for review. The recommendations of the Plan Commission, consulting planner, Town Engineer, Director of Public Works and Town Attorney or their designee ~~Town Administrator~~ shall be made within 30 days of the filing of the final plat. The ~~Town Administrator~~ consulting planner, Town Engineer, Director of Public Works or their designee shall examine the plat or map and ~~final~~ plans and specifications of public improvements for technical details and, if they finds ~~them~~ satisfactory, shall so certify in writing to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the Town ~~Administrator~~ shall return them to the owner and so advise the Plan Commission.

C. A professional engineer, a planner, or another person charged with the responsibility to review plats shall provide the approving authority with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendation on approval of the final plat. The conclusions and recommendation shall be made a part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing. The Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the plat to the Town Board.

D. The Town of Cedarburg requires an updated abstract of title certified to date of submission or, at the option of the applicant, a policy of title insurance or a certificate of title from an abstract company for examination in order for the Town Board or its designees to ascertain that all parties in interest have signed the owner's certificate on any plat.

E. A copy of the approved major subdivision final plat shall be recorded with the Register of Deeds office within six months of the approval by the Town Board. Subject to Wis. Stat. Ch. 236, a final plat that has the approvals required under § 236.10, or that is deemed approved under § 236.11, is entitled to be recorded. The approving authority for the plat shall make a certificate to that effect on the face of the plat no later than 10 days after the subdivider submits the plat with the certificates and affidavits required under Ch. 236 Wis. Stats. All final plats shall be accompanied by a copy in electronic form acceptable to the Town and the County Register of Deeds.

[Amended 10-4-2006 by Ord. No. 2006-11; 11-7-2007 by Ord. No. 2007-17]

F. A copy of the approved major subdivision final plat as recorded in the Register of Deeds office shall be filed with the Town Clerk within five days of the recording.

~~G. Prior to any request for any major subdivision final plat approval and recording of the plat or map, the land divider shall seek and obtain from the Town Board a resolution from the Town of Cedarburg specifically stating that the Town of Cedarburg accepts from the land divider all lands shown on the plat as dedicated to the Town of Cedarburg for the public, including street or road dedications.~~

G. ~~H.~~Prior to any request for the final major subdivision approval and recording of the major subdivision plat, the land divider shall seek and obtain a resolution from the Town specifically stating what, if any, public benefit restrictions or conditions have been placed on the platted land by the Town of Cedarburg under § 236.293, Wis. Stats and by any developer's agreement and developer's schedule. The Town Board, by resolution, may later waive these restrictions or conditions.

H. ~~I.~~Prior to any request for the final major subdivision final plat approval and recording of the major subdivision plat, the land divider shall seek and obtain a letter of recommendation from the Town consulting planner, Town Engineer, Director of Public Works, Town Attorney, or their designee ~~Administrator~~ to the Plan Commission that all public improvements have been or are on track to be completed in accordance with the approved plan or that a surety bond or other approved security has been executed to ensure that he or she will make those improvements within a reasonable time after the plat is approved ~~in a specified time~~.

I. ~~J.~~The Town Board shall approve or reject the major subdivision final plat within 60 days of its submission to the Town Clerk unless extension of the time is mutually agreed with the subdivider or subdivider's agent ~~in writing~~. Appropriate notices shall be provided as noted in § 236.11(2), Wis. Stats.

J. ~~K.~~The subdivider shall file 10 copies of the final plat with the Town Clerk for distribution to the approving agencies and other affected agencies for their files.

K. ~~L.~~The subdivider shall pay a fee to reimburse ~~equal~~ the actual cost to the Town of Cedarburg and/or consultants for professional services per §**21-16** of the Town Code related to the application and ~~to the actual cost to the Town for all engineering work incurred by the Town~~ in connection with the plat or certified survey map.

~~M. The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the plat or certified survey map.~~

L. ~~N.~~Signs and installation costs for traffic control, street names and any other costs of the Town of Cedarburg not otherwise provided for in the ordinances are to be paid by the subdivider and/or included in the contract insuring installation.

§ 184-12 Minor land division.

Any division that proposes to divide land where no more than four parcels or building sites of one acre or more are created or where no more than four parcels or building sites of one acre or more are created by successive land divisions within a period of five years, or when it is proposed to divide a block, lot or outlot into not more than four parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of the block, lot or outlot, the subdivider shall subdivide by use of a certified survey map, prepared in accordance with § 236.34, Wis. Stats, and § 184-13 and the following provisions of this chapter. Any land division requiring the dedication of public right-of-way for the construction of a public roadway and related public improvements shall not be subdivided by use of a certified survey map.

A. Prior to submittal of any minor land division or certified survey map, the land divider shall have submitted to the Town Clerk the land division concept plan checklist and concept plan, as noted in § 184-9. The concept plan and checklist shall be reviewed by the Plan Commission for conceptual approval to establish conformity and consistency with surrounding existing or proposed developments, adjacent or future highways, schools, other planned public developments, the Town of Cedarburg comprehensive plan and generally for the effect the minor land division would have on the development of surrounding property.

B. The subdivider shall cause a certified survey map to be prepared in accordance with conceptual review made by the Plan Commission of the concept plan and checklist and submit three paper copies and one electronic copy ~~20 copies~~ along with the individual lot percolation tests and soil borings (for lots not served by public sewer) to the Town Clerk. The Plan Commission shall review information provided by the subdivider, including an analysis of soil types; topography; proposed erosion control and stormwater management; access to any abutting street or highway; conformance with this chapter, Ch. 236, Wis. Stats., established street and highway width maps and official maps; and any other information considered necessary for the review of the land division. If public improvements are required as a recommendation from the Plan Commission's conceptual review, the pre-final construction plans shall be submitted in accordance with the pre-final plan checklist at the same time as the certified survey map.

C. Minor land division requirements.

(1) The certified survey map shall comply with the provisions of this chapter relating to general requirements, design standards, and required improvements. Conveyance by metes and bounds shall be prohibited.

(2) The survey shall be performed and the map prepared by a land surveyor registered in the State of Wisconsin.

(3) All corners shall be monumented in accordance with § 236.15(1)(c) and (d), Wis. Stats.

(4) Certificates and affidavits.

(a) The map shall include the affidavit of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with nonfading black ink, giving a clear and concise description of the land surveyed by bearings and distances,

commencing with some corner marked and established in the U.S. Land Survey. Such affidavit shall include the statement of the surveyor to the effect that he has fully complied with the requirements of this section.

(b) The certificate of approval of the Plan Commission and the Town Board shall be typed, lettered or reproduced legibly with nonfading black ink on the face of the map.

(c) The owner's name, address and signature shall be included.

(d) Signature lines and dates for approval by the Town Chairperson and Town Clerk shall be included.

D. On-site sewage disposal.

(1) All lots created by certified survey maps for residential use will be required to meet the following conditions prior to approval by the Town Board:

(a) Certified survey map and land use study (as required in the land division concept plan checklist) in accordance with this chapter.

(b) Complete percolation and boring test which would support the installation of the initial and replacement conventional soil absorption systems, in accordance with ~~§§ Comm 83.09(4) and (5) and 83.23~~ §§ Wis. Adm. Code SPS 383, and their latest revision.

(c) Preplanning of lots and the location and size of the seepage fields for the division of any and all land containing soils with severe or very severe limitations as indicated in the Town of Cedarburg Zoning Code. Minimum areas for preplanned soil absorption systems and requirements for soil absorption systems shall be as specified in ~~§ Comm 85.04(7),~~ the Wis. Adm. Code.

(d) The soils qualifying for the initial and replacement systems should be located on the lot utilized for residential use. Piping to another lot or outlot will be permitted only if the following conditions are met:

[1] Soil conditions make it necessary for the system to be located off of the property;

[2] The initial or replacement system is located on a subdivision outlot comprised solely of open space commonly held by the system owner;

[3] The system is located within 40 feet directly behind the lot it is intended to serve; and

[4] The lot piping to the subdivision outlot receives an easement from the governing body of the subdivision to maintain the system on the outlot.

(e) If a lot does not meet the passing requirements of the tests required by Subsection D(1)(b) above, the Town Board may, upon the recommendation of the Town Plan Commission, permit a lot or parcel to be created which will be served by a holding tank and wastewater hauling service, provided that:

[1] The net area of the lot or parcel is more than one acre;

[2] Where a multiple-lot division is either created or results from several singular land divisions, a complete drainage plan is submitted by the owner, reviewed by the Town Director of Public Works, Town Engineer, consulting planner or their designee and approved by the Town Board;

[3] The Plan Commission and Town Board retain the right to reject any plan to divide land with the intent to use holding tanks at any time they may foresee problems or where, in their opinion, the land division may not be in the best interest of the Town; and

[4] The Plan Commission may, from time to time, recommend and the Town Board may approve requirements to screen holding tanks as viewed from the road.

E. The certified survey map shall be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it. The Commission shall approve, approve conditionally or reject such map within 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider.

F. If the Plan Commission recommends approval of the certified survey, the Town Board shall, within 90 days of the filing, approve, approve conditionally or reject the map and shall notify the subdivider of its decision.
G. The subdivider shall record the map with the applicable County Register of Deeds within six months of its approval by the Town Board and any other approving agencies. Failure to do so shall necessitate reapproval of the map by the Town Board. All certified survey maps shall be accompanied by a copy in electronic form acceptable to the Town and the County Register of Deeds.
[Amended 10-4-2006 by Ord. No. 2006-11; 11-7-2007 by Ord. No. 2007-17]
H. The land divider shall be required to dedicate any road right-of-way that the Town of Cedarburg or Ozaukee County deems necessary and shall be required to build the highway to the appropriate highway standards. All other requirements established by this chapter, where applicable, shall be complied with by the land divider. The cash escrow or letter of credit and any developer's agreement requirements regarding public and private improvements, as set out in this chapter, are applicable to minor land divisions and certified survey maps.[1]
[1]*Editor's Note: Original § 12I, which immediately followed this subsection, was deleted 10-4-2006 by Ord. No. 2006-11.*
I. Prior to request for the final land division approval and as condition of the final approval of the certified survey map by the Town Board, the land divider shall seek and obtain a resolution from the Town Board specifically stating what, if any, public benefit restrictions will or have been placed on the minor land division and certified survey map approval by the Town Board under §§ 236.293 and 236.45, Wis. Stats., and by any developer's agreement and developer's schedule. These restrictions may include but are not limited to the submission and approval to the Town Board of construction plans and a time schedule regarding any and all public and private highways and other improvements and that a surety bond or other approved security has been executed to insure that he or she will make those improvements in a specified time.
J. Any minor land division shall meet the design standards noted in § 184-13.
K. The subdivider shall pay a fee to reimburse ~~equal to~~ the actual cost to the Town of Cedarburg and/or consultants for ~~all~~ professional services per §**21-16** of the Town Code for work related to application the certified survey map and any related public improvements.
~~L. The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the certified survey map and any required public improvements.~~
L. ~~M.~~ Signs and installation costs for traffic control, street names and any other costs of the Town of Cedarburg not otherwise provided for in the ordinances are to be paid by the subdivider and/or included in the contract insuring installation.

§ 184-13 Requirements and design standards for public improvements.
The following required improvements shall be installed in accordance with the engineering standards and specifications which have been adopted by the Town Board and filed with the Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices. Upon such substantial completion of public improvements, any outstanding local building permits for home sites on the plat that meet the requirements of applicable building codes, zoning ordinances, and other municipal regulations shall be released and may not be withheld solely because of the status of public improvements. Any minor land division or major subdivision shall meet the following design standards.
A. Guarantee for installation of required improvements.
(1) Payment for installation of improvements. The required improvements to be furnished and installed by the subdivider, which are listed and described in this chapter, are to be furnished and installed at the sole expense of the subdivider; provided, however, that in the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the Town. If any improvement installed within the subdivision will be of substantial benefit to land beyond the boundaries of the subdivision, provision may be made

for causing a portion of the cost of the improvement, representing the benefit to such land, to be assessed against the same and in such case the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.

(2) Required agreement providing for proper installation of improvements.

(a) Prior to installation of any required improvements ~~and prior to approval of the final plat~~, the subdivider shall enter into a written contract with the Town requiring the subdivider to furnish and construct said improvements at their ~~his~~ sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for supervision of details of construction by the Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~ and grant to the Town Director of Public Works, Town Engineer, consulting planner or their designee authority to correlate the work to be done under said contract by any subcontractors authorized to proceed thereunder with any other work being done or contracted by the Town in the vicinity.

(b) The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish a performance bond, the amount of the deposit and the penal amount of the bond to be equal to not more than 120 percent ~~1 1/4 times~~ of the estimated total cost of the improvements to be furnished under the contract, including the cost of inspection, as approved by the Town Board ~~Administrator~~.

(c) On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit or bond shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. If the required improvements are not complete within the specified period, all amounts held under performance bond shall be turned over and delivered to the Town and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Town Board, at its option, may extend the bond period for an additional period not to exceed two years.

(d) Nothing in this section prohibits a governing body from requiring as a condition of approval that public improvements be installed within a reasonable time after the plat is approved. ~~The time for completion of the work and the several parts thereof shall be determined by the Town Board upon recommendation of the Town Administrator after consultation with the subdivider.~~

(e) The subdivider shall pay the Town for all costs incurred by the Town for review and inspection of the subdivision. This would include preparation and review of plans and specifications by the Director of Public Works, Town Engineer, ~~Town Administrator,~~ consulting Planner and Town Attorney or their designee, as well as other costs of a similar nature.

(3) Procedure.

(a) Construction plans and specifications. Construction plans for the required improvements conforming in all respects with the standards of the ~~Town Administrator and the~~ ordinances of the Town shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his or her seal. Such plans and specifications, together with the quantities of construction items and a construction cost estimate, shall be submitted with the preliminary plat to the Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~ for ~~his~~ review and approval. Upon approval, the plans, specifications and cost estimate shall become a part of the contract required. Simultaneously with the filing of the preliminary plat with the Town Clerk or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished by the subdivider for the following public improvements:

[1] Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.

[2] Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.

[3] Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.

[4] Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.

[5] Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.

[6] Landscape plans showing the locations, species and time of planting of any required grasses and ground cover.

[7] Additional special plans or information as required by Town officials.

(b) Action by the Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~. The Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~ shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Code and other pertinent Town design standards recommended by the Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~ and approved by the Town Board. If they rejects the plans and specifications, they shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~ shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the installation of the improvements commences.

(c) Construction and inspection.

[1] Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~ upon receipt of all necessary permits and approvals and in accordance with the construction methods of this chapter.

[2] Construction of all improvements required by this chapter shall be completed within a reasonable time period after the plat is approved ~~two years from the date of approval of the preliminary plat~~ by the Town Board, unless good cause can be shown for the Town Board to grant an extension.

[3] During the course of construction, the Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~ shall make such inspections as deemed necessary to ensure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Town for such inspections. This fee shall be the actual cost to the Town of inspectors, engineers and other parties necessary to ensure satisfactory work.

[4] As-built plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all valves, manholes, stubs, sewers and water mains, storm sewers, drain tile and such other facilities as the Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~ shall require. This map shall be in red pen on a clean set of construction plans of a minimum size of 22 inches by 34 inches and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the map shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

B. Street and road standards.

(7) Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography

or other physical conditions, or unless in the opinion of the Town Board, upon the recommendation of the Plan Commission and Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~, such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets may be permitted on an as-needed basis with the length to be determined by the Town Board upon a recommendation from the Plan Commission.

(11) Roadway protection. Whenever a proposed land division contains or is adjacent to a railroad right-of-way or public section line road, adequate protection of properties with a residential use by means of ~~properties,~~ limitation of access and separation of through and local traffic shall be provided by a minimum building setback of at least 100 feet from the public section line road right-of-way, subject to any exceptions permitted in Chapter 320 of the Town Code. All developments, regardless of whether or not they are adjacent to a public section line road, containing lots within major land divisions shall provide screen planting contained in a private ~~nonaccess~~ planting strip easement along the right-of-way of the public road or railroad. A private ~~nonaccess~~ planting strip easement of a width established by the applicable zoning district (measured perpendicular to the road right-of-way) shall be provided along the entire frontage length of any public road that abuts a major land division.
[Amended 6-1-2022 by Ord. No. 2022-4]

(24) Limited access highway and railroad right-of-way treatment. Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

(a) Subdivision lots. When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access public road or a railroad, a private ~~nonaccess~~ planting strip easement of a width established by the applicable zoning district shall be provided adjacent to the public road or railroad in addition to the normal lot depth. This private ~~nonaccess~~ planting strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This easement is reserved for the planting of trees and shrubs, the building of new structures hereon is prohibited unless approved by the Plan Commission and Town Board."
[Amended 6-1-2022 by Ord. No. 2022-4]

(25) Street, alley and sidewalk improvements. The developer shall construct streets and sidewalks as depicted on the approved plans based on the requirements of this Code.

(a) Grading. With the submittal of the preliminary plat or certified survey map, the subdivider shall furnish drawings which indicate the existing and proposed grades of streets and alleys shown on the plat. Proposed grades will be reviewed by the Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~ for conformance with Town standards and good engineering practice. The subdivider shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on corner lots. In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line. The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation. The Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~ shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to ensure that the established grade will be preserved. Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within six inches of the final grade by the subdivider prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.

(b) Street and sidewalk construction.

[1] At the Town Board's option, the Town may make the arrangements for grading, sealing, paving and shouldering the roadway and the cost of such work, including engineering and supervising costs, shall be billed to and paid by the subdivider. Such paving will not be done until, in the judgment of the Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~, the roadway base has had adequate compaction and stabilization.

[2] After sanitary sewer, storm sewer and water utilities have been installed, the subdivider shall construct and dedicate as part of the subdivision streets, curbs and gutters and sidewalks, including those adjacent to platted lots in existing street rights-of-way abutting the plat. The subdivider shall surface roadways to the widths prescribed by the Town Board on recommendation of the Plan Commission and the Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~. Construction shall be to Town standard specifications for street improvements.

[3] The Town Board shall have the option of not requiring the construction of sidewalks within street rights-of-way in cases where it determines, after recommendation from the Plan Commission and the Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~, that sidewalks are not necessary because of low-density land use and low pedestrian volumes or for access to schools and bus routes or for continuity of existing sidewalk or bicycle route systems or because of a cul-de-sac or loop street pattern. Consideration shall also be given to the pattern of development of adjoining lands and to the possibility of damage to trees.

[4] Dedicated bicycle/pedestrian pathways shall be improved by the subdivider to a grade and width approved by the Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~ and with surfacing as required by the Town Board based on the location and the amount and character of use. The subdivider shall submit standard drawings indicating the existing and proposed grades.

(c) Completion of street and sidewalk construction.

[1] Upon such substantial completion of public improvements, any outstanding local building permits for home sites on the plat that meet the requirements of applicable building codes, zoning ordinances, and other municipal regulations shall be released and may not be withheld solely because of the status of public improvements. ~~Prior to any building permits being issued on lands adjacent to streets and/or sidewalks, all street and sidewalk construction shall be completed by the subdivider, approved by the Director of Public Works, Town Engineer, consulting planner or their designee Town Administrator and accepted by the Town Board.~~

[2] The Town Board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions or construction material shortages (i.e., cement and asphalt). The issuance of a waiver shall be at the discretion of the Town Board and shall be based upon the written request of the subdivider.

[3] The subdivider requesting a waiver shall present such information and documentation required by the Town Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

E. Stormwater drainage system.

(4) Protection of drainage systems. The subdivider shall adequately protect all ditches to the satisfaction of the Town Board and Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~. Ditches and open channels shall be seeded or sodded or utilize an erosion control method appropriate for the grades and soil types.

(Generally ditches or channels with grades up to 1% shall be seeded, those with grades up to 4% shall be sodded and those with grades over 4% shall use erosion control methods for heavy flows.) No other plantings or obstructions shall be placed within drainage easements except erosion control devices and ground cover if approved by the Town Director of Public Works, Town Engineer, consulting planner or their designee or Town Board.

F. Sanitary sewerage system design standards. There shall be provided a sanitary sewerage system in conformity with the master plan of sewers as approved by the Town Board and/or sewerage district. If municipal sanitary sewer service is not available, the subdivider shall provide soil testing information and approval from Ozaukee County to confirm the suitability of soils on each proposed lot for an on-site sewage disposal system in accordance with applicable ordinances and SPS 383 ~~Ch. Comm 83~~, Wis. Adm. Code, and their latest revision. Joint on-site sewage disposal systems and holding tanks shall be approved by the Town Board. The subdivider shall install adequate sanitary sewer facilities and connect them to sewer mains subject to specifications and inspection of the Director of Public Works, Town Engineer, consulting planner or their designee ~~Administrator~~. The subdivider shall pay all the costs of all sanitary sewer work, including the bringing of the sanitary sewer from where it exists to the subdivision in question as well as providing all sanitary sewer work within the subdivision. The cost of providing and installing sewer pipe of sizes larger or at a greater depth than required to serve the area shall be borne by the Town, as agreed upon between the landowner and the Town Board prior to approval of the preliminary plat or certified survey map pursuant to this chapter. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town.

J. Material standards. All improvements constructed under this chapter shall be of the standards, where applicable, established by the Wisconsin Department of Transportation Standard Specifications for Highway and Structure Construction. Where the Wisconsin Department of Transportation's specifications do not apply, the standards shall be as approved by the Director of Public Works, Town Engineer, consulting planner or their designee ~~Administrator~~.

§ 184-15 Easements.

A. Utility easement.

(1) The Town Board for any land division shall require rear or side outlot, parcel, or lot line utility easements at locations and of widths deemed adequate by the Town Board, but in no case less than 10 feet. Evidence shall be furnished to the Director of Public Works, Town Engineer, consulting planner or their designee ~~Town Administrator~~ that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

§ 184-17 Recovery of review and inspection costs.

A. All land divisions shall be initiated by the submittal of a land division concept plan checklist and plan and a concept discussion with the consulting planner, as whose discretion can involve other Town staff, Town Engineer, consultants and Town Attorney ~~Town Administrator~~. The Town also provides for an optional pre-submission conceptual review under §184-9 A. The subdivider shall pay a fee as designated in the Town's fee schedule ~~to the Town Treasurer~~ at the time of ~~each checklist~~ submittal of the ~~and~~ concept discussion application to help defray the cost of a concept review of a major or minor land division proposal or a concept review of a proposal to change a zoning district. The concept discussion or review precedes a formal submission of a preliminary plat or certified survey map.

B. The subdivider shall pay a fee to reimburse the actual cost to the Town of Cedarburg and/or consultants for professional services per §**21-16** of the Town Code for work related to the application. ~~All reasonable costs incurred by the Town Board or its agents to properly review each land division applicant shall be the responsibility of the land divider who shall timely pay or reimburse the Town of Cedarburg for all reasonable or projected engineering, inspection, legal, and administrative costs incurred by the Town of Cedarburg in reviewing the proposed land division plats~~

~~and maps. The Town Board may require that all or a portion of the known costs of a land division review and approval be paid in advance~~.

C. Preliminary plat review fee.

(1) The subdivider shall pay a preliminary plat fee as designated in the Town's fee schedule. The fee shall be paid to the Town ~~Treasurer~~ at the time of the first submittal of any preliminary plats to assist in defraying the cost of review.

(2) A reapplication fee as designated in the Town's fee schedule shall be paid to the Town Treasurer at the time of reapplication for approval of any preliminary plat which has previously been reviewed.

D. Final plat review fee.

(1) The subdivider shall pay a final plat review fee as designated in the Town's fee schedule. This fee shall be paid to the Town ~~Treasurer~~ at the time of first submittal for approval of said final plat to assist in defraying the cost of review.

(2) A reapplication fee as designated in the Town's fee schedule for a final plat shall be paid to the Town ~~Treasurer~~ at the time of reapplication for approval.

E. Certified survey map review fee. The subdivider shall pay a fee as designated in the Town's fee schedule to the Town ~~Treasurer~~ at the time of the first submittal for the approval of said certified survey map to help defray the cost of review.

F. Improvement review and inspection fee. The subdivider shall pay a fee ~~of two times the hourly rate paid to Town employees for the actual time spent by those employees performing the improvement review and inspection or a fee~~ equal to the actual cost to the Town for all engineering costs related to improvement review and inspections. The improvements included in this fee schedule shall include but not be limited to roads, bike and pedestrian paths, roadside ditches, drainage ditches, drainage control structures, and erosion control devices and structures. Said fees shall be paid to the Town before the final plat or any certified survey map is approved.

(The above text modified with a strikethrough shall be deleted).
(The above text modified with an underline shall be added).

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 17 day of June, 2026.

_____
David M. Salvaggio
Town Chairman

_____
Sara Jacoby
Assistant Administrator/Clerk

DRAFT