

TITLE 14

Subdivision and Platting

Chapter 1 Land Division and Subdivision Code

**Amended by Town Board
FEBRUARY, 2014**

Chapter 1

Land Division and Subdivision Code

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Article A: Adoption; Introduction

Sec. 14-1-1 Introduction and Purpose

(a) **Introduction.** In accordance with the authority granted by Sec. 236.45 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes, the Town Board of the Town of Taycheedah, Fond du Lac County, Wisconsin, does hereby ordain as follows:

- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of Taycheedah.
- (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.

(b) **Purpose.** The purpose of this Chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; to facilitate the further division of large tracts of land into smaller parcels, **and to implement the Town of Taycheedah Comprehensive Plan.** The regulations are made with the reasonable consideration of, but not limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, protecting farming and open spaces, and providing for the most appropriate use of land in the Town of Taycheedah.

State Law Reference: Chapter 236, Wis. Stats.

Sec. 14-1-2 Abrogation and Greater Restrictions

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

Sec. 14-1-3 Interpretation

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

Sec. 14-1-4 Severability

If any provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provision or application.

Sec. 14-1-5 Repeal

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

Sec. 14-1-6 Title

This Chapter shall be known as, referred to, or cited as the "Town of Taycheedah Subdivision Ordinance" or "Town of Taycheedah Land Division and Subdivision Ordinance."

Sec. 14-1-7 through Sec. 14-1-9 Reserved for Future Use.

Article B: Definitions

Sec. 14-1-10 Definitions

(a) The following definitions shall be applicable in this Chapter:

- (1) **Adjusted Tract Area.** The area of the total parcel minus any primary conservation areas.
- (2) **Agricultural Use.** As per the Title 13: Zoning of the Town Code, any of the following activities conducted for the purpose of producing an income or livelihood:
 - a. A new or expanded livestock facility used to keep cattle, swine, poultry, sheep or goats, if that facility will have less than 1,000 animal units.
 - b. Roadside stand.
 - (1) Not to exceed 200 square feet in size.
 - (2) Products must be produced on site.
 - c. Horse boarding.
 - d. Bed and Breakfast.
 - e. Beekeeping.
 - f. Floriculture.
 - g. Fish farming.
 - h. Forest and game management.
 - i. Orchards.
 - j. Plant greenhouse and nurseries.
 - k. Raising of grain, grass, mint and seed crops.
 - l. Raising of fruits, nuts, and berries.
 - m. Sod farming.
 - n. Vegetable raising.
 - o. Home Occupations, under the condition that the use does not impair or limit current or future agricultural use of the farm or of other protected farmland.
 - p. Farm Market must comply with §91.01(1)(d), Wis. Stats and employs no more than three (3) persons.

- (3) **Alley.** A way which affords only a secondary means of access to abutting property and which is not more than twenty-four (24) feet wide.
- (4) **Applicant.** The Subdivider or Subdivider's Developer's agent.
- (5) **Arterial Street.** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.
- (6) **Block.** An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
- (7) **Certified Survey, Certified Survey Map, or CSM.** A map of a minor land division prepared in accordance with sec. 236.34, Wis. Stats., and in full compliance with the applicable provisions of this Ordinance.
- (8) **Collector Street.** A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
- (9) **Commission.** The Plan Commission created by the Town Board pursuant to Sec. 62.23 of the Wisconsin Statutes.
- (10) **Common Element.** The common facilities in a condominium, condominium development, or condominium subdivision.
- (11) **Common Facilities.** All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster development, including, but not limited to, buildings, open space, private streets, parking areas, walkways, recreation area, drainage easements, and any utilities that service more than one unit, such as sewerage and well facilities.
- (12) **Common Open Space.** Undeveloped land within a conservation design subdivision that has been designated, dedicated, 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 parcels, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved development plan.
- (13) **Comprehensive Development Plan.** A comprehensive plan prepared by the Town indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Town and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (14) **Conditional Approval.** Approval of a land division, subject to the land division meeting certain requirements as determined by the Plan Commission and/or the Town Board. Land division of Exclusive Agricultural lands requires a Base Farm Tract review.

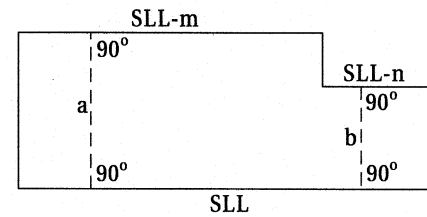
- (15) **Condominium.** A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with the requirement of Chapter 703 of the Wis. Stats. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership and not a specific building type or style.
- (16) **Condominium Agreement.** A legal agreement outlining the management of the common open space.
- (17) **Condominium Association.** An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.
- (18) **Conservation Areas, primary.** The primary conservation areas are those areas that are automatically set aside when determining open space for conservation development subdivisions. The following are areas of primary conservation: all lands located within existing street Right-of-Ways, all lands located within existing Utility and Railway Right-of-Ways, all lands located within floodplain, all lands located within wetlands, all slopes of twelve percent (12%) or greater.
- (19) **Conservation Areas, secondary.** Those areas identified in, but not necessarily limited to, sec. 14-1-31(g)(2) of this ordinance.
- (20) **Conservation Easement.** The grant of a property right or interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.
- (21) **Conservation Subdivision.** A subdivision where compact lots and open space are the central organizing element of the subdivision design and that identifies and permanently protects all primary conservation areas and all or some of the secondary conservation areas within the boundaries of the subdivision and retains a minimum of forty percent (40%) of the Gross Tract Area as protected open space.
- (22) **County.** Reference to County shall mean Fond du Lac County and shall include any agency, department or committee thereof.
- (23) **Cul-de-sac.** A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (24) **Deed Restriction.** A restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights, or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.

- (25) **Development.** Any man-made changes to improved or unimproved real estate including, but not limited to, construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.
- (26) **Developer's Agreement.** An agreement by which the Town and the sub-divider agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developers agreement and which shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the Town.
- (27) **Division of Land.** Where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, or a certified survey.
- (28) **Drainageway.** The land on either side of and within fifty (50) feet of the centerline of any intermittent or perennial stream graphically shown on a topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet or the U.S. Geological Survey (USGS) 7.5-minute quadrangle topographic map of the area.
- (29) **Easement.** The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (30) **Existing Parcel.** A parcel, lot, or tract of land which the enclosing boundaries are separately described and recorded with the Office of register of Deeds, Fond du Lac County Planning and Zoning Department, Town of Taycheedah Plan Commission, or defined by an existing tax parcel.
- (31) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities.
- (32) **Fees/Forfeitures.** Sums as prescribed by the most recent Fee Schedule adopted by the Town Board.
- (33) **Final Plat.** The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.
- (34) **Floodlands.** Those lands, including the channels, floodways and floodplain fringe of any given reach, which are subject to inundation by the flood within a given recurrence frequency. The one hundred year (100-year) recurrence interval flood (or that flood having a one percent (1%) probability of occurring in any given year) is generally used for regulation.
- (35) **Floodplain.** The land adjacent to a body of water which has been or may be hereafter covered by floodwater including, but not limited to, the regional flood.

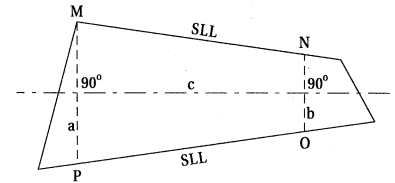
- (36) **Frontage Street.** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (37) **Grade or Gradient.** The slope of land, a road, street or other public way, specified in percent.
- (38) **Grading Plan.** A drawing of a proposed area with plans and specifications for grading.
- (39) **Gross Tract Area.** The entirety of the parcel proposed for subdivision, including all primary and secondary conservation areas.
- (40) **High Water Elevation and High Water Mark.** The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an establish datum plane or, where such elevation is not available, the elevation of the line up to which the presence of water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic or vegetative characteristics.
- (41) **Homeowners' Association.** A Wisconsin membership corporation which serves as an association of homeowners within a Subdivision or Certified Survey Map having shared common interests, responsibilities with respect to costs, and upkeep of common private property of a Subdivision or Certified Survey Map. Such common property includes private recreation and open space areas and common facilities within the Subdivision or Certified Survey Map.
- (42) **Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
- (43) **Land Divider.** Any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that is being divided, or proposed to be divided, resulting in a land division.
- (44) **Land Division.** The division of an outlot, parcel, or tract of land by the owner of the land, or the owner's agent, for the purpose of sale or for development when the act of division creates two or more parcels or building sites by a division or by successive divisions of any part of the original property, including any land division by or for a Conservation Subdivision, a Cluster Development, a Statutory Subdivision, a Minor Land Division, Replat, and Certified Survey Map, and any other land division.
- (45) **Landscaping.** Living material, such as grass, groundcover, flowers, shrubs, vines, hedges and trees and nonliving durable material, such as rocks, pebbles, sand, mulch, wood chips or bark, walls and fences, but not including paving.

- (46) **Lot.** A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
- (47) **Lot, Area.** The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (48) **Lot, Corner.** A lot located:
- a. At the junction of and abutting two (2) or more intersecting streets; or
 - b. At the junction of and abutting a street and the nearest shoreline; or high-water line of a storm or floodwater runoff channel or basin; or
 - c. At the junction of an abutting two (2) or more storm or flood water runoff channels or basins; or
 - d. At and abutting the point of abrupt change of a single street where the interior angle is less than one hundred thirty-five degrees (135°) and the radius of the street is less than one hundred (100) feet.
- (49) **Lot, Double Frontage.** A lot other than a corner lot which has frontage on two substantially parallel streets.
- (50) **Lot, Flag.** A parcel of land roughly shaped like a flag, with a narrow strip providing access to a public street and the bulk of the property containing no frontage.
- (51) **Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- (52) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.
- (53) **Lot Lines (or Parcel Lines).** The peripheral boundaries of a lot as defined herein.
- (54) **Lot Width (or Parcel Width).** The mean horizontal distance between the side lot lines of a parcel measured at right angles to the depth. On irregularly (non-perpendicular) shaped parcels, the width shall be the average width of the parcel (see below). Lot width shall be measured at the building line (e.g. location at which the principal structure is located). Width shall also be measured at the shoreyard setback line. At least fifty percent (50%) of the parcel shall be greater than or equal to the required lot width.
- a. The following illustrations and formulas are provided to explain the methods of average parcel width determination:

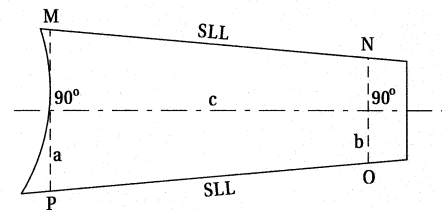
1. Parallel Lot Lines. Average Lot Width is the perpendicular distance between Side Lot Lines (SLL) Use only that part of length n that, when added to area of m portion of lot, satisfies minimum area requirements.



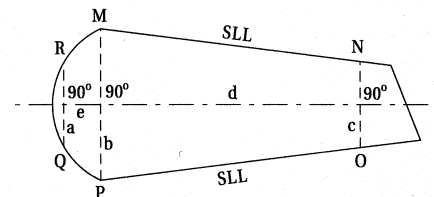
2. Nonparallel Parcel Lines, Alternative 1. Average Parcel Width is area of MNOP equals Minimum Parcel Area, and line c bisects angle formed by lines MN and OP extended.



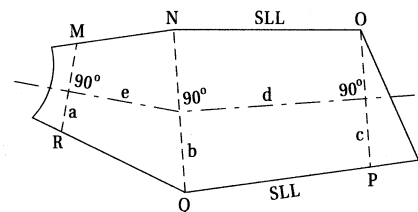
3. Nonparallel Parcel Lines, Alternate 2. Average Parcel Width is area of MNOP equals Minimum Parcel Area and line c bisects angle formed by lines MN and OP extended. c is the perpendicular distance between lines a and b.



4. Nonparallel Parcel Lines, Alternate 3. Average Parcel Width is area of MNOPQR equals Minimum Parcel Area and line d bisects angle formed by lines MN and OP extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.



5. Nonparallel Parcel Lines, Alternate 4. Average Parcel Width is area of MNOPQR equals Minimum Parcel Area, line e bisects angle formed by lines MN and QR extended, and line d bisects angle formed by lines NO and PQ extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.



(55) **Local Street.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.

- (56) **Major Thoroughfare.** A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.
- (57) **Minor Street.** A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."
- (58) **Minor Subdivision.** The division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels or building sites **through the use of a Certified Survey Map.**
- (59) **Navigable Waters.** Any body of water defined as navigable under the laws of the State.
- (60) **Net Developable Area (or Net Development Area).** The area of the tract in a conservation design subdivision that can be divided into parcels.
- (61) **Nonprofit Conservation Organization.** A nonprofit corporation, charitable trust, or other nonprofit organization described in Section 501 (c)(3) of the Internal Revenue Service Code, which includes the "acquisition of property or rights in property for conservation purposes" as part of its mission, as reflected in the bylaws, charter, or incorporation papers of the organization.
- (62) **Open Space.** The area of lands within a conservation design subdivision that cannot be developed. This area includes forty percent (40%) of the Gross Tract Area held in common ownership. This area is for passive/active recreational use by the residents of the development and, when and where specified, the larger community.
- (63) **Outlot.** A parcel of land other than a residential lot or block so designated on a land division plat or Certified Survey Map.
- (64) **Owner.** Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.
- (65) **Pedestrian Pathway.** A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (66) **Plat.** The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Town for approval.
- (67) **Preliminary Plat.** The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission/Town Board for their consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
- (68) **Prime Agricultural Lands.** Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses.

- (69) **Protective Covenants (or Restrictive Covenants).** Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a sub-division for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (70) **Public Utility.** Every corporation, company, associations, sanitary district, or municipality that may own or operate any plant or equipment for the conveyance of telephone or other electronic messages, or for the production, transmission, delivery, or furnishing of heat, electricity, gas, water, cable television, sewer, or and other service deemed to be in the public interest shall be deemed a public utility.
- (71) **Public Way.** Any sidewalk, street, alley, highway or other public thoroughfare.
- (72) **Recreation Land, Active.** Areas that are altered from their natural state to accommodate organized athletic activities (e.g. soccer, football, baseball, golf). Active recreation lands may also require the installation of equipment (e.g. playground apparatus, riding stables, shooting ranges, golf ranges, etc.).
- (73) **Recreation Land, Passive.** Areas that are left in a natural state with minimal alteration for scenic enjoyment (e.g. walking/hiking trail) and outdoor activities with minimal impact on the landscape (e.g. birding, fishing, hunting).
- (74) **Replat.** The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (75) **Retention Basin.** A man-made or natural body of water of a depth of not less than three (3) feet, designed to contain water at all times, the levels of which will be increased as a result of the flow into it from surface and subsurface water collected therein and released gradually into natural and man-made outlets.
- (76) **Review Period.** The number of calendar days allotted to review a land division.
- (77) **Right-of-Way.** A strip of land occupied or intended to be occupied for a special use, dedicated to the public by the owner of the land division on which such right-of-way is established.
- (78) **Shorelands.** Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (79) **Slope.** The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
- (80) **Stream.** A course of running water, either perennial or intermittent, flowing in a channel (e.g. water body that forms a link between two bodies of water).

- (81) **Street.** A public or private thoroughfare which affords the principal means of access to abutting property.
- (82) **Structure.** Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Includes but not limited to objects such as buildings, factories, sheds, cabins, wells, septic tanks and disposal fields.
- (83) **Subdivider** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
- (84) **Subdivision.** The division of a lot, outlot, parcel, or tract of land by the owner thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of thirty-five (35) acres or less in area, or where the act of division creates five (5) or more parcels or building sites by successive division within a period of five (5) years, whether done by the original owner or a successor owner.
- (85) **Surveyor.** A person who surveys land and is duly registered in the State of Wisconsin.
- (86) **Town.** The Town of Taycheedah, Fond du Lac County, Wisconsin.
- (87) **Tract.** A contiguous area of land that exists or has existed in single ownership.
- (88) **Utility Easement.** An easement to place, replace, maintain or move utility facilities.
- (89) **Variance.** A departure from the terms of this Ordinance as applied to a specific building, structure, or parcel of land, which the Plan Commission may permit, pursuant to this Ordinance.
- (90) **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. (Sec. 23.32(1), Wis. Stats.)
- (91) **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 Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

Sec. 14-1-11 through Sec. 14-1-19 Reserved for Future Use.

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Article C: General Provisions

Sec. 14-1-20 General Provisions

(a) **Compliance.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division or a replat as defined herein; no such subdivision, 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 the following:

- (1) The provisions of Ch. 236 and Sec. 82.18, Wis. Stats.
- (2) The rules of the Division of Health, Wisconsin Department of Industry, Labor and Human Relations, contained in Wis. Adm. Code Comm 83 for subdivisions not served by public sewer.
- (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter Trans 233 for subdivisions which abut a state trunk highway or connecting street.
- (4) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for Floodplain Management Program.
- (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Town Board.
- (6) All applicable Town and county regulations, including zoning, sanitary, building and official mapping ordinances.
- (7) The Town of Taycheedah Master Plan, or components thereof, and applicable ordinances of any city or village whose extraterritorial jurisdiction extends into the Town.
- (8) Applicable provisions of the Town of Taycheedah Zoning Code.
- (9) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.

(b) **Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the Town of Taycheedah. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:

- (1) Transfers of interests in land by will or pursuant to court order;
- (2) Leases for a term not to exceed ten (10) 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.

- (c) **Certified Survey.** Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats.
- (1) All visible structures, encroachments, fences, navigable waters, and public streets and public roads shall be shown to scale on any Certified Survey Map (CSM) from any land division to be recorded.
 - (2) Any outlots created on a CSM shall be accompanied with a statement of purpose, ownership, and use of the outlot.
- (d) **Building Permits.** The Town of Taycheedah shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, land division, replat or certified survey originally submitted to the Town of Taycheedah on or after the effective date of this Chapter until the applicant has complied with all of the provisions and requirements of this Chapter.
- (e) **Applicability to Condominiums.** This Chapter is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to Section 703.27(1), Wis. Stats. For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.
- (f) **Combining Parcels.** Parcels shall be combined into one parcel when a use, structure, or structural addition occupies more than one parcel under the same ownership as deemed necessary by the Plan Commission.

Sec. 14-1-21 Land Suitability

- (a) **Suitability.** No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Town Board for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Town Board, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Town Board may affirm, modify, or withdraw its determination of unsuitability.
- (1) No land shall be issued a land division approval if the Taycheedah Town Board determines that any proposed land division plat or CSM will materially interfere with neighboring agricultural uses or will conflict with other goals, objective, and policies as set forth in the Town Comprehensive Plan.
 - (2) No land shall be issued a land division approval for a purpose that poses a significant threat to the quality or quantity of groundwater in the Town of Taycheedah.

(b) **Existing Flora.** The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.

(c) **Additional Considerations.**

- (3) Areas of archaeological and/or historical interest shall be designated by the State Historical Society.
- (4) Areas of geological interest shall be designated by the State Geological and Natural History Survey.
- (5) Suitability of land for private sewerage systems shall be determined in accordance with Comm 83, Wisconsin Administrative Code.
- (6) All new subdivisions, as of September 18th, 2001, located within the boundaries of a sanitary district shall be sewered if cost-effective and feasible, as determined by the sanitary district, and satisfies the Sewer Service Area Plan administered by the Department of Natural Resources and East Central Wisconsin Regional Planning.

(d) **Environmentally Sensitive Areas.**

- (1) Environmentally sensitive areas shall consist of the following water-related features:
 - a. Wetlands.
 - b. Land within fifty (50) feet of wetlands that are larger than two (2) acres in size.
 - c. Floodways plus fifty (50) feet (but not beyond the floodplain boundary) or seventy-five (75) feet beyond the ordinary high-water mark, whichever is greater.
 - d. Land within twenty-five (25) feet of non-navigable waterways shown on the USGS topographic quadrangle maps (7.5-minute series).
 - e. Steep slopes of twelve percent (12%) or greater that are immediately adjacent to or extend into any of the features listed above.
- (2) Environmentally sensitive areas shall be shown on all Preliminary and Final Plat maps and CSMs unless waived by the Plan Commission. Except for amendments approved by the Plan Commission or WDNR, restrictions shall be placed on all plats and certified survey maps regarding development and land-disturbing activities within environmentally sensitive areas. Notes or disclaimers may be included on plats and CSMs indicating that the extent of the environmentally sensitive area is subject to change due to the granting of amendments, revisions to the definition of the environmentally sensitive area, or provision of more detailed information, such as flood studies.

- (3) When a proposed subdivision or CSM is located wholly or in part in an area where flooding or potential flooding may be a hazard, floodplain lines and, where calculated, floodway lines shall be shown on final plans and maps unless waived by the Plan Commission. Floodplain boundaries as determined by the subdivider shall be reviewed and approved by the WDNR.

Sec. 14-1-22 Condominium Developments

(a) Purpose.

- (1) The Town Board hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums, but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
- (2) The factor that makes this Chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels", with each property entity having different ownership and management. The Town determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.
- (3) Thus, the Town Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - a. Additional population density;
 - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics;
 - c. Additional demands upon Town area parks, recreation areas, utility facilities and schools;
 - d. Additional traffic and street use.

(b) Portions of Chapter Applicable to Condominium Developments. The following sections of this Chapter shall apply to condominium developments:

- (1) Sections 14-1-21, relating to land suitability and construction practices;
- (2) Sections 14-1-30 through 14-1-32, relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 14-1-40 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
- (3) Section 14-1-34, relating to fees for review;

- (4) Article F, relating to required improvements;
 - (5) Article G, relating to design standards for improvements;
 - (6) Article H, relating to dedication requirements.
- (c) This Section shall not apply to the following condominiums:
- (1) Any condominium plat recorded prior to the effective date of this Chapter;
 - (2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

Sec. 14-1-23 through Sec. 14-1-29 Reserved for Future Use

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Article D: Plat Review and Approval

Sec. 14-1-30 Preliminary Consultation

Before filing a Preliminary Plat or certified survey, the subdivider is encouraged to consult with the Town Board, Plan Commission and/or other professionals assisting the Town for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Town Clerk. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his/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.

Sec. 14-1-31 Submission of Preliminary Plat

- (a) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The subdivider shall submit twelve (12) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file copies of the Plat and the application as required by this Section with the Town Clerk at least fifteen (15) 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 Town Engineer for review and written report of his recommendations and reactions to the proposed plat.
- (b) **Public Improvements, Plans and Specifications.** Simultaneously with the filing of the Preliminary Plat of map, the owner shall file with the Town Clerk twelve (12) complete sets of traffic patterns, typical street cross sections, pavement design and other improvements necessary in the subdivision.
- (c) **Affidavit.** The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter.
- (d) **Supplementary Data to be Filed with Preliminary Plat.** The following shall also be filed with the Preliminary Plat:
 - (1) **Use Statement.** A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and,
 - (2) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and,

- (3) **Area Plan.** Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission and/or Town Board 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.
- (e) **Street Plans and Profiles.** The subdivider shall provide street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.
- (f) **Soil Testing.** The subdivider shall provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in Section 14-1-21, the Town Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.
- (g) **Referral to Other Agencies.**
- (1) The subdivider shall, within two (2) days after filing, transmit two (2) copies to the appropriate sanitary district, four (4) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of Development, additional copies to the Director of the Planning Function for retransmission of two (2) 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 Industry, Labor and Human Relations 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 Planning Agency, the Wisconsin Department of Development, the Wisconsin Department of Transportation and the Wisconsin Department of Industry, Labor and Human Relations shall be hereinafter referred to as objecting agencies.
 - (2) Within twenty (20) days of the date of receiving the copies of the plat, any state or county agency having authority to object under Subsection (h)(1) above shall notify the subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, 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 deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty (20) day limit it shall be deemed to have no objection to the plat. Sanitary or utility districts within the Town may file objections with the Plan Commission or Town Board at any time prior to, and including, the Board's public hearing on the land division.

- (3) In lieu of the procedure under Subsection (h)(1), the subdivider or the subdivider's agent may submit the original plat to the Department of Local Affairs and Development which shall forward two (2) copies to each of the agencies authorized to object. The Department shall have the required number of copies made at the subdivider's expense. Within twenty (20) days of the date of receiving the copies of the plat, any agency having authority to object 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, or if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the Department of Development. After each agency and the Department have certified that they have no objection or that their objections have been satisfied, the Department shall so certify on the face of the plat. If an agency fails to act within twenty (20) days from the date of the receipt of copies of the plat, and the Department fails to act within thirty (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.
- (h) **Drafting Standards.** The subdivider shall submit to the Town Clerk and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes copies of a Preliminary Plat (or certified survey) based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.
- (i) **Submission of a Conservation Design Subdivision Preliminary Plat.** This section provides the standards under which applications for a Conservation Subdivision Preliminary Plat shall be completed and reviewed.
 - (1) The Conservation Design Subdivision standards contained herein, in addition to the land division standards outlined in sec. 14-1-31(a through h), apply to all divisions of a parent parcel when requested by a Subdivider where the division creates more than four (4) new parcels and where the division is intended to create a conservation subdivision as defined in sec. 14-1-31(i). Further, sec. 14-1-31(1) is intended to:
 - a. Guide the future growth and development of the Town in conjunction with the Town of Taycheedah Comprehensive Plan.
 - b. Guide the detailed analysis of parcels so as to locate and coordinate appropriate areas for development and conservation.
 - c. Preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources.
 - d. Preserve scenic views by minimizing views of new development from existing roads.

- e. Preserve prime agricultural land by concentrating housing on lands with low agricultural potential.
 - f. Provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.
 - g. Provide for a diversity of parcel sizes, housing choices and to accommodate a variety of age and income groups.
 - h. Provide for buffering between residential development and non-residential uses.
 - i. Protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors.
 - j. Preserve significant archeological sites, historic buildings, and their settings.
 - k. Meet the demand within the Town for housing in rural settings.
 - l. Preserve agricultural areas.
- (2) Secondary Conservation Areas. Secondary conservation areas are defined as those natural, agricultural, cultural, and or historical resources within the Town that are not otherwise protected by federal, state, or county laws, regulations, or ordinances. Secondary conservation areas are resources that should be preserved when possible and/or economically feasible. The final determination of secondary conservation areas within a given development will be made by the Plan Commission and Town Board. Secondary conservation areas in the Town of Taycheedah may include, but are not limited to:
- a. Stream corridors within one hundred (100) feet of the ordinary high-water mark.
 - b. The Niagara Escarpment (otherwise referred to as The Ledge).
 - c. Historic Structures.
 - d. Environmental corridors.
 - e. Critical wildlife habitat.
 - f. Mature woodlands, wherein twenty (20) percent or more of the trees have a diameter-at-breast-height (DBH) of eighteen (18) inches or more.
 - g. Unique natural features, which may include hills, knolls, depressions, rock outcroppings, kettles, moraines, eskers, and others.
 - h. Other unique features as may be identified by the Plan Commission.

- (3) Open Space Standards. A Conservation Design Subdivision shall meet the following open space standards:
- a. Minimum open space. Minimum open space shall be not less than forty (40) percent of the gross tract area (GTA) and shall include all primary conservation areas as well as those secondary conservation areas identified in sec. 14-1-31(2) or as required by the Plan Commission.
 - b. Location. The required open space should be situated, when practicable, to take advantage of the site's natural, historic, and cultural features, to create buffer areas between residential and agricultural uses, to preserve scenic views, and to be contiguous with existing or proposed open spaces outside of the proposed subdivision. Environmentally sensitive areas must be included within the preserved open space. The size and shape of the areas established as open space shall be sufficient and suitable for natural resource protection, recreation, agriculture, or other intended use and should remain as large and contiguous as the property will allow.
 - c. Not more than 30% of the required open space may consist of active recreation area unless prior approval has been received from the Plan Commission.
 - d. The Plan Commission encourages that each conservation subdivision include an internal trail system providing access to homeowners with a section of the trail system identified for potential future public use as part of an integrated trail network. The section identified for potential public use may vary by development and circumstance.
 - e. The Plan Commission may require easements or walkways to access open space that does not abut public right-of-way.
 - f. Ownership and Maintenance of Common Open Space. To ensure adequate planning for ownership, operation, and maintenance of common open space, recreation facilities, storm water management facilities, wastewater treatment facilities, shared or community wells, common parking areas and driveways, private streets, and other common community facilities, the following methods may be used, either alone or in combination, in ownership of common open space. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this subsection, and then only when there is no change in the common open space. Unless otherwise specified by the Plan Commission and Town Board, a Homeowners Association will be deemed the preferred method of ownership of common facilities.

1. Homeowners Association. Common facilities shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein. The applicant shall provide to the Town a description of the association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities. The association shall be established by the owner or applicant and shall be operating, with financial subsidy by the applicant, if necessary, prior to the sale of any dwelling units in the development. Membership in the association shall be mandatory for all purchasers of dwelling units therein and their successors and assigns. The association shall be responsible for maintenance and insurance of common facilities. The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities. The organization shall have adequate means of maintaining common open space. The applicant for any conservation design subdivision proposed to contain common open space shall arrange with the Town Assessor a method of assessment of the common facilities that will allocate to each tax parcel in the development a share of the total assessment for such common facilities. Written notice of any proposed transfer of common facilities by the homeowners association or the assumption of maintenance of common facilities which will allocate to each tax parcel in the development a share of the total assessment for such common facilities must be given to all members of the organization and to the Town at least 30 days prior to such event.
2. Condominium Developments and Agreements. Common open space shall be controlled through the use of a condominium agreement. Such agreements shall be approved by the Town and shall comply with the requirements of Chapter 703 of the Wis. Stats. All common open space and other common facilities shall be held as “common elements” by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. A condominium association shall be formed to govern the affairs of the condominium and membership shall be mandatory.
3. Dedication of Conservation Easements to a Public Agency. The Town, or other public agency acceptable to the Town may, but shall not be required to, accept easements for public use of any portion of the common open space, title of which is to remain in private ownership, provided that:
 - a) There is no cost of easement acquisition, other than costs incidental to the transfer of ownership, such as title insurance.

- b) A satisfactory maintenance agreement shall be reached between the Developer/Owner and the Town.
 - c) Lands under a Town easement may or may not be accessible to residents of the Town.
4. Dedication to a Nonprofit Conservation Organization. With the approval of the Town Board, an owner may dedicate any portion of the common facilities to a nonprofit conservation organization, provided that:
- a) The organization is acceptable to the Town.
 - b) The conveyance contains appropriate provisions for proper reverting or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
 - c) A maintenance agreement acceptable to the Town is established between the owner and the organization.
5. Ownership retained by the original landowner. Ownership of common open space and facilities may be retained by the original landowner provided that:
- a) The Town and residents of the development shall hold conservation easements on the land protecting it from further development.
 - b) Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.
6. Other methods acceptable to the Town Board for maintenance and operation of common facilities. A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to and approved by the Town Board prior to Preliminary Plat approval. Such plans shall:
- a) Define Ownership.
 - b) Establish necessary regular and periodic operation and maintenance responsibilities.
 - c) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.

- d) Include a Land Stewardship Plan specifically focusing on the long-term management of open space lands. A draft land stewardship plan shall be submitted with a Preliminary Plat, and a final plan shall be submitted with the Final Plat.
7. Leasing of Common Open Space Lands. Common open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:
- a) The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
 - b) The common open space lands to be leased shall be maintained for the purposes set forth in this section.
 - c) The operation of such leased open space lands may be for the benefit of the residents of the development only, or may be open to the public, if so determined by the residents.
 - d) The lease, and any transfer or assignment thereof, shall be subject to the approval of the Town Board.
 - e) Lease agreements shall be recorded in the office of the County Register of Deeds within 30 days of their execution, and a copy of the recorded lease shall be filed with the Town.
- g. Conservation. Common Open Space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Town Board and duly recorded in the office of the County Register of Deeds. The legal instruments detailing the ownership of the open space shall be submitted with the Preliminary Plat and shall be recorded with the Register of Deeds upon Final Plat approval.
- h. In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time specified, the association, or any successor organization, shall be considered in violation of this ordinance, in which case the Town shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

- i. **Sewerage Facilities.** Sewerage facilities for Conservation Design Subdivision development may consist of any system meeting the requirements of the Town of Taycheedah, Fond du Lac County, the Wisconsin Department of Safety and Professional Services, and the Wisconsin Department of Natural Resources. Sewerage facilities for conservation subdivisions with twenty (20) or more parcels shall require clustered wastewater treatment systems or connection to the sanitary sewer collection system.

(4) **Development Yield Standards.** Conservation Design Subdivisions shall complete the following worksheet in order to determine the maximum number of permitted dwelling units. This calculation information must be submitted with any application to the Town.

- a. **Calculate the Gross Tract Area (GTA).** This shall be the total acreage of the property.

GTA: _____ acres

- b. **Calculate Primary Conservation Areas (PCA).** This acreage shall be determined using the following criteria. The data supplied within this calculation shall be substantiated with sufficient plans and data.

- 1. All lands located within existing street Right-of-Ways.

_____ acres

- 2. All lands located within existing Utility and Railway Right-of-Ways.

_____ acres

- 3. All lands located within floodplain.

_____ acres

- 4. All lands located within State or County designated environmentally sensitive areas.

_____ acres

- 5. All lands located within wetlands.

_____ acres

- 6. All of the land area having slopes 12% or greater.

_____ acres

PCA (sum of 1 through 6 above) _____ acres

- c. **Calculation of Adjusted Tract Area (ATA).** The ATA shall equal the GTA minus the PCA.

ATA: _____ acres

- d. **Calculation of Secondary Conservation Areas (SCA).** The SCA shall total not less forty percent (40%) of the GTA and shall include, but is not necessarily limited to:

1. Stream corridors within one hundred (100) feet of the ordinary high-water mark.

_____ acres

2. Niagara Escarpment (the Ledge)

_____ acres

3. Historic Structures.

_____ acres

4. Environmental corridors.

_____ acres

5. Critical wildlife habitat.

_____ acres

6. Mature woodlands, wherein twenty (20) percent or more of the trees have a diameter-at-breast-height (DBH) of eighteen (18) inches or more.

_____ acres

7. Unique natural features, which may include hills, knolls, depressions, rock outcroppings, kettles, moraines, eskers, and others.

_____ acres

8. Other unique features as may be identified by the Plan Commission.

_____ acres

SCA: _____ acres

- e. **Calculation of Net Development Area (NDA).** The NDA shall be a maximum of sixty percent (60%) of the GTA. If the NDA is less than sixty percent (60%) of the GTA, the Plan Commission may allow the NDA to be increased to sixty percent (60%).

NDA: _____ acres

- f. **Calculation of Permitted Dwelling Units (PDU).** The maximum number of permitted dwelling units in a conservation subdivision shall equal the ATA multiplied by 1.1 (or 10%), provided that no lot is smaller than 21,780 square feet (one-half acre) unless otherwise approved by the Plan Commission. If the calculation of PDU results in a figure ending in .5 or greater, it shall be rounded up to the next whole number. If the calculation of PDU results in a figure ending less than .5, it shall be rounded down to the next whole number.

PDU: _____

- (5) **Conservation Design Concept Plat.** Prior to the filing of an application for the approval of a Preliminary Plat, the Subdivider shall consult with the Plan Commission in order to obtain their review, advice and assistance in the preparation of a Preliminary Plat. Such consultation shall be termed the 'concept plat' stage of the land division procedure and shall include the following steps and information:

- a. The Subdivider shall prepare a concept plat at a scale of one-inch equals 100 feet of all the contiguous lands in which the subdivider has legal or equitable interest and present twelve (12) copies to the Town Clerk.
- b. Such concept plat shall include enough information to set forth the proposed development potential of the parcel to the satisfaction of the Plan Commission, and include at least the following:
 1. Soil characteristics or interpretations secured from detailed soil maps prepared by the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) and/or monitoring borings data.
 2. The limits and identification of all primary conservation areas, as defined in sec. 14-1-10(a)(18) of this ordinance, on the entire parcel.
 3. The limits and identification of all secondary conservation areas, as defined in sec. 14-1-31(i)(2) of this ordinance, on the entire parcel.
 4. Existing and proposed access from the parcel to adjacent streets, roads, or properties.
 5. Proposed street locations and widths.
 6. Proposed parcels including size to the nearest one-tenth acre.
 7. The land use of existing properties within ¼-mile of the property proposed to be divided.
 8. Any other pertinent information useful to the Subdivider and Plan Commission in their determination of developability of the parcel.

- c. The Plan Commission shall either reject the concept plat giving reasons for such rejections or approve the concept plat and make recommendations. Such review and approval of the concept plat shall constitute approval of the concept plat only and shall not be deemed an approval of the layout and design of the preliminary plat.
 - d. Through the concept plat procedure it is expected that the Subdivider and Plan Commission will reach mutual conclusions regarding the general design and objectives of the proposed development and its possible effects on the Town. The Subdivider will also gain a better understanding of the subsequent required procedures so that the process of Preliminary Plat submittal and approval may be expedited.
- (6) **Preliminary Conservation Design Subdivision Plat Submittal.** Before submitting a Final Plat for approval, the Subdivider shall prepare and submit a Preliminary Plat that conforms to the requirements of Chapter 236 Wisconsin State Statutes and all applicable sections of this ordinance. The Plat shall be prepared by a registered land surveyor. The Subdivider or their designated agent shall file the application and five (5) copies of the Preliminary Plat on paper no smaller than 22" x 30" and fifteen (12) copies of the Preliminary Plat on 11" x 17" paper with the Town Clerk. The subdivider shall also submit one digital PDF version and one digital CADD or GIS version of the Preliminary Plat to the Town Clerk.
- (7) **Requirements for Preliminary Conservation Design Plat.** In addition to any requirements of Chapter 236 Wis. Stats. and sec. 14-1-31(a-h) of this ordinance, the submitted Preliminary Plat shall include the following:
- a. A map of sufficient scale showing the boundaries of the property being considered for division.
 - b. General parcel layout as proposed.
 - c. The proposed subdivision name. This name shall not duplicate the name of any Plat previously recorded in Fond du Lac County. A subtitle of "County Plat" shall be required for all County Plats.
 - d. Owners name, along with Volume and Page of the instrument that shows title to the Platted area. The Volume and Page of the affected property may be shown on the map, in the Surveyor's Certificate, on the Preliminary Plat, or in the Owner's Certificate.
 - e. Volume and Page or platted status (i.e. State or County Plat by name and parcel number, Certified Survey Map (CSM) by volume, page and parcel number) of adjoining lands.
 - f. Radius of all curves.
 - g. Proposed and existing road(s) showing road name and right angle width.

- h. Public areas to be dedicated, if any, and subsequently identified as “dedicated to the public.”
- i. The location and identification of all primary conservation areas. Source of the data shall be identified.
- j. The location and identification of all secondary conservation areas.
- k. Locations of existing buildings, drainage ditches, fences and any other pertinent features.
- l. Locations and names of adjoining parks, cemeteries, and subdivisions.
- m. Any proposed lake or stream access or any proposed lake or stream improvement or relocation.
- n. The name and address of the surveyor and Subdivider placed on the face of the Plat.
- o. Report on Soil Borings and Percolation Tests. Locations of borings may be required to be shown on the face of the map.
- p. A general description of all property owned and controlled by the Subdivider contiguous to the proposed land division.
- q. An area development plan for future use may be required if proposed development in some way affects adjoining lands.
- r. Road name application must be submitted to the Plan Commission for approval for any road names (i.e. new, extension, private, etc.) subject to County review and approval.
- s. Dimensions of all parcels, together with proposed parcel and block numbers.

Sec. 14-1-32 Preliminary Plat Review and Approval

(a) Plan Commission Recommendation.

- (1) After review of the Preliminary Plat and negotiations with the subdivider on changes and the kind and extent of public improvements which will be required, the Plan Commission shall recommend to the Town Board disapproval, approval or conditional approval of the Preliminary Plat within forty (40) days of the filing date. [Note: Sec. 236.11(1)(a), Wis. Stats., states that extensions of time or a decision to hold a matter in abeyance may only be made by agreement between the subdivider and Town Board, not the Plan Commission.]

- (2) The Town Clerk shall give notice of the Plan Commission's review of the Preliminary Plat or certified survey by listing it as an agenda item in the Commission's meeting notice published in the official Town newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action.
 - (3) At its option, the Town Board may also refer proposed certified survey maps to the Plan Commission for an advisory recommendation.
- (b) **Board Review; Public Hearing.** The Town Clerk shall schedule a public hearing on the Preliminary Plat before the Town Board. The Town Clerk shall give notice of the Town Board's review and public hearing on the Preliminary Plat by listing it as an agenda item in the Board's meeting notice published in the official Town newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners within three hundred (300) feet of the proposed land division shall receive written notice of the public hearing.
- (c) **Board Action.** After receipt of the Plan Commission's recommendation, the Town Board shall, within ninety (90) days of the date the plat was filed with the Town Clerk, approve, approve conditionally or reject such 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 Town Board to act within ninety (90) days or extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat. The Town Clerk shall communicate to the subdivider the action of the Town Board. If the plat is approved, the Town Clerk shall endorse it for the Town Board.
- (d) **Effect of Preliminary Plat Approval.** 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 within six (6) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the Plan Commission and Town Board at the time of its submission.
- (e) **Preliminary Plat Amendment.** Should the subdivider desire to amend the Preliminary Plat as approved, he/she may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Town Board, of such scope as to constitute a new plat, in which such case it shall be re-filed.
- (f) **Preliminary Review and Approval of a Conservation Design Preliminary Plat.**
- (1) Upon receipt of an application for a Conservation Design Subdivision Plat, the Town Clerk shall transmit one (1) copy of the map to each of the following. Contact names and addresses are to be provided to the Clerk by the subdivider.
 - a. Each member of the Plan Commission and Town Board.
 - b. Fond du Lac County Planning & Zoning Department.

- c. Fond du Lac County Highway Department (where applicable).
 - d. Extraterritorial jurisdictions (where applicable).
 - e. Any affected public or private utility as identified by the subdivider.
 - f. Any other local, county, or state agency as applicable.
- (2) Recommendations from receiving parties, with the exception of the Plan Commission, must be received by the Town Clerk within thirty (30) days from the date the copy is transmitted. If a recommendation is not received within thirty (30) days it shall be deemed an approval.
- (3) Recommendations from the Plan Commission must be received within sixty (60) days from the date of transmittal. If a recommendation is not received within sixty (60) days it shall be deemed a preliminary approval and submitted to the Town Board.
- (4) Once the Plan Commission recommendation is received, the preliminary review for approval shall be scheduled for a regularly scheduled Town Board Meeting.
- (5) The Town Board, within ninety (90) days of the date of filing of a Preliminary Conservation Plat with the Town Clerk shall approve, approve conditionally, or reject, unless the time is extended by mutual agreement with the Subdivider. One (1) copy of the Plat shall there upon be returned to the Subdivider with the date and the action recorded thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. One (1) copy each of the plat and letter shall be kept on record by the Town.
- (6) Relationship between Preliminary and Final Plat.**
- a. Approval of a Preliminary Conservation Plat shall be deemed an expression of approval or conditional approval of the layout submitted and a guide to the preparation of the Final Plat which will be subject to further consideration by the Plan Commission at the time of its submission.
 - b. If the Final Plat conforms substantially to the Preliminary Plat as approved, including any conditions of the approval, and to local plans and ordinances authorized by law, it is entitled to approval. If the Final Plat is not submitted within one (1) year of the last approval of the Preliminary Plat, any approving authority may refuse to approve the Final Plat. The Town reserves the right to add further restrictive covenants as provided in Chapter 236.293, Wis. Stats.
 - c. Any substantial change between the Preliminary and Final Plat, as determined by the Plan Commission, shall cause the conservation Plat to be re-submitted including all fees and review. In addition every re-submittal required to clarify matters regarding said maps shall constitute a new time frame for review purposes.

- (g) **Phasing Requirements.** An approved Preliminary Plat may be Final Platted in phases with each phase encompassing at least 25 percent of the area of the approved Preliminary Plat.
- (1) If the Subdivider elects to Final Plat in phases as approved by the Plan Commission, the Town Board shall require a timetable of completion of development of the entire property included in the Preliminary Plat at/or prior to the time of submittal of the first phase of the Final Plat as part of the developer's agreement.
 - (2) If a development includes more than 40 lots (e.g. new parcels), phases must be provided on the Preliminary and Final Plat such that no more than 50 percent of the total number of parcels is included in a single phase.
 - (3) The Town has the authority to require phased Final Plat approval in which each new phase may only be initiated once 80 percent of the parcels in the previous phase have been sold.

Sec. 14-1-33 Final Plat Review and Approval

(a) **Filing Requirements.**

- (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file twelve (12) copies of the Plat and the application with the Town Clerk at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. The Town Clerk shall give notice of the Plan Commission's meeting in the manner prescribed in Section 14-1-32(a)(2). The owner or subdivider shall file eight (8) copies of the Final Plat not later than six (6) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Town. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Town Attorney may require showing title or control in the applicant.
- (2) The subdivider shall, within two (2) days after filing, transmit two (2) copies to the appropriate sanitary district, four (4) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of Development, additional copies to the Director of the Planning Function for retransmission of two (2) 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 Industry, Labor and Human Relations if the subdivision is not served by a public sewer and provision for service has not been made, and the original Final Plat and adequate copies to the Plan Commission. The County Planning Agency, the Wisconsin Department of Development, the Wisconsin Department of Transportation, and the Wisconsin Department of Industry, Labor and Human Relations shall be hereinafter referred to as objecting agencies.

- (3) The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Sec. 236.12(2).
- (4) Simultaneously with the filing of the Final Plat or map, the owner shall file with the Town Clerk twelve (12) complete sets of engineering reports, plans and specifications for the construction of any public improvements required by this Chapter, specifically addressing sewer service feasibility. The owner shall also file twelve (12) copies of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that the common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Town pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the Town Clerk (Note: Deed restrictions and restrictive covenants are private contractual agreements and are not enforceable by the Town.)
- (5) The Town Clerk shall refer two (2) copies of the Final Plat to the Plan Commission, one (1) copy to the Town Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report may be referred to the Town Attorney for his/her examination and report. The Town Clerk shall also refer the final plans and specifications of public improvements to the Town Engineer for review. The recommendations of the Plan Commission and Town Engineer shall be made within thirty (30) days of the filing of the Final Plat. The Town Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he/she 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 Engineer shall return them to the owner and so advise the Plan Commission.

(b) Plan Commission Review.

- (1) 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 applicable 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.
- (2) The objecting state and county agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Development has thirty (30) days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
- (3) If the Final Plat is not submitted within six (6) months of the last-required approval of the Preliminary Plat, the Town Board may refuse to approve the Final Plat.

- (4) The Plan Commission shall, within thirty (30) days of the date of filing of the Final Plat with the Town Clerk, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Town Board. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.

(c) Board Review and Approval.

- (1) The Town Board shall, within sixty (60) days of the date of filing the original Final Plat with the Town Clerk, approve or reject such Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The Town Board may not inscribe its approval on the Final Plat unless the Town Clerk certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met.
 - (2) The Town Board shall, when it determines to approve a Final Plat, give at least ten (10) days' prior written notice of its intention to the Municipal Clerk of any municipality within one thousand (1,000) feet of the Final Plat.
 - (3) Failure of the Town Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
 - (4) After the Final Plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the county register of deeds. The register of deeds cannot record the Plat unless it is offered within six (6) months from the date of last approval.
 - (5) The subdivider shall file eight (8) copies of the Final Plat with the Town Clerk for distribution to the approving agencies, affected sanitary districts, and other affected agencies for their files.
- (d) Partial Platting.** The Final Plat may, if permitted by the Town Board, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at the time.
- (e) Submission of a Conservation Design Subdivision Final Plat.** This section provides the standards under which applications for a Conservation Subdivision Final Plat shall be completed and reviewed.
- (1) Following the approval of the Preliminary Plat the Subdivider shall submit twelve (12) copies of a Final Plat based upon a survey by a Wisconsin Registered Land Surveyor for review. In addition to the requirements of the Preliminary Plat and Chapter 236 Wis. Stats. the Final Plat submitted shall include the following:

- a. A clear and concise legal description that exactly matches the bearings and distances shown on the map. The error of closure for the legal may not exceed 1 in 3,000.
- b. Area of each parcel shown in square feet (nearest square foot) and acres (nearest 100th acre).
- c. All curve data.
- d. Building setback lines shall be shown or noted on the face of the map.
- e. Lands reserved for the common use of the property owners within the subdivision. The ownership of these common lands shall be shown and described. These lands shall be established as outlots.
- f. Proposed deed and Plat restrictions.
- g. It shall be required that on sheet one of the Plat a pre-designed recording block be available for the Register of Deeds to be placed on the Plat for recording information.
- h. Show arc distances on the face of the map.
- i. Certificates of approval in substantially the same form as required by Chapters 236.21(2)(a) and 236.21(3) Wis. Stats. and as per this ordinance as follows:
 1. Owner(s) Certificate with Notary Seal.
 2. Mortgagee's Certificate.
 3. Town Certificate.
 4. County Certificate.
 5. Other certificates as required by Chapter 236.21 Wis. Stats.
 6. Certification that the Plat is a true and correct representation of the features surveyed and mapped and that the Surveyor has fully complied with all local ordinances.
 7. Special restrictions required by the reviewing authorities.

- (2) **Final Plat Review & Approval.** The Town Board, within sixty (60) days of the date of filing of a final conservation Plat with Town Clerk, shall approve, approve conditionally or reject such a Plat unless the time is extended by mutual agreement with the Subdivider. If approved, the certifications on the Plat shall be completed. If approved conditionally, the certificates shall not be completed until the conditions are met. If rejected, a letter setting for the reasons for rejection shall accompany the Plat. Failure of the Town to act within the time as extended by agreement with the Subdivider shall constitute an approval. The sixty (60) day period shall commence with the filing of the Final Plat with the Town Clerk, and not the preliminary approval. Final Plat must be submitted and approved within 36 months of Preliminary Plat approval.
- (3) **Recording.** Upon approval of all corrections addressed in the Preliminary and Final Plat reviews the Subdivider may submit a final Plat for recording with the Fond du Lac County Register of Deeds in accordance with Sec. 236.25, Wis. Stats.

Sec. 14-1-34 Administrative Fees

- (a) **General.** The subdivider shall pay the Town all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map.
- (b) **Engineering Fee.** The subdivider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat or certified survey map, including inspections required by the Town. The subdivider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority.
- (c) **Administrative Fee.** The subdivider shall pay a fee equal to the cost of any legal reviews, planning reviews, administrative actions, or fiscal work which may be undertaken by the Town in connection with the plat or certified survey map. Included as such administrative fees shall be the cost of publication and meeting fees that are paid to Plan Commission members.

Sec. 14-1-35 Replat

- (a) Except as provided in Section 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the 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 subdivider or person wishing to replat shall then proceed, using the procedures for Preliminary and Final Plats.

- (b) The Town Clerk shall schedule a public hearing before the 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 two hundred (200) feet of the exterior boundaries of the proposed Replat. (c) Where lots are more than double the minimum size required for the applicable zoning district, the Plan Commission may require that such lots be arranged so as to allow re-subdivision of such parcels into normal lots in accordance with the provisions of the Chapter.

Sec. 14-1-36 through Sec. 14-1-39 Reserved for Future Use

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Article E: Technical Requirements For Plats

Sec. 14-1-40 Technical Requirements for Preliminary Plats

- (a) **General.** A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on Mylar or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
- (1) **Title** under which the proposed subdivision is to be recorded.
 - (2) **Location** of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) **Date, Scale and North Point.**
 - (4) **Names and Addresses** of the owner, subdivider and land surveyor preparing the plat.
 - (5) **Entire Area** contiguous to the proposed plat owned or controlled by the subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Town Board, upon the Plan Commission's recommendation, may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.
- (b) **Plat Data.** All Preliminary Plats shall show the following:
- (1) Exact Length and Bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
 - (2) Locations of all Existing Property Boundary Lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
 - (3) Location, Right-of-Way Width and Names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
 - (4) Location and Names of any Adjacent Subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.
 - (5) Type, Width and Elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.

- (6) Location, Size and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat, or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) Corporate Limit Lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) Existing Zoning on and adjacent to the proposed subdivision.
- (9) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Town Engineer, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) High-Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (11) Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
- (12) Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
- (13) Soil Types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Natural Resource Conservation Service.
- (14) Location and Results of Soil Boring Tests within the exterior boundaries of the plat conducted in accordance with SPS 385 of the Wisconsin Administrative Code and delineation of areas with three (3) foot and six (6) foot groundwater and bedrock levels where the subdivision will not be served by public sanitary sewer service.
- (15) Location and Results of Percolation Tests within the exterior boundaries of the plat conducted in accordance with SPS 385 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.

- (16) Location, Width and Names of all proposed streets and public rights-of-way such as alleys and easements.
 - (17) Approximate Dimensions of AU Lots together with proposed lot and block numbers. The area in square feet and in acres of each lot shall be provided.
 - (18) Location and Approximate Dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.
 - (19) Approximate Radii of all Curves.
 - (20) Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
 - (21) Any Proposed Lake and Stream improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
 - (22) Where the Plan Commission, Town Board or Town Engineer finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the subdivider.
- (c) **Additional Information.** The Plan Commission and/or Town Board may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.
- (d) **Technical Requirements for Conservation Design Preliminary Plats.** In addition to the above, Conservation Design Preliminary Plats shall include all of the information as defined in sec. 14-1-31(i)(7) of this ordinance.

Sec. 14-1-41 Technical Requirements for Final Plats

- (a) **General.** A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20, Wis. Stats., and this Chapter.
- (b) **Additional Information.** The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20, Wis. Stats., the following:
- (1) Exact Length and Bearing of the centerline of all streets.
 - (2) Exact Street Width along the line of any obliquely intersecting street.
 - (3) Exact Location and Description of street lighting and lighting utility easements.
 - (4) Railroad Rights-of-Way within and abutting the plat.

- (5) All Lands Reserved for future public acquisition or reserved for the common use of property owners within the Plat.
- (6) Special Restrictions required by the Town Board relating to access control along public ways or to the provision of planting strips.
- (e) **Deed Restrictions.** Restrictive covenants and deed registrations for the proposed subdivision shall be filed with the Final Plat.
- (f) **Property Owners Association.** The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.
- (g) **Survey Accuracy.**
 - (1) **Examination.** The Town Board shall examine all Final Plats within the Town of Taycheedah and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
 - (2) **Maximum Error of Closure.** Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in ten thousand (1:10,000), nor in azimuth, four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
 - (3) **Street, Block and Lot Dimensions.** All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the plat greater than the ratio of one part in five thousand (1:5,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.
 - (4) **Plat Location.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented, and coordinated by the Town, the tie required by Section 236.20(3)(b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.

- (h) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.
- (i) **State Plane Coordinate System.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Town's control survey.
- (j) **Certificates.** All Final Plats shall provide all the certificates required by Section 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.
- (k) **Technical Requirements for Conservation Design Final Plats.** In addition to the above, Conservation Design Final Plats shall include all of the information as defined in sec. 14-1-33(e) of this ordinance.

Sec. 14-1-42 Technical Requirements for Certified Survey Land Divisions; Review and Approval

- (a) **Certified Survey Requirements.** For any land division creating up to four (4) parcels of five (5) acres or less in size, such map shall not contain more than four (4) parcels which are thirty-five (35) acres each or less, or building sites within a recorded subdivision plat without changing the exterior boundaries of the block, lot or outlet, the subdivider shall subdivide by use of a certified survey map, prepared in accordance with Section 236.34, Wis. Stats., and this Chapter.
- (b) **Submission and Review.** The subdivider shall file two (2) copies of said survey map with the Town Clerk. The Town Board shall review, and within forty (40) days approve, approve conditionally or reject the map. The subdivider shall be notified in writing of any conditions of approval of the reasons for rejection.
- (c) **Additional Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:
 - (1) All Existing Buildings, watercourses, drainage ditches and other features pertinent to proper division.
 - (2) Setbacks or Building Lines required by the Town ordinances and specifically the Town Zoning Code.
 - (3) A U Lands Reserved for future acquisition.
 - (4) Date of the Map.

- (5) Graphic Scale.
 - (6) Name and Address of the owner, subdivider and surveyor.
 - (7) Square Footage and Acreage of each parcel.
 - (8) Present Zoning for the parcels.
- (d) **State Plane Coordinate System.** Where the map is located within a quarter section, the comers of which have been relocated, monumented and coordinated by the Town, the map shall be tied directly to one of the section or quarter comers so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter comer to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Town's control survey.
- (e) **Certificates.** The surveyor shall certify on the face of the certified survey map that he/she has fully complied with all the provisions of this Chapter. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- (f) **Street Dedication.** Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.
- (g) **Recordation.**
- (1) The subdivider shall record the map with the Fond du Lac County Register of Deeds within thirty (30) days of its approval by the Town Board and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the map by the Town Board.
 - (2) Three (3) additional copies of the final approved map shall be forwarded to the Town of Taycheedah. The volume and page number of the recording file shall be noted on the final approved map copies.
- (h) **Requirements.** To the extent reasonably practicable, the certified survey 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 where the lot(s) involved is less than one and one-half (1-1/2) acres or three hundred (300) feet in width.

Sec. 14-1-43 through Sec. 14-1-49 Reserved for Future Use

Article F: Required Improvements

Sec. 14-1-50 Improvements Required

- (a) **Payment for Improvements.** The improvements prescribed in this Chapter are required as a condition of approval of a land division. The required improvements described in this Chapter shall be installed, furnished and financed at the sole expense of the subdivider. However, in the case of required improvements in a commercial or industrial area, the cost of such improvements may, at the sole discretion of the Town Board, be financed through special assessments.
- (b) **General Standards.** The following required improvements in this Chapter shall be installed in accordance with the engineering standards and specifications which have been adopted by the Town Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the Town Engineer.

Sec. 14-1-51 Required Agreement Providing for Proper Installation of Improvements

- (a) **Contract.** Prior to installation of any required improvements and prior to the meeting at which the Final Plat is approved, the subdivider shall enter into a written contract with the Town requiring the subdivider to furnish and construct said improvements at his/her sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction details by the Town Engineer.
- (b) **Financial Guarantees.**
 - (1) The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish a performance bond or irrevocable letter of credit, the amount of the deposit and the penal amount of the bond to be equal to one and one quarter (1-1/4) times the Town Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection.
 - (2) 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, letter of credit 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, deposit or letter of credit, 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, deposit or letter of credit, period for additional periods not to exceed two (2) years each period.
 - (3) The time for completion of the work and the several parts thereof shall be determined by the Town Board upon recommendation of the Town Engineer after consultation with the subdivider. The completion date shall be a component of the contract.

- (4) The subdivider shall pay the Town for all costs incurred by the Town for review and inspection of the subdivision. This would include review, and preparation at the Town Board's discretion, of plans and specifications by the Town Engineer, Planner, and Attorney, as well as other costs of a similar nature.

Sec. 14-1-52 Required Construction Plans; Town Review; Inspections

- (a) **Engineering Reports, Construction Plans and Specifications.** As required by Section 14-1-31, engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Preliminary Plat. At the Final Plat stage, construction plans for the required improvements conforming in all respects with the standards of the Town Engineer 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/her seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Engineer for his/her approval and for his/her estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the Final Plat with the Town Clerk, or as soon thereafter as practicable, copies of the construction plans and specifications, where applicable, shall be furnished for the following public improvements, with a copy sent to the appropriate sanitary district:
 - (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. Such plans shall comply with the County's or Town's Erosion Control Ordinance.
 - (6) Planting Plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - (7) Additional special plans or information as required by Town officials.

- (b) **Action by the Town Engineer.** The Town Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Town ordinances and design standards recommended by the Town Engineer and approved by the Town Board. If the Town Engineer rejects the plans and specifications, he/she shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the improvements are installed and construction commenced.
- (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 Town Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. Building permits shall not be issued until all improvements required by this Chapter are satisfactorily completed.
 - (2) Construction of all improvements required by this Chapter shall be completed within two (2) 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 Town Engineer shall make such inspections as the Town Board deems necessary to insure 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 insure satisfactory work.
- (d) **Record Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made three (3) copies of record plans showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Town Engineer shall require. These plans shall be prepared on the original Mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion. Two (2) copies shall be retained by the Town and one (1) copy of such record plans shall be forwarded to the appropriate sanitary district.

Sec. 14-1-53 Street Improvements

The subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this Chapter:

- (a) **Street Construction Standards.** The design and construction of all roads, streets and alleys in the Town shall fully comply with the requirements and specifications of Sections 14-1-70 and 14-1-71.
- (b) **Grading.**

- (1) With the submittal of the Final Plat, the subdivider shall furnish drawings which indicate the existing and proposed grades of roads, streets and alleys shown on the plat.
 - (2) Proposed grades will be reviewed by the Town Engineer for conformance with Town standards and good engineering practice. Street grades require the approval of the Town Board after receipt of the Town Engineer's recommendations.
 - (3) After approval of the street grades, 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.
 - (4) 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.
 - (5) The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation.
 - (6) The Town Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved.
 - (7) Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within six (6) 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.
- (c) **Street Construction.** After sanitary sewer, storm sewer, water, and other necessary utilities have been installed, where required by the Town, the subdivider shall construct and dedicate, as part of the subdivision, streets and curbs and gutters. The subdivider shall surface roadways to the widths prescribed by Sections 14-1-70 and 14-1-71. Construction shall be to Town standard specifications for street improvements.
- (d) **Completion of Street and Sidewalk Construction.**
- (1) Prior to any building permits being issued on lands adjacent to streets, all street construction shall be completed by the subdivider, approved by the Town Engineer 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, heavy construction temporarily in area or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the discretion of the Town Board.
 - (3) The subdivider requesting a waiver shall do so in writing, presenting such information and documentation as 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.

Sec. 14-1-54 Curb and Gutter

After the installation of all required utility and storm water drainage improvements, the subdivider, when required by the Town Board where determined to be necessary by the Town Engineer, shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Town Board or its designee. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

Sec. 14-1-55 Sidewalks

Sidewalks may be required by the Town Board in high traffic areas and areas in the vicinity of schools, commercial areas and other places of public assemblage. The Town Board may require the construction of sidewalks if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

Sec. 14-1-56 Sanitary Sewerage System

- (a) There shall be provided a sanitary sewerage system in conformity with the master plan of sewers as approved by the Town Board and/or sanitary district.
- (b) The subdivider shall make adequate sewage disposal systems available to each lot within the subdivision, certified survey parcel or land division.
- (c) Subdivisions and certified survey parcels in a designated Urban Service Area shall be served by public sewer facilities. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the appropriate sanitary district.
- (d) Land divisions created by certified survey outside areas served by public sewer service may be served by private sewage disposal systems, if public sewer facilities are not available. Private sewage disposal systems shall comply with the Wisconsin Administrative Code Comm 83, applicable Town ordinances, and the County Sanitation Ordinance. Service laterals shall be provided to all lots served by public sewer.
- (e) 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 size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the appropriate sanitary district serving the area.
- (f) Subdivisions comprised of twenty (20) or more parcels which are located outside the boundaries of a designated Urban Service Area shall be required to utilize clustered wastewater treatment systems or connection to the sanitary sewer collection system. Such systems shall be approved by the Plan Commission and shall be consistent with county and state requirements.

Sec. 14-1-57 Reserved for future use.

Sec. 14-1-58 Storm Water Drainage Facilities

The Town Board has delegated the authority to administer and enforce surface water drainage and construction site erosion to Fond du Lac County.

Sec. 14-1-59 Other Utilities

- (a) The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision.
- (b) The subdivider shall cause gas, electric power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified survey or land division. All new electrical distribution television cables and telephone lines from which lots are individually served shall be underground unless the Town Board specifically allows overhead poles for the following reasons:
 - (1) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or,
 - (2) The lots to be served by said facilities can be served directly from existing overhead facilities.
- (c) Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Town Board and such map shall be filed with the Town Clerk.

Sec. 14-1-60 Street Signs

The subdivider shall install at the intersections of all streets proposed to be dedicated a street name sign of a design and installation specified by the Town Engineer.

Sec. 14-1-61 Reserved for future use.

Sec. 14-1-62 Erosion Control

The development shall conform to the Fond du Lac County's Erosion Control & Stormwater Management Ordinance.

Sec. 14-1-63 Easements

- (a) **Utility Easements.** The Town Board, on the recommendation of appropriate agencies serving the Town, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) **Drainage Easements.** Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
- (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or,
 - (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.
 - (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet. If, in the opinion of the Town Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a one hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.
- (c) **Easement Locations.** Such easements shall be at least twelve (12) feet wide, or wider where recommended by the Town Engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Plan Commission and Town Board 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.

Sec. 14-1-64 through Sec. 14-1-69 Reserved for Future Use

Article G: Design Standards

Sec. 14-1-70 General Street Design Standards

- (a) **Compliance with Statutes.** In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable Town regulations. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply.
- (b) **Dedication.** The subdivider shall dedicate land and improve streets as provided in this Chapter and Section 14-1-53. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the Town Board. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.
- (c) **Compliance with Comprehensive Plan.** The arrangement, character, extent, width, grade and location of all streets shall conform to any Town Comprehensive Development Plan or Official Map and to this Chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.
- (d) **Areas Not Covered by Plan.** In areas not covered by a Town Comprehensive Plan, or Official Map, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
- (e) **Street Classifications.** Streets/roads shall be classified as indicated below.
 - (1) **Arterial Streets.** Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.
 - (2) **Collector Streets.** Collector streets shall be arranged so as to provide ready collection of traffic from commercial and residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
 - (3) **Minor Streets.** Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.

- (4) **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
- (f) **Reserve Strips.** Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Town Board.
- (g) **Alleys.** Alleys may be provided in commercial and industrial districts for off-street loading and service access, but shall not be approved in residential districts. Dead-end alleys shall not be approved and alleys shall not connect to a major thoroughfare or federal, state or county trunk highway.
- (h) **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, 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 not over five hundred (500) feet in length will be approved when necessitated by the topography.
- (i) **Minor Streets.** Minor streets shall be so laid out so as to discourage their use by through traffic.
- (j) **Number of Intersections.** The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements, preferably not more than two (2). Wherever practicable the distance between such intersections should not be less than six hundred (600) feet.
- (k) **Frontage Roads.** Where a subdivision abuts or contains an existing or proposed arterial highway, the Town Board may require a frontage road, non-access reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (l) **Private Streets.** Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.
- (m) **Visibility.** Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. As required by the Town Engineer, sufficient vision clearance triangles shall be provided at intersections.
- (n) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets. Whenever there is a deflection angle of more than ten degrees (10°) in the alignment of a street, a curve shall be introduced with the required radius.

(o) **Street Grades.**

(1) Unless necessitated by exceptional topography subject to the approval of the Town Board, the maximum centerline grade of any street or public way shall not exceed the following:

Arterial Streets:	Six percent (6%)
Collector streets:	Eight percent (8%)
Minor streets, alleys and frontage streets:	Ten percent (10%)
Pedestrian ways:	Twelve percent (12%)

[unless steps of acceptable design are provided. The grade of any street shall in no case exceed twelve percent (12%) or be less than one-half (1/2) of one percent (1%).]

(2) Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography.

(p) **Radii of Curvature.** When a continuous street centerline deflects at any one (1) point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

Arterial streets and highways:	Three hundred fifty (350) feet.
Collector streets:	Two hundred (200) feet.
Minor streets:	One hundred fifty (150) feet.

(q) **Half Streets.** Where an existing dedicated or platted half-street is adjacent to the subdivision, the other half-street shall be dedicated by the subdivider. The platting of half-streets should be avoided where possible.

(r) **Intersections.**

(1) Property lines at street intersections of major thoroughfares shall be rounded with a radius of fifteen (15) feet or of a greater radius where the Town Engineer considers it necessary.

(2) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

(3) Number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2).

(s) **Street Names.** New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Town Board.

(t) **Cul-de-sacs.**

(1) **Cul-de-sacs.** Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed one thousand (1,000) feet in length. All cul-de-sac streets designed to have one (1) end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of sixty-six (66) feet and a minimum inside curb radius of forty (40) feet. The use of cul-de-sacs should be avoided where possible.

- (2) **Temporary Dead-ends or Cul-de-sacs.** All temporary dead-ends shall have a maximum length of eight hundred (800) feet and a temporary cul-de-sac shall have a minimum right-of-way radius of sixty-six (66) feet and a minimum inside curb radius of forty (40) feet.
- (u) **Limited Access Highway and Railroad Right-of-way Treatment.** Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:
- (1) **Subdivision Lots.** When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."
 - (2) **Commercial and Industrial Districts.** Commercial and industrial districts shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.
 - (3) **Streets Parallel to a Limited Access Highway.** Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
 - (4) **Minor Streets.** Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

Sec. 14-1-71 Specifications for Preparation, Construction and Dedication of Streets and Roads

(a) General Requirements.

- (1) **Construction Standards.** All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this Chapter, whichever is more restrictive. The design requirements of this Section and Section 14-1-70 shall be applicable to all streets and roads that are to be dedicated to the Town, regardless of whether such streets or roads are part of a new subdivision or land division.

- (2) **Project Costs.** All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants. This includes any expense incurred by the Town in the preparation of plans and review and inspection of plans and construction.
 - (3) **Preliminary Consultation.** Prior to the design, preparation and construction of any roadway to be dedicated to the Town of Taycheedah, the applicant shall notify the Town Clerk. An on-site meeting will then be arranged to be attended by the Town Engineer or Town Board and the applicant. Plans must be provided in order for the Town Engineer or Town Board to check the design and the drainage.
 - (4) **Material Slips.** Copies of material slips for all materials furnished for the road construction projects shall be delivered to the Town before the Town approves the final construction.
 - (5) **Required Inspections.** Although the Town Engineer or Town Board may conduct inspections as necessary at any state of construction, the Town Engineer or Town Board shall be contacted for required inspections after the following phases of construction:
 - a. Sub-base grading;
 - b. Crushed aggregate base courses;
 - c. Bituminous surface course; and ,
 - d. Shouldering,
 - (6) **Tests of Materials.** The Town reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.
 - (7) **Pavement Samples.** Samples of bituminous concrete may be required to be taken by the Town at the developer's expense during pavement construction operations for purposes of determining that the material meets specifications.
 - (8) **Town Board Approval.** The finished roadway shall meet with the approval of the Town Board since the Town will include this road work in their annual request for highway aid.
- (b) **Construction Standards.** After completion of the underground utilities and approval thereof, the streets shall be constructed. Unless phasing of construction of improvements is approved by the Town Board or its designee, building permits shall not be issued prior to the installation of the street improvements and the approval of an individual lot grading plan that conforms to the guidelines of the master site grading plan, as determined by the Town Board or Town Engineer, or designee. All streets and highways constructed in the Town or to be dedicated to the Town shall fully comply with the following minimum construction standards; the Town Board reserves the right to modify these standards as needed:

URBAN CROSS SECTION

<u>Type of Street</u>	<u>Right-of-way Width to be Dedicated</u>
Statewide Principal Primary or Standard Arterial Streets	180 feet
Statewide Minor Arterial or Area-wide High or Low Collectors	100 feet
Local Streets	66 feet
Pedestrian Ways	12 feet

<u>Type of Street</u>	<u>Pavement Width (Face of Curb to Face of Curb)</u>
Statewide Principal Primary or Standard Arterial Streets	*
Statewide Minor Arterial or Areawide High or Low Collectors	*
Local Streets	32 feet
Pedestrian Ways	6 feet

RURAL CROSS SECTION

<u>Type of Street</u>	<u>Right-of-way Width to be Reserved or Dedicated</u>
Statewide Principal, Primary, Standard Arterial	*
Local Street	66 feet
Area-wide High and Low Collectors	100 feet

<u>Type of Street</u>	<u>Pavement Width (Edge to Edge)</u>
Statewide Principal, Primary, Standard, Arterial	*
Area-wide High and Low Collectors	*
Local Streets and Town Roads	20 feet

* To be determined by the Town Board with advice from the Highway Commissioner.

- (1) **Roadway Alignment Details.** As specified in the Fond du Lac County Code of Ordinances.
- (2) **Roadway Grading, Ditches.** Roads shall be graded to their full width in accordance with approved plans, plus an additional distance necessary to establish a four to one (4:1) backslope. The roadway shall be compacted and graded to subgrade using, where necessary, approved fill material which is in accordance with Wisconsin Department of Transportation standards. Roadside ditches shall be a minimum of twenty-six (26) inches below the finished roadway centerline elevation, or as approved by the Town Board, upon the recommendation of the Town Engineer (if applicable). Debris may not be buried in the designated road right-of-way. Roadway ditches shall have a normal slope ratio of three to one (3:1) ditch from the edge of the shoulder to the bottom of the ditch slope of one percent (1%) and 2 to 1 (2: 1) on the back slope.
- (3) **Roadway Base Thickness.**
 - a. All roadbeds shall be constructed to provide that over the existing or compacted fill there shall be a minimum of twelve inches (12") of roadbase consisting of a layer of six to eight inches (6"-8") of compacted three to four inches (3"-4") crushed rock; that on top of such layer shall be four to six inches (4"-6") of compacted three-fourths to one inch (3/4"-1") crushed stone; that on top of such layer shall be a minimum total of three and one half inches (3 1/2") of compacted asphalt, properly rolled and finished consisting of a binder course of a minimum of two inches (2") of compacted bituminous concrete pavement and a surface course of a minimum of one and one half inches (1 1/2"). Roadbase construction shall be subjected to proof-rolling tests between layers. The test shall be certified by a registered engineering firm and witnessed by a Town Board member or a designated representative. See Section 14-1-71(b)(6), Pavement Thickness, for asphalt paving requirements. (Adopted 6/14/04).
 - b. In the case of commercial, arterial or other heavy-use roads, the Town Board may, in the alternative to the above standards, have the Fond du Lac County Highway Department and/or Town Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.
 - c. In any case, the Town Board shall have the sole discretion in determining the use and construction classification to be adhered to.
 - d. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.

(4) Roadway Subgrade Quality.

- a. All subgrade material shall have a minimum California Bearing Ratio (CBR) of three (3). Subgrade material having a CBR less than three (3) shall be removed and replaced with a suitable fill material, or the pavement must be designed to compensate for the soil conditions. The soil support CBR values selected for use by the designer should represent a minimum value for the soil to be used.
- b. Stable and nonorganic sub-base material is required. All topsoil shall be first removed. In addition, all subsoils which have a high shrink-swell potential, low-bearing capacity when wet, or are highly elastic shall be removed and used outside of the right-of-way. Where both subsoil and substratum have a high shrink-swell potential and low-bearing capacity when wet, an underdrain system shall be installed to keep the water level five (5) feet below the pavement surface. Unstable and organic material must be subcut, removed and replaced with a suitable granular or breaker-run material approved by the Town Engineer or Town Board.

(5) Pavement Width. Minimum of thirty-six (36) feet gutter edge to gutter edge for Urban Service Area minor streets, forty (40) feet gutter edge to gutter edge for collector streets or streets serving commercial or industrial areas, twenty (20) feet for rural roads, without curb and gutter, and wider when required by the "Town Road Standards" as noted Sec. 86.26, Wis. Stats., or by the Town Subdivision Ordinance, the more restrictive of which shall apply. Rural roads shall comply with the specifications for Urban Service Area minor streets if they are located in an area that in the Town Board's opinion might be annexed to an Urban Service Area within five (5) years.

(6) Pavement Thickness. Residential, rural, commercial, arterial or other heavy-use roads shall have a minimum of three and one-half inches (3 1/2") of bituminous concrete pavement, placed in two (2) layers — a binder course of two inches (2") thick and a surface course of one and one half inches (1 1/2") thick. In the case of commercial, arterial or other heavy-use roads, Town Board may, in the alternative to the above standards, have the Fond du Lac County Highway Department and/or Town Engineer provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Town Board shall have the sole discretion in determining the use and construction classification to be adhered to. (Adopted 7/12/04).

(7) Shoulder Width. Minimum of two (2) feet wide on each side and wider when required by the "Town Road Standards" as noted in Sec. 82.50., Wis. Stats.

(8) Shoulder Thickness. Minimum of two and one-half (2-1/2) inches of compacted in-place crushed aggregate base course — gradation No. 2 or No. 3 over a minimum of eight (8) inches of compacted in-place crushed aggregate base course.

- (9) **Roadway Culverts and Bridges.** Roadway culverts and bridges shall be constructed as directed by the Town Engineer or Town Board and sized utilizing the standards listed in Chapter 13, entitled "Drainage," of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls.
 - (10) **Driveway Culverts.** The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and they shall be provided with concrete, metal or landscape timber endwalls if deemed necessary by the Town Board.
 - (11) **Topsoil, Grass, Seed, Fertilizer and Mulch.** All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four (4) inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway shall be protected by necessary erosion control materials such as hay bales, sod, erosion control mats, etc., as prescribed by the engineering design for the ditches as approved by the Town Engineer or Town Board.
 - (12) **Extra Turn Surface.** The radius required shall be twenty-five (25) feet for minor/local streets; heavy traffic/collector street radius shall follow Manual standards.
 - (13) **Drainage Improvements.** In the case of all new roads and streets, the Town Board may require that stormwater retention areas and storm sewers be constructed in order to provide for proper drainage.
 - (14) **Post-Construction Traffic Limited.** No vehicular traffic shall be permitted on the pavement for a minimum period of between twenty-four (24) and seventy-two (72) hours following paving, as determined necessary by the Town Engineer or Town Board to protect the new pavement.
- (c) **Statutory Requirements.** The laying out of highways and roads shall be as provided in Chapters 82 and 86, Wis. Stats., except that in the case of subdivisions and certified surveys, the provisions of Sec. 236.29(2), Wis. Stats., shall apply.
- (d) **Final Inspection.** Upon completion of the proposed highway, the Town Board or Town Engineer will proceed to make final inspection, accepting or rejecting the road as the case may be. After all of the provisions of this Chapter have been complied with, the roadway or easement will be inspected by the Town officials and, at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has been paid for or arrangements have been made for the payment through written instrument by the subdivider. If the road is rejected, corrections shall be made as recommended by the Town Board, before final inspection can then be made again. If final acceptance is then made, the owner or owners shall turn over to the Town the deed of all land necessary for the road as previously mentioned.

Sec. 14-1-72 Block Design Standards

- (a) **Length; Arrangement.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed one thousand five hundred (1,500) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than six hundred (600) feet in length. Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots.
- (b) **Pedestrian Pathways.** Pedestrian pathways, not less than twelve (12) feet wide, may be required by the Town Board, upon the recommendation of the Plan Commission, through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

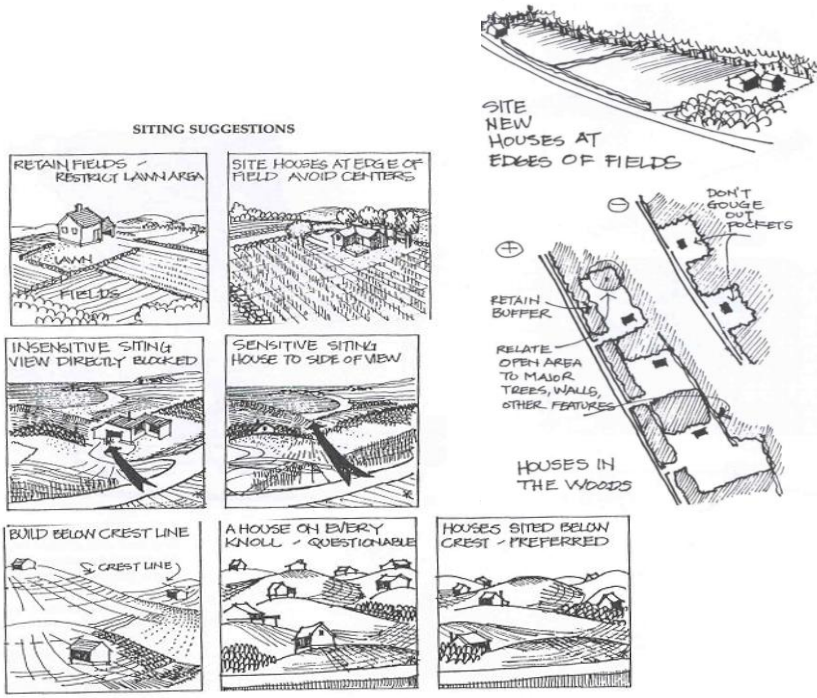
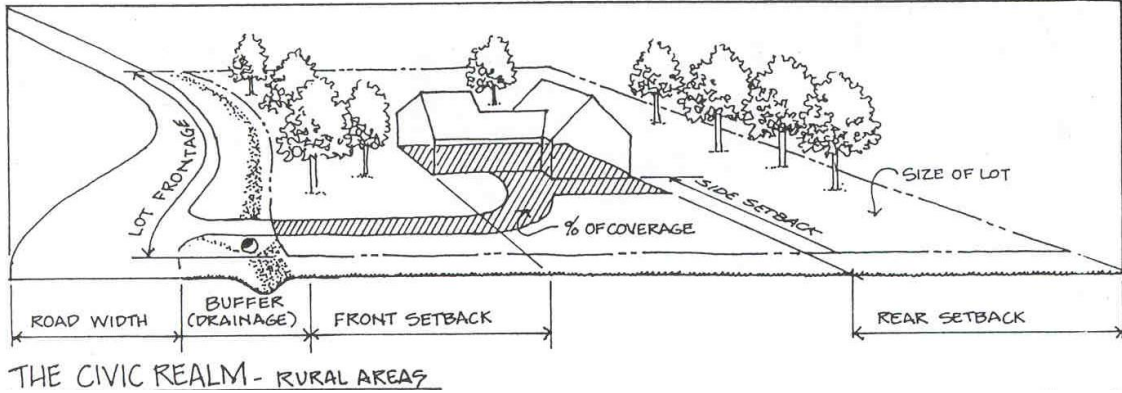
Sec. 14-1-73 Lot Design Standards

- (a) **Size.**
 - (1) **Access.** Every lot shall front or abut on a public street for a distance of at least fifty (50) feet. In unique hardship cases where it is impossible for a lot to abut a public street, a private way may be used for access purposes provided a statement is included on the face of the plat indicating that the lot is served by a private way and that the Town or County has no responsibility for the maintenance of the private way. Any such private way is subject to applicable County zoning or platting ordinances, if any.
 - (2) **Area and Dimensions.** Area and dimensions of lots shall conform to the requirements of Ch. ILHR 85, Wis. Adm. Code., as amended.
 - (3) **Area.** Sewered lots shall have a minimum size as provided by applicable Town Zoning ordinances.
- (b) **Depth.** Lots shall have a minimum depth of one hundred (100) feet. Depth of lots or parcels reserved for commercial or industrial use shall be adequate to provide for screened, off-street service and parking required by the use contemplated, and the area zoning regulations for such use. An extra ten (10) feet in depth and width may be required for said lots to be restricted for planting of shrubs and trees to screen said parking or to screen proposed industrial lots.
- (c) **Corner Lots.** Corner lots for residential use shall have extra width of ten (10) feet to permit building setback from both streets, as required by the Town Zoning Code.
- (d) **Butt Lots.** Butt lots will be permitted by the Town Board only in exceptional cases. Permitted butt lots shall be platted at least five (5) feet wider than the average width of interior lots in the block.
- (e) **Side Lots.** Side lot lines shall be substantially at right angles to or radial to abutting street lines. Lot lines shall follow Town boundary lines.

- (f) **Double and Reversed Frontage Lots.** 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.
- (g) **Natural Features.** In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- (h) **Land Remnants.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (i) **Building Setback Lines.** Building setback lines shall conform to the requirements which may be established in Town Building or Zoning Ordinances. Where not otherwise controlled by ordinance, setback lines appropriate to the location and type of development contemplated shall be established as may be required by the Town Board to achieve the purpose and intent of this Chapter.
- (j) **Lot Size, Shape, and Orientation.** The size, shape and orientation of parcels shall be appropriate for the location of the land division or subdivision and for the type of development and use contemplated and, unless otherwise approved by the Plan Commission, shall be consistent with the approved lot dimensions presented in sec. 14-1-10(a)(55)(a) of this ordinance. The parcels should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated in accordance with all Town of Taycheedah and Fond du Lac County requirements. For the benefit of visual understanding of parcel sizes an illustration is provided at right.
 - (1) **Flag Lots.** Flag lots, as defined in sec. 14-1-10(a)(51) of this ordinance, are not an approved lot design in the Town of Taycheedah.
- (k) **Building Setback Lines & Siting Recommendations.** Building setback lines shall conform to standards found in Title 13 of the Town Code. Setbacks from wetland areas and wastewater treatment systems shall comply with Fond du Lac County Shoreland/Wetland Zoning Ordinance Requirements. Minimum setback from high water mark of any navigable water shall be 75 feet.
 - (1) The diagrams presented on the following page illustrate siting suggestions designed to retain the rural character of the Town of Taycheedah. Subdividers are strongly encouraged to consider these techniques when seeking to divide land in the Town.
- (l) **Impervious Surface Limitations.** The maximum permitted percentage of impervious coverage (e.g. house, detached garage, accessory buildings, driveways, sidewalks, and patios) per lot, or per development, shall be in accordance with any Town of Taycheedah requirements.

Sec. 14-1-74 Drainage System

Fond du Lac County provides stormwater runoff and erosion control administration and enforcement.



Sec. 14-1-75 Non-Residential Subdivisions

(a) General.

- (2) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the Town may require.

- (3) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the Town Building Code. A non-residential subdivision shall be subject to all the requirements of this Chapter, as well as such additional standards required by the Town and shall conform to the proposed land use standards established by any Town Comprehensive Plan or the Town Zoning Code.
- (b) **Standards.** In addition to the principles and standards in this Chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Town Board that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
 - (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - (3) Special requirements may be imposed by the Town Board with respect to street, curb, gutter and sidewalk design and construction.
 - (4) Special requirements may be imposed by the Town Board with respect to the installation of public utilities, including water, sewer and storm water drainage.
 - (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
 - (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

Sec. 14-1-76 through Sec. 14-1-79 Reserved for Future Use

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Article H: Park and Public Land Dedications

Sec. 14-1-80 General Park and Public Land Dedication Requirements

- (a) **Dedication Requirement.** In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall be required to dedicate land or fees in lieu of land for park or other public uses.
- (b) **General Design.** In the design of a subdivision, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainage-ways and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, and shall comply with the Town of Taycheedah Master Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

Sec. 14-1-81 Land Dedication

- (a) **Dedication Calculation.** All subdividers shall be required to dedicate developable land to the Town or subdivision association, as determined by the Town Board, for park, school or other public uses, other than streets or drainageways, at a rate of four-hundredths (.04) to two-tenths (.2) acres per dwelling unit (1,742 to 8,712 square feet). Whenever a proposed playground, park, or other public area, other than streets or drainageways, designated in the Master Plan or Master Plan component or at the reasonable determination of the Town Board of the Town of Taycheedah is embraced, all or in part, in the tract of land to be subdivided, these lands shall be made part of the required land dedication. The Town Board, upon the recommendations of the Plan Commission, shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. The Town Board may reduce or increase the dedication requirement depending on the particular or unique circumstances of the subdivision. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- (b) **Shoreland.**
 - (1) **Lake and Stream Shore Plats.** All subdivisions abutting on a navigable lake or stream shall provide public access at least sixty (60) feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half (1/2) mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of Development, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. No public access established under this Chapter may be vacated except by Circuit Court action. This Subsection does not require the Town to improve land provided for public access.

- (2) **Lake and Stream Shore Plats.** The lands lying between the meander line, established in accordance with Section 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlets or public dedications in any plat abutting a lake or stream. This Subsection applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which the subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.
- (c) **Unknown Number of Dwelling Units.** Where the plat does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the Town Zoning Chapter and this Chapter.
- (d) **Dedication of Land.** Dedication of land shall be deeded to the Town or subdivision association, at the discretion of the Town Board, at the time the Final Plat is approved.
- (e) **Access to Dedicated Land.** All dedicated land shall have frontage on a public street and shall have unrestricted public access.
- (f) **Utility Extensions.** The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

Sec. 14-1-82 Reservation of Additional Land

When public parks and sites for other public areas as shown on the Master Plan or Master Plan component lie within the proposed area for development and are greater in area than required by Section 10 2-81, the owner shall reserve for acquisition by the Town, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year of Final Plat approval unless extended by mutual agreement.

Sec. 14-1-83 Development of Park Area

- (a) When parklands are dedicated, the subdivider is required to:
- (1) Properly grade and contour for proper drainage;
 - (2) Provide surface contour suitable for anticipated use of area; and,
 - (3) Cover areas to be seeded with a minimum of four (4) inches of quality topsoil and good quality grass seed, fertilizer and mulch.
- (b) The Town Board may require certification of compliance by the Town Engineer. The cost of such report shall be paid by the subdivider.
- (c) Development of parklands is to be completed as soon as ten percent (10%) of the planned lots in the subdivision are sold, as determined by the Town Board.

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Title 14: Subdivision and Platting

- (d) If the subdivider fails to satisfy the requirements of this Section, the Town Board may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

Sec. 14-1-84 through Sec. 14-1-89 Reserved for Future Use

Article I: Variances; Penalties and Violations

Sec. 14-1-90 Variances and Exceptions

- (a) Where, in the judgment of the Town Board, on the recommendation of the Plan Commission, it would be inappropriate to apply literally the provisions of this Chapter because exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the Preliminary Plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Plan Commission and Town Board in the analysis of the proposed project.
- (b) The Plan Commission shall not recommend nor shall the Town Board grant variances or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
- (c) Any recommendations by the Plan Commission shall be transmitted to the Town Board. The Town Board, if it approves of the variance, shall do so by motion or resolution and instruct the Town Clerk to notify the Plan Commission and the subdivider.
- (d) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the Town in accordance with any Town Comprehensive Plan or component thereof, this Chapter, or Zoning Code of the Town of Taycheedah. A majority vote of the entire membership of the Town Board shall be required to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Board.
- (e) The Town Board may waive the placing of monuments, required under Sec. 236.15(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

Sec. 14-1-91 Enforcement, Penalties and Remedies

- (a) **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 shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Penalties.**
- (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
 - (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (5) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes may be ordered by the Town at the expense of the subdivider when a subdivision is created by successive divisions.
- (c) **Appeals.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10, 14 and 15 of the Wisconsin Statutes, within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.