

TOWN OF FREEDOM TOWN SUBDIVISION ORDINANCE

OUTAGAMIE COUNTY, WISCONSIN

**ADOPTED: JUNE 9, 1999
AMENDED: DECEMBER 16, 2008
AMENDED: DECEMBER 16, 2020**

Prepared By:

**COMMUNITY DEVELOPMENT SYSTEMS
A Division of Martenson & Eisele, Inc.
1919 American Court, Neenah, WI 54956**

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SECTION 18.100 INTRODUCTION

Note: To facilitate the best possible understanding by those who intend to plat and develop land within the Town of Freedom, this Subdivision Ordinance is based on the Outagamie County Subdivision Ordinance that went into effect on May 20, 1997, and subsequently revised December 9, 1997 and August 12, 1999. The County Ordinance is being used as the basis to the Freedom Subdivision Ordinance because all platting in the Town must be consistent with the County Ordinance. The Town of Freedom's intent is to add more restrictive language over and above County requirements.

18.101 AUTHORITY & APPLICABILITY The provisions of this chapter are adopted by the Town of Freedom Town Board who has adopted Village Powers pursuant to the authority granted by Chapters 61 & 236, Wisc. Statutes. This ordinance shall require either a Certified Survey Map or a Subdivision Plat to create new land parcels or lots in the Town of Freedom.

18.102 TITLE. This chapter shall be known as, referred to or cited as the "Subdivision Ordinance, Town of Freedom, Wisconsin".

18.103 PURPOSE AND INTENT. The purpose of this chapter is to regulate and control the division of land within the unincorporated areas of the Town of Freedom and Outagamie County for the following purposes:

- (1) To promote public health, safety and general welfare.
- (2) To further the orderly layout and use of land.
- (3) To prevent the overcrowding of land.
- (4) To lessen congestion on the streets and highways.
- (5) To provide for adequate light and air.
- (6) To facilitate adequate provisions for water, sewerage, & other public requirements.
- (7) To provide for proper ingress and egress.
- (8) To promote proper monumenting of subdivided land and conveyancing by accurate legal description and to provide safe and orderly shoreland layouts.

18.104 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

18.105 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 & County and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

18.106 JURISDICTION. The jurisdiction of this chapter shall include all lands within the Town of Freedom. However, in no instance shall the provisions of this chapter apply to:

- (1) Transfer of interests in land by will or pursuant to court order.
- (2) Leases for a term not to exceed 10 years, mortgages or easements.
- (3) Sale or exchange of parcels of land between owners of adjoining property if additional buildable lots are not thereby created and the resultant lots are not reduced below the minimum sizes required by the Outagamie County Zoning Ordinance, or other applicable laws or ordinances.

18.107 COMPLIANCE. No subdivider shall divide any land located within the jurisdictional limits of these regulations which results in a land division as defined herein; no such land division shall be entitled to record; and no improvements shall be made to the land without compliance with all requirements of this Chapter, and:

- (1) County Comprehensive Plans, as approved by County Board action, including Chapters 8.09, 16, 17, 22, 23, 24, and 27 of the Outagamie County Codes.
- (2) Town Comprehensive Plans as approved by Town Board Action, and Chapters 13, 24, and 25, and other applicable local ordinances, plans & policies.
- (3) The provisions of Chapter 236, Wisc. Statutes.

SECTION 18.200 GENERAL PROVISIONS

18.201 RULES. In this chapter, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

- (1) Words used in the present tense shall include the future and words used in the singular number shall include the plural number and the plural, the singular.
- (2) The word "shall" is mandatory and not discretionary.
- (3) The word "may" is permissive.
- (4) The masculine gender includes the feminine and neuter.

18.202 DEFINITIONS.

ALLEY - A public or private right-of-way which provides secondary access to abutting properties.

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

BLOCK - A group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter or other name through which it may be identified.

BUILDING - Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

BUILDING SETBACK LINE - A line parallel to the street line or waterline, defined by of the Outagamie County Zoning Ordinance (Ch.17), beyond which buildings may not be erected.

CERTIFIED SURVEY MAP - A map of a land division, as defined in this Ordinance, where the land division creates four (4) or less parcels from a parent parcel through a single division or successive divisions by either the same or subsequent owner(s) during the lifetime of this Ordinance, prepared in accordance with in chapter 236.34, Wisconsin Statutes. (Amended: 16 December 2020)

CLUSTER SUBDIVISION - Concentrating the total allowable dwelling units on a tract of land into higher densities on a smaller portion of the tract, leaving the remaining space as open land.

COLLECTOR STREET - A street intended to provide both land access service and traffic circulation. They also collect traffic from minor streets and channel it onto the arterial street system.

COMPREHENSIVE PLAN - Means the "Town of Freedom Comprehensive Plan adopted according to Chapter 66.1001(4) of the Wisconsin State Statutes and including any amendment to the Comprehensive Plan, which is now in effect.

CONSERVATION SUBDIVISION - A type of cluster subdivision that emphasizes a planned unit development for preserving open space, wetlands, natural landscaping, floodplains or other prioritized resources as well as for preventing storm water runoff.

DEVELOPMENT - Any man-made change to the land including, but not limited to, construction, additions to existing buildings, other structures, mining, dredging, filling, grading or paving.

FARMETTE - A type of farm that demonstrates farming activities but at a level where the income from the farm, if any, is not the primary source of income.

FARMLAND - Land that is actively managed to provide a crop for sale or for use in the feeding of agricultural animals.

IMPROVEMENT, PUBLIC - Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the County or town may ultimately assume the responsibility for maintenance and operation.

LAND DIVISION - The dividing of land which results in a subdivision, replat or certified survey map.

LOT - A buildable parcel of land represented and identified in a land division as defined herein and in accordance with Chapter 17 of the Outagamie County Code.

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

LOT, FLAG - A lot which consists of a long narrow access area leading to a larger parcel of land. The access resembles a flag pole, its width is less than the minimum lot width for that specific zoning district, and the larger buildable area resembles a flag.

LOT, THROUGH - A lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

LOW IMPACT DEVELOPMENT - Development that results in relatively little change to the land area as it existed prior to development.

LOW RURAL DENSITY - Where the residential development pattern is clearly secondary to agricultural, environmental, and natural land uses.

MINOR STREET - A street used or intended to be used primarily for access to abutting properties.

NATURAL AREAS - Same as limiting environmental conditions as defined by East Central Wisconsin Regional Planning Commission in its Sewer Service Area Plans.

OFFICIAL MAP – Is that map adopted pursuant to Section 62.23 of the Wisconsin Statutes that shows existing and proposed streets, highways, parkways, parks and playgrounds, and drainageways. Refers to Ordinance No. 95-2. Chapter 23, adopted March 13, 1995.

OUTLOT - A parcel of land not intended for immediate development, so designated on the plat, replat or certified survey map.

PARENT PARCEL - The existing parcels of record, as identified by individual tax parcel numbers, as of December 15, 1998.

PRELIMINARY PLAT - A map showing the salient features of a proposed subdivision submitted to the Town of Freedom & County Zoning Committee for purposes of preliminary consideration so described in section 18.15 of this chapter.

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

REPLAT - The process of changing, or the 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.

RURAL CHARACTER - Where the development pattern is clearly primarily agricultural, environmental, and natural land uses.

RURAL RESIDENTIAL DEVELOPMENT - Residential development that occurs outside of the Town of Freedom's sanitary district and is characterized by low rural density and rural character.

SANITARY DISTRICT - Refers to the area where sanitary sewer can be provided with no requirement for annexation to the Sanitary District, the governing body for which is known as the Sanitary District Commission.

SUBDIVIDER - (Z-32-92) Any person, corporation, partnership, association, individual, firm, trust or agent acting on the seller's behalf thereof dividing or proposing to divide land resulting in a land division.

SUBDIVISION - The division of a lot, parcel or tract of land by a subdivider where the division creates five (5) or more parcels from a parent parcel through a single division or successive divisions by either the same or subsequent owner(s) during the lifetime of this Ordinance; or where a road is created more than 120 feet long. (Amended: 16 December 2020)

SURETY BOND - A bond guaranteeing performance of a contract or obligation through possible forfeiture of bond if such contract or obligation is unfulfilled by the subdivider.

TOWN - Refers to the Town of Freedom

TOWN CLERK - Refers to the Freedom Town Clerk

TOWN PLAN COMMISSION - Refers to the Freedom Plan Commission.

WILDLIFE HABITAT - An area where it is likely that wild animals live.

18.203 LAND SUITABILITY. No land shall be developed which is held to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas identified as being environmentally sensitive include, but are not limited to:

- (1) All areas mapped as Floodway by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources or other public or private entity and incorporated into the County Floodplain Ordinance,
- (2) All areas mapped Wetland by the Wisconsin Department of Natural Resources (DNR) and depicted on the Wisconsin Wetlands Inventory Maps,
- (3) All areas within 75 feet of the ordinary high water mark of navigable streams, as identified on the United States Geological Survey 7.5 minute quadrangle maps, and
- (4) All areas having slopes steeper than 20 percent.

Areas determined to be environmentally sensitive may be included in a land division, if identified as an outlot and that the land is not available for development. The determination of the existence of an environmentally sensitive area shall be made by the Town Plan Commission, or its designee. In applying the provisions of this section, the subdivider shall be provided, in writing, the particular facts that render the site environmentally sensitive and not available for dividing. The subdivider shall be afforded the opportunity to present evidence regarding the suitability of the site to the Town Plan Commission. The Commission will consider the evidence and then may affirm, modify or withdraw the determination of unsuitability.

18.204 RURAL RESIDENTIAL DEVELOPMENT.

This section applies to land located outside of the Town of Freedom's Sewer Service Planning Area. The landowner or developer of land that is proposed to be developed for rural residential purposes must work with the Plan Commission to identify areas that are to be protected, and areas that may be developed.

Below are vision statements, goals, objectives, policies, and special considerations from the Town of Freedom Comprehensive Plan. They address the protection of agricultural and natural resources, the preservation of rural character, the desired types of rural residential development outside of the sanitary district, and the maximization of the use of existing public infrastructure in the sanitary district.

The landowner or developer must, in developing lots through a certified survey map or a subdivision, consider ways to minimize the impact the proposed rural residential development will have on the rural character, natural areas, and wildlife habitat. Special consideration must be given to buffers along streams and creeks and to landscape screening along town and county roads adjacent to the development to protect the rural views after development is complete.

Please note that there are several references to the use of cluster and conservation subdivisions in the vision statements, goals, objectives, policies, and special considerations. As a result of further research and discussion of the concept, the Town of Freedom Plan Commission has determined that cluster and conservation subdivisions will be encouraged, but not required, for subdivisions outside of the sanitary district. Guidance on their use is provided in Section 18.702 Cluster Subdivisions/Planned Unit Developments of the Town's Subdivision Ordinance.

(1) Comprehensive Plan Visions, Goals, Objectives, Policies and Special Considerations

Housing Vision

Rural residential development, outside the sanitary district, includes a balance of conservation subdivisions, historic farmsteads and farmettes. Rural residences in the town have been designed to blend with the natural features and agricultural uses to minimize land conflicts. This has resulted in the preservation of the town's rural character.

Housing Goal

Maintain the environmental assets and rural atmosphere of the community so that it continues to be an attractive place to live.

Housing Objectives

Direct future single family residential development within the sanitary district where services are more readily available, conflicts with agricultural uses are minimized, and efficient and cost effective development is most likely.

Encourage the preservation of natural areas, minimize the impact of sprawl, and protect farmland in the town.

Encourage “low impact” development within the town that can help reduce storm water runoff and flooding.

Utilities and Community Facilities Policy

The Town of Freedom requires that any new subdivision street be developed with curb and gutter and storm sewer and storm sewer laterals.

Agricultural, Natural, and Cultural Resources Vision

Primary agricultural areas, woodlands, wetlands, and other natural areas in the Town of Freedom are protected from development pressure. The Town’s farmland and natural areas enhance the rural character of the community by maintaining open areas and providing buffers between residential areas to maintain the low, rural density of development desired by residents.

Agricultural, Natural, and Cultural Resources Goals

Preserve agricultural operations, natural resources, water resources, and wildlife habitat areas in the Town of Freedom to maintain the town’s rural character.

Protect Duck Creek and Apple Creek from harmful uses.

Agricultural, Natural, and Cultural Resources Objectives

Seek to protect areas of prime agricultural land in the town through appropriate local polices and subdivisions regulations.

Enforce stream setback requirements and protect wetland and floodplain **areas**.

Create, maintain, and enhance natural buffers along stream banks.

Partner with local land trusts to protect woodlands and farmland areas and encourage local landowners to pursue opportunities to protect their land by working with land trusts.

Discourage wildlife habitat fragmentation by encouraging development in the sanitary district. Encourage communication between area land trusts and landowners to permanently protect wildlife habitat areas, particularly habitats for threatened or endangered species.

Agricultural, Natural, and Cultural Resources Policy

The Town of Freedom encourages subdivision development inside the sanitary district to promote efficient development patterns that maximize available services and minimize town and county costs. To protect farmland and natural areas, the Town discourages subdivision development outside of the sanitary district.

Land Use Vision

Beyond the “village” area, the landscape presents a balance of farming, scenic natural areas, and rural residential development.

Land Use Special Considerations

The Town will consider potential conservation or cluster subdivisions in areas adjacent to Duck Creek near the sanitary district. Conservation or cluster subdivisions may also be developed on properties where the preservation of woodlands, wetlands, wildlife habitats and farmland.

Support for protecting natural areas, including woodlands, wetlands, and creeks, is very strong. The *Future Land Use Map* delineates environmental corridor areas adjacent to streams and creeks, which correspond to the requirements of the Outagamie County Shoreland-Floodplain-Wetland Ordinance. A larger environmental corridor area is delineated adjacent to Duck Creek to enhance the buffer around this important natural resource. Also delineated are woodlands, indicating that they will remain.

Land Use Goal

Maintain the rural atmosphere in the Town of Freedom.

(2) Rural Residential Checklist

When a landowner or developer submits a certified survey map or a preliminary plat for rural residential development, the landowner or developer must provide written answers to items (a) through (h) of the Rural Residential Checklist listed below. Maps, air photos, and conceptual site plans are useful for helping the Plan Commission review the proposed development. They should be included with the responses to the Rural Residential Checklist. Please refer to the Town of Freedom’s Comprehensive Plan for assistance, a copy of which is located at the Town Hall. The Plan is also available at the town of Freedom’s web site. Other agencies and organizations that may be of assistance include Outagamie County Planning and Zoning and East Central Wisconsin Regional Planning Commission.

Description of the Property Proposed for Development

(a) Agricultural Land: Describe the status of the agricultural lands that are

in, and adjacent to, the property being proposed for development. Are they currently being farmed? Are they enrolled in any farmland or conservation protection programs? Is there drain tile on the property? If they are not being farmed, when was the last time they were farmed? Will agricultural buffers be needed to separate the agricultural use from the residential? If yes, where will they be located?

- (b) Streams, Wetland, or Floodplains: Describe any streams, wetlands, or floodplains in, or adjacent to, the property being proposed for development. Describe the steps that will be taken to protect the streams, wetlands, and floodplains. Describe how natural buffers will be created, maintained or enhanced. Describe how the development will not increase, and possibly reduce, storm water runoff and flooding from the property.
- (c) Woodlands and Other Natural Areas: Describe the woodlands and other natural areas in, and adjacent to, the property being proposed for development. Describe the steps that will be taken to preserve them, or mitigate the impact of the proposed development on them.
- (d) Wildlife Habitat: Describe the wildlife habitat areas in, and adjacent to, the area being proposed for development. Describe the steps that will be taken to preserve the areas, or mitigate the impact of the proposed development on them.
- (e) Conflict of Uses: Describe any existing or potential conflicts between the existing and proposed land uses. Describe the steps that will be taken to resolve them.

Description of the Proposed Development

- (f) Characteristics of the Development: Describe the residential development being proposed. Include information on the size of the property, the number of lots, the type and size of the housing, and access points to existing streets and highways.
- (g) Rural Character and Atmosphere: Describe how the development will help to preserve the Town of Freedom's rural character and atmosphere.
- (h) Balance of Uses: Describe how the proposed development will help maintain the balance between farming, scenic natural areas and rural residential development in the Town of Freedom.

SECTION 18.300 PROCEDURES FOR DIVIDING LAND

18.301 SUBDIVISION. When a subdivision, as defined in this Ordinance, is proposed or where a road is created more than 120 feet long, the owner/option holder shall subdivide in accordance with the following procedures: (Amended: 16 December 2020)

- (1) The subdivider shall have an initial consultation with the Town Planner/Engineer and/or the Town Plan Commission and other appropriate County and Regional Planning Agencies, before proceeding with platting procedures. The purpose of these consultations is to inform the subdivider of the parameters, regulations, and policies in regard to the following issues:
 - (a) The suitability of the site for development,
 - (b) The accessibility of the site,
 - (c) The availability of public facilities (sewer, school, parks, water, etc.) and public services (police, fire, etc.),
 - (d) Soil conditions and drainage patterns,
 - (e) The effect of the proposed development on any contemplated improvements,
 - (f) Zoning of the site and regulations that apply.

- (2) Submittal of Sketch Plan. In the initial Town meeting, the subdivider shall submit a sketch plan (it may be a free-hand drawing, but in sufficient detail to determine conditions) on a topographic survey map indicating the nature of the above conditions. The initial sketch plan should take into account the intent of this ordinance as well as any other reviewing agencies' comments obtained in contacts with the appropriate agencies. A second meeting may be required if the sketch plan needs to be significantly altered to meet the criteria identified in this ordinance.

The sketch plan will be reviewed as it relates to:

- (a) Topography, based on a U.S.G.S Quadrangle map,
- (b) The improvements, design, dedications, or reservations required by these regulations,
- (c) Continuity to existing development within 300 feet of all boundaries,
- (d) Regulations as set down by Chapter 236 of the Wisconsin Statutes,
- (e) Regulations established by the Wisconsin Administrative Code as it relates to on-site septic systems.
- (f) Regulations established by the Wisconsin Administrative Code as it relates to highway regulations,
- (g) Applicable County Codes,

- (h) Consistency with the Town's Comprehensive Plan and any other Town ordinances and policies.
 - (i) For property within the Freedom Sanitary District, the proposed plat will be consistent with the plans for providing sanitary sewer and water service within the District. For parcels partially in the Freedom Sanitary District, the remaining parcel must be annexed to the District as a condition of land division.
- (3) Notification of Property Owners. The subdivider shall notify the owners of property within 300 feet of the property that is being proposed for division prior to submitting a Certified Survey Map or a Preliminary Plat. The Town Clerk will assist the subdivider with identifying the property owners and the mailing of the notification.

18.302 DEVELOPER'S AGREEMENT. As part of the Preliminary Plat submission, the Town requires the developer to provide a written statement that involves the following commitments in a Developers Agreement:

- (1) A public declaration of all protective covenants by which the subdivider intends to regulate land-use in the proposed subdivision and otherwise protect the proposed development.
- (2) A statement that holds the owner/developer responsible for the installation and cost of all improvements such as sanitary sewer, streets and roads, street lights, electric, natural gas where available, telephone and cable lines, and other utilities. Other improvements might include on-site detention ponds, and/or storm sewers, sidewalks, trails, and curb and gutter.
- (3) An escrow account, surety bond, or performance bond that ensures the Town that if said land owner/developer defaults on building the necessary public improvements, that the Town has recourse to finish subdivision improvements (other than the Freedom Sanitary District that requires a separate escrow account or irrevocable letter of credit for sewer and water extensions).
- (4) No changes to the commitments in a Developers Agreement may be made without the approval of the Town of Freedom.

18.303 PRELIMINARY PLAT REVIEW. The subdivider shall file a Developers Agreement (per section 18.12 of this ordinance), 15 copies of the Preliminary Plat, and an application form (available from the Town Clerk), accompanied by a filing fee (on record in the Town Clerks office). Said filing must occur with the Town Clerk at least thirty (30) days prior to the Town Plan Commission meeting. The subdivider should also file a copy with the utility companies having jurisdiction over the subject area so that required easements can be determined. A subdivision within the Freedom Sanitary District and Sewer Service Area must include District sanitary sewer service. A subdivision in the Freedom Sanitary District but not in the Sewer Service Area shall include a statement that sanitary sewer

from the District may be installed at owners expense at some future time. Response from the utilities will need to be submitted to the Town Clerk when the Preliminary Plat is filed.

Within fifteen (15) working days after filing, the Town Clerk shall transmit two (2) copies to the County Planning Agency; two (2) copies to the Department of Administration, Plat Review; additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the State Department of Transportation if the subdivision abuts or adjoins a state trunk highway or connecting street; and to the Division of Health, State Department of Health and Social Services. If the subdivision is not served by a public sewer and provisions for such service has not been made; four (4) copies of the preliminary plat must also be filed with the East Central Regional Planning Commission, and five (5) copies to the Town Plan Commission.

The County Zoning Committee, the State Department of Transportation, the Department of Administration-Plat Review, and the State Department of Health and Social Services shall be hereinafter referred to as objecting agencies. The objecting agencies shall, within thirty (30) days of the date of receiving their copies of the Preliminary Plat, notify the Town and subdivider of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return said copy to the Town Plan Commission. If an objecting agency fails to act within thirty (30) days, it shall be deemed to have no objection to the plat.

The preliminary plat shall be reviewed by the Plan Commission for conformance with this ordinance and all other ordinances, rules, regulations, and Town Comprehensive Plan. The preliminary plat shall then be forwarded to the Town Board with a recommendation for approval or rejection. The Town Board is hereby designated as approving authority for all preliminary plats.

Within ninety (90) days of the date of filing the Preliminary Plat with the Town Clerk, the Town Board shall approve, approve conditionally, or reject such Plat, in accordance with Section 236.11(l) of the Wisconsin Statutes. Failure of the Town Board to act within ninety (90) days shall constitute an approval. One copy of the Plat shall be returned to the subdivider with the date and action endorsed thereon. If approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. A copy of the plat and letter shall be filed in the Town Clerk's office.

Approval or conditional approval of the Preliminary Plat by the Town Board shall be deemed an expression of approval or conditional approval of the layout. The petitioner can take this initial approval as a guide to the preparation of the Final Plat, which will be subject to further Town Board consideration at the time of its submission. Approval of the Preliminary Plat does not authorize the subdivider to proceed with installation of site improvements nor does it authorize the sale of lots.

Approval of the preliminary plat or any time extension thereof may be revoked upon written notice where the Town Board finds that a material change in conditions has occurred affecting the proposed subdivision. Such conditions may include new information regarding the physical conditions of the site or proposed public works that would adversely affect, to a substantial degree, public health, safety, or welfare.

18.304 FINAL PLAT REVIEW. The subdivider shall file 15 copies of their Final Plat along with an application form (available from the Town Clerk), accompanied by a filing fee (on record in the Town Clerks office). Said filing must occur with the Town Clerk at least thirty (30) days prior to the Town Plan Commission meeting.

The Town Clerk shall, within ten (10) days after filing, transmit two (2) copies to the County Planning Agency, two (2) copies to the Department of Administration, Plat Review; (2) copies to the State Department of Transportation if the subdivision abuts or adjoins a State Trunk Highway or a connecting street; and two copies (2) to the State Department of Health and Social Services. If the subdivision is not served by a public sewer and provision for such service has not been made; two (2) copies to the East Central Regional Planning Commission or other appropriate regional planning agency; and five (5) copies to the Town Planning Commission.

The Final Plat, may, if permitted by the Town Board, constitute only that portion of the approved Preliminary Plat that the subdivider proposes to record at that time. If a Final Plat is submitted for any portion of the remainder of the land included in the approved Preliminary Plat, the Town Board may require a resubmission of said portion as a new Preliminary Plat in accordance with Section 18.13.

The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approval and objecting agencies of any objection. 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 Clerk. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.

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 and may require the subdivider to resubmit a Preliminary Plat subject to Section 18.13.

Following a recommendation from the Town Plan Commission, the Town Board shall, within sixty (60) days of the date of filing the original Final Plat with the Clerk, approve or reject such Plat in accordance with Section 236.11(2) of the Wisconsin Statutes, 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 with a copy to the Town Plan Commission. The Board may not approve the Final Plat unless the 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.

Failure of the Town Board to act within sixty (60) days, with no time extensions, and no unsatisfied objections having been filed, shall cause the plat to be approved.

18.305 RECORDATION. Following Final Plat approval by the Town Board and required improvements either installed or a contract and sureties insuring their installation are 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. Within thirty (30) days from the date of the last approval by the Town Board, the subdivider shall record the plat in the Outagamie County Register of Deeds office.

18.306 REPLAT. In accordance with Section 236.36, Wisconsin Statutes, a replat of all or any part of a recorded subdivision which does not alter areas previously dedicated to the public may be made by complying with Section 18.11 through 18.19 of this Ordinance. When a proposed replat involves alteration or vacation of areas previously dedicated to the public, the subdivider shall vacate or alter the recorded plat in accordance with Sections 236.40 through 236.44, Wisconsin Statutes.

18.307 CERTIFIED SURVEY MAP. When a land division is proposed where the land division creates four (4) or less parcels from a parent parcel through a single division or successive divisions by either the same or subsequent owner(s) during the lifetime of this Ordinance; or when it is proposed to divide a block, lot or outlot into two (2) lots or building sites within a recorded subdivision plat without changing the boundaries of said block, lot or outlot, the subdivider shall file a Certified Survey Map. Previous to filing a certified survey map of any parcel of land, the subdivider shall consult with the Town Clerk for advice and assistance to assure the division does not conflict with local, county or regional plans. (Amended: 16 December 2020)

The subdivider shall provide the Town with a reasonably accurate preliminary map of the land being considered for division. It may be a free hand drawing but of a sufficient scale so that conditions can be determined to be reviewed for proximity to adjacent streets, schools, etc. for analysis of soil types, topography, drainage, and generally for the effect the land division would have on the development of surrounding property. Such map shall describe the entire ownership involved in the process of division.

If any lots to be divided are not served by public sanitary sewer, soil evaluation data shall be submitted to the County Zoning Administrator. Evidence of this submittal shall be provided to the Town Clerk at the time of filing the Certified Survey Map.

After tentative Town approval as to a general land division, the subdivider shall proceed to have a certified survey map prepared. The Certified Survey Map shall be drawn in

accordance with this ordinance. The petitioner shall file ten (10) copies of the CSM along with an application form (available from the Town Clerk), accompanied by a filing fee (on record in the Town Clerk's office). Said filing must occur with the Town Clerk at least twenty (20) days prior to the Town Plan Commission meeting.

Within five (5) workdays after filing, the Town Clerk shall transmit a copy of the map to all affected Boards, Commissions or Departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town within ten (10) days from the date the Map is filed. The Map shall be reviewed by the Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components that affect it. The certified survey map shall be prepared in accordance with the provisions contained in Chapter 236 of the Wisconsin Statutes. Some of these provisions are as follows:

- (1) The survey shall be performed and the map prepared by a registered land surveyor.
- (2) All corners shall be monumented.
- (3) The map shall be prepared on durable white paper or on tracing cloth or paper (that can be copied), 8 1/2 inches wide by 14 inches long. The scale shall not be more than 500 feet to the inch.
- (4) The map shall include the certificate of the surveyor, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the United States public land survey. The surveyor's certificate shall state that he has complied with the requirements of Chapter 236 of the Wisconsin Statutes.

The Planning Commission shall, within thirty (30) days from the date of filing of the Map, recommend approval, conditional approval or rejection of the Map and shall transmit the Map along with its recommendations to the Town Board.

The Town Board shall approve, approve conditionally, or reject such map within sixty (60) days from the date of filing of the Map unless the time is extended by agreement with the subdivider. If the Map is rejected, the reason shall be stated in the minutes of the meeting and a written statement is forwarded to the subdivider. If the Map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original Map and return the Map to the subdivider.

A Developers Agreement may be required for any proposed improvements as prescribed in Section 18.12 of this Ordinance.

The certified survey map shall be recorded with the County Register of Deeds. When a certified survey map has been so recorded, the parcels of land in the map may be described by reference to the number of the survey, the volume and page where

recorded, and the name of the county. Any land or improvements offered for dedication and approved by the governing agency accepting the dedication shall be deeded at the time of recording, unless otherwise arranged.

The subdivider shall file ten (10) copies of the recorded Certified Survey Map with the Town Clerk for distribution to the Town Engineer, the East Central Regional Planning Commission, Building Inspector, Utilities, Assessor and other affected departments for their files.

The Assessor's Plat may be ordered by the Town Board at the expense of the subdivider when a subdivision is defined herein as created by successive division as provided in Section 236.01(12)(b) of the Wisconsin Statutes.

SECTION 18.400 TECHNICAL REQUIREMENTS FOR PLATS AND CERTIFIED SURVEYS

18.401 SPECIFICATIONS. A CSM shall comply with the requirements of section 236.34, Wisconsin Statutes, and shall include the following information:

- (1) Every CSM shall show prominently near the top of the first page the quarter-quarter section, government lot or private claim; section, township and range; name of town and county or, if part of a recorded subdivision or certified survey map, the name of the recorded subdivision or CSM volume and number, town and county.
- (2) If land to be dedicated to the public is included within the CSM, then a certificate of acceptance by the town board, signed by the clerk and chairperson, shall appear on the face of the CSM. The area of such dedication in square feet or acres shall be shown within the dedication.
- (3) A certificate of approval by the Town shall appear on the face of the CSM with signature space for the Town board Chairman, the Town Clerk, the Chairman of the Town Plan Commission, and the Town Planner/Engineer.
- (4) A north arrow, scale, legend and symbols, bearing and distance of each line, lot numbers and area in square feet and acres, and existing and proposed easements.
- (5) A statement shall appear on the face of the CSM that conforms substantially to the following:
This CSM is (a portion of or all of) tax parcel number(s) _____.
The property owner(s) of record is/are _____. The CSM is contained wholly within the property described in the following recorded instrument(s) _____.
- (6) A place for the signature of the owner(s) shall appear on the face of the CSM.
- (7) All existing structures.
- (8) The location, right-of-way width and name of all existing and proposed highways, streets, alleys of other public ways.
- (9) Location of section quarter, sixteenth, government or private claim lines that are within 50 feet of the exterior boundary of the CSM.
- (10) Location and names of any subdivision, CSM, existing property lines and owners of record of abutting unplatted lands contained in or within 50 feet of the exterior boundary of the CSM.
- (11) Locations of any corporate limit lines within 50 feet of the exterior boundary of the CSM.
- (12) All existing driveways and access points. If the CSM abuts a controlled access highway and no driveway exists, a statement to that effect shall appear on the CSM.
- (13) If the CSM abuts any highway where noise control standards have been developed, a statement that substantially conforms to the following shall appear on the face of the CSM: "The Division of Highways hereby informs the developer

and Outagamie County that lots near (highway name) may experience a noise level above those listed in Wisconsin Administrative Code Chapter 405. Consideration should be given to providing noise abatement measures sufficient to protect these lots.

- (14) All stream and other water bodies located within the shoreland jurisdiction of the CSM boundary shall be shown. A building setback line and distance shall also be shown.
- (15) All wetland areas within the CSM that are regulated through the Shoreland Zoning Ordinance shall be shown. All areas that have been designated floodplain shall also be shown and labeled. The source of the floodplain determination shall be stated on the CSM.
- (16) Any proposed lake or stream improvement or relocation and proposed filling, grading, lagooning and dredging within the boundaries of the CSM.
- (17) If any Certified Survey Map will result in the creation of a buildable lot or lots which are adjacent to property used for agricultural purposes (e.g. a farm operation), or for nonmetallic mining (e.g. a quarry operation), then the Subdivider shall place on the face of the Certified Survey Map a statement clearly disclosing this fact. The disclosure language shall be subject to the review and approval of the Town.

18.402 PRELIMINARY PLAT REQUIREMENTS. 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 reproducible material at a scale of not more than 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) Legal description and general location of proposed subdivision and relative location to a nearby municipality.
- (3) Date, scale and north arrow.
- (4) Names and addresses of the owners, 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 the area is proposed for immediate development. The **Town Plan Commission** and County Zoning Committee 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.
- (6) 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.
- (7) Contours at vertical intervals of not more than two feet, where the slope of the ground surface is less than 10 percent and of not more than 5 feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on mean sea level datum or where in the judgement of the Town Plan Commission undue hardship would result because of the remoteness

- of the parcel from a mean sea level reference elevation, another datum may be used.
- (8) Water elevations of adjoining lakes and streams at the date of the survey, approximate high and low water elevation, and FEMA's 100 year floodplain elevation, all referred to the same datum used for the contours.
 - (9) Location, right-of-way width and name of all existing and proposed streets, alleys or other public ways, easements, railroad and utility right-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
 - (10) Locations and names of any subdivisions, parks, schools and cemeteries and owners of record of abutting unplatted lands within 300 feet of the exterior boundary of the plat.
 - (11) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations, all to the datum used for the contours.
 - (12) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles and location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewer or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.
 - (13) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
 - (14) Dimensions of all lots, together with proposed lot and block numbers.
 - (15) Location and dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, to other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.
 - (16) Radii of all curves.
 - (17) Existing zoning and proposed use on and adjacent to the proposed subdivision.
 - (18) Corporate limit lines.
 - (19) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
 - (20) Any proposed lake and stream improvement or relocation and proposed filling, grading, lagooning and dredging within the exterior boundaries of the plat and the notice of application for Department of Natural Resources' approval, when applicable.
 - (21) Seasonally wet areas.
 - (22) Sanitary sewer service area boundary, when applicable.
 - (23) In addition to the above listed information, the preliminary County Plat shall also include the necessary soil tests indicating on-site sanitary systems, including the

use of holding tanks, provided the town in which the plat is located has agreed by resolution to accept the responsibility for pumping the tanks. As part of the town's responsibility, towns will initiate maintenance agreements with a licensed pumper on behalf of the property owners. Such agreements shall be renewed bi-annually through an advertised bid process. Pumping charges will be billed to the responsible town, who in turn shall special assess the affected property owners. Such special assessment may include any administrative costs incurred by the town. For developments that utilize shared sanitary facilities, maintenance of such shared facilities will also be the responsibility of the town. Any required repairs and/or maintenance charges shall be the responsibility of the town, who in turn, shall special assess the affected property owners, including any administrative costs incurred. In towns that do not accept responsibility for holding tank pumping, no holding tanks shall be allowed within the County Plat.

18.403 STREET PLANS AND PROFILES. The subdivider shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested by the Town of Freedom, and all elevations, plans and profiles shall meet the approval by the Town.

18.404 TESTING. The Town may require borings and soundings be made in designated areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table. Where the subdivision will not be served by public sanitary sewer, the provisions of chapters COMM 85 and/or 83 (formerly ILHR), Wisconsin Administrative Code, shall be complied with and the appropriate data shall be submitted with the preliminary plat. An impartial party with expertise who has no other involvement with the development project shall review all calculations. Such review shall be done at the expense of the developer and the results shall be submitted to the Town along with the preliminary plat.

18.405 (Reserved)

18.406 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.

18.407 FINAL PLAT. General - A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply with and show correctly on its face, in addition to the information required by section 236.20, Wisconsin Statutes, the following:

- (1) Exact street width along the line of any obliquely intersecting street.
- (2) Setbacks or building lines when deemed necessary by the Town Plan Commission.

- (3) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance must also be provided with the plat.
- (4) Special restrictions required by any approving or objecting agency relating to access control along public ways or to the provisions of planting strips.
- (5) The following certificates must be on all final plats:
 - (a) Surveyor's Certificate,
 - (b) Owner's Certificate,
 - (c) Persons holding an interest in the fee of record or by being in possession
 - (d) The mortgagee of record if land is mortgaged,
 - (e) Town - to include Town Chairman, Plan Commission Chairman, Clerk and Treasurer; County - to include Zoning Administrator and Treasurer, and Village or City depending on jurisdiction and extraterritorial limits.
 - (f) Clerk's Transmittal Certificate, when plat is submitted as a print under section 236.12(2), Wisconsin Statutes.
- (6) If any subdivision will result in the creation of a buildable lot or lots which are adjacent to property used for agricultural purposes (e.g. a farm operation), or for nonmetallic mining (e.g. a quarry operation), or are in an area of the Town that is under a Well Advisory issued by the Wisconsin Department of Natural Resources, then the Subdivider shall place on the face of the Final Plat Map a statement clearly disclosing this fact. The disclosure language shall be subject to the review and approval of the Town.

18.408 DEED RESTRICTIONS. Any deed restrictions attached to the subdivision shall be filed with or placed on the face of the final plat. Placing the Register of Deeds recording information on the face of the plat is acceptable.

18.409 SURVEYING AND MONUMENTING. All final plats shall meet all of the surveying and monumenting requirements of section 236.15, Wisconsin Statutes.

18.410 STATE PLANE COORDINATE SYSTEM. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated, the plat shall be tied directly to two of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such 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. All measurements shall also be based on the Outagamie County remonumentation data on file with the County Surveyor.

SECTION 18.500 REQUIRED IMPROVEMENTS

18.500 GENERAL. The subdivider shall not install any street or other improvements required by the town until the Town Board has approved and the developer has recorded a final plat or certified survey map, and when required, the Town Board has approved and the subdivider has signed a Developers Agreement. In order for adequate inspections to be made, the subdivider shall notify the town board one week prior to the time each improvement is to be installed and upon completion of the project. Such improvements to be required in all Town subdivisions and certified survey maps will include all of the following:

- (1) Grading and Surfacing - Grading and surfacing of all streets proposed to be dedicated in accordance with the construction standards of the town.
- (2) Storm Water Drainage Facilities:
 - (a) Construction of storm water drainage facilities, which may include curb and gutters, catch basins and inlets, culverts, storm sewers, road ditches, detention ponds, and open channels as may be required to provide adequate surface drainage for the subdivision.
 - (b) Storm drainage facilities, where needed, shall be designed to permit the unimpeded flow of natural water-courses, insure the drainage of all points along the line of streets and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and preventing excess water runoff in adjacent property. The Town Board or Town Plan Commission may require easements or drainageways of width sufficient to accommodate anticipated storm water runoff. All storm water facilities shall be constructed in accordance with the Town's Stormwater Management and Erosion and Sediment Control ordinances.
- (3) Street Signs - Installation of street signs meeting the approval of the Town Board at all intersections.

18.501 SURFACE WATER DRAINAGE RESTRICTIONS. No drainageway contained within a drainage easement shall be disturbed, except as provided in sub. (3), in accordance with the following:

- (1) No artificial obstruction may be constructed, planted or maintained within any man-made or natural drainageway so that such obstruction impedes the natural flow of water and/or diminishes the natural aesthetic quality of the drainageway.
- (2) Lot boundaries shall be made to coincide with new and/or pre-existing man-made and natural drainageways to avoid the creation of lots that can be built upon by altering such drainageways.

- (3) Surface water shall not be regarded as unduly retained or diverted if:
 - (a) The retention or diversion results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan.
 - (b) The retention or diversion is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.
 - (c) The retention or diversion results from the actions of natural obstructions, whereby maintenance shall be performed by the property owner as described in section 18.35(2)(j), of this chapter.
 - (d) The retention or diversion has been allowed or required by the Town, County Zoning Department, or County Land Conservation Department, and noted on the approved drainage plan.

18.502 PUBLIC SANITARY SEWERAGE & PRIVATE DISPOSAL SYSTEMS.

- (1) In areas that have a sanitary sewer system on or near the proposed land division, the subdivider and the municipalities involved shall make every effort to connect the proposed development with the sanitary sewer system.
- (2) In areas where a sanitary sewer system is not available, on-site sewage disposal systems utilizing soil absorption fields will be permitted only when soil tests conducted in accordance with chapters COMM 85 and/or 83 (formerly ILHR), Wisconsin Administrative Code, indicate the systems will function adequately. Such systems shall be installed in accordance with chapter 15 of the County Code of Ordinances.
- (3) In areas that have a sanitary sewer system on or near the proposed land division, the subdivider and the municipalities involved shall make every effort to connect the proposed development with the sanitary sewer system.
- (4) In areas where a sanitary sewer system is not available, on-site sewage disposal systems utilizing soil absorption fields will be permitted only when soil tests conducted in accordance with chapters COMM 85 and/or 83 (formerly ILHR), Wisconsin Administrative Code, indicate the systems will function adequately. Such systems shall be installed in accordance with chapter 15 of the County Code of Ordinances.

18.503 DEDICATION AND RESERVATION OF LAND.

- (1) Whenever a tract of land to be subdivided embraces all or any part of a street or other public way which has been designated in adopted **Town**, regional, or County comprehensive plans or adopted plan components, such public way shall be a part of the plat and either dedicated or reserved by the subdivider in the locations and dimensions indicated on such plan.
- (2) Whenever a proposed park, playground, public access, open space site or other public land other than streets designated in an adopted **Town**, regional, or County

comprehensive plan or adopted plan components is embraced, all or in part, in a tract of land to be subdivided, such proposed public lands shall be made a part of the plat. Said lands shall either be dedicated to the public or be reserved for acquisition at undeveloped land costs for a period not to exceed 3 years from the date of recordation, unless extended by mutual agreement between the subdivider and the public agency having jurisdiction. If the reserved land is not acquired by such public agency within the above time limit, the land shall be released to the owner.

- (3) All public access to the low watermark of navigable lakes and streams required by section 236.16(3), Wisconsin Statutes, shall be at least 100 feet wide to provide sufficient areas for turning movements and parking.
- (4) In order that adequate land be dedicated, reserved and preserved for development of public parks, recreation and open space and to provide for proper location of such sites as the Town develops, the following provisions shall be established.
 - (a) Whenever feasible and to be compatible with the overall land use program of the Town, the developer of a subdivision shall provide and dedicate parkland to be held by the Town. Said dedication shall either be a minimum of 3 acres of land for park and recreation needs of the community, or an amount of land to be determined in accordance with the following County zoning classifications:

| <u>Zoning Classification</u> | <u>Percent Allocation (Of Gross Residential Acreage)</u> |
|------------------------------|--|
| Single Family | 6 |
| Two Family | 8 |
| Multiple Family | 12 |
| Planned Unit Development | 12 |

- (b) The number, size and location of all dedications shall be recommended by the Town Plan Commission and subject to approval by the Town Board, who shall ascertain that the proposed sites are suitable for the proposed uses. The Town Board shall retain the right to refuse any dedication of land found to be unsuitable.
- (c) If the owner/developer dedicates sufficient land for park purposes, the lots involved in the subdivision will be exempted from the park fee charged prior to issuance of a building permit (as referred to in the following paragraph).
- (d) In lieu of dedication, park fees are required to be paid at the time of the building permit. The Town of Freedom adopted Town Ordinance, Chapter 19, Park Fees or Dedications, effective May 1, 1993 (and as amended), that requires a park fee to be paid for development of all open space.
- (e) All in lieu payments received by the Town shall be deposited in a segregated, nonlapsing fund to be used exclusively for new park and recreation area development, including pedestrian trail dedication, site

acquisition and related capital improvements. Disbursements from such fund shall be made only upon specific approval of the Town Board upon the recommendation of the Town Plan Commission.

- (f) After the final plat has been recorded, no lot or parcel shall be further divided by replat, certified survey map or conveyance, as defined in section 706.01(3), Wisconsin Statutes, unless such further division shall have been approved by the Town Plan Commission and payment of the appropriate per lot fee shall have been made for each additional lot or parcel created by such division.
- (g) The development of park and recreation facilities shall be located in the vicinity of the area from which such funds originated. Park and recreation facilities which are created as a result of this section may be owned, operated and maintained by the Town. If such lands or facilities have been acquired in whole or in part with Town funds, not totally from the non-lapsing fund established in subparagraph (e) of this section, then an appraisal of the land or facilities shall be prepared and the Town Board may acquire said land for an amount not to exceed the appraised value less the amount of funds applied from the nonlapsing fund established in this section.

SECTION 18.600 DESIGN STANDARDS

18.601 STREET ARRANGEMENTS. The subdivider shall dedicate land for and improve streets as provided herein. Streets shall conform to any applicable official map ordinance in effect. In areas for which an official map has not been completed, the street layout shall recognize the functional classification of various street types and shall be developed and located in proper relation to existing and proposed streets, utilities, land uses and public convenience and safety. The land division shall be designed so as to provide each lot with satisfactory access to a public street as provided herein. The following conditions shall apply for street arrangement in all proposed land divisions:

- (1) Arterial Streets - Arterial streets shall be arranged so as to provide ready access to centers of employment, high density residential areas, centers of government activity, community shopping area, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as is practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- (2) Collector Streets - Collector streets shall be arranged so as to provide collection of traffic from 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, discourage use by through traffic, permit the design of efficient storm and sanitary sewerage systems and 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 divided, unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board or County Zoning Committee, such extension is not necessary or desirable for the coordination of the layout of the land division or for the advantageous development of adjacent land tracts. Such streets shall terminate with a temporary turn-around of 60 feet right-of-way radius and a roadway of not less than 45 feet in radius.
- (5) Arterial Street and Highway Protection - Whenever the proposed land division contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line or by the use of frontage streets.
- (6) Reserve Strips - Reserve strips controlling access to streets or alleys shall be prohibited, except where their control is definitely placed with the Town or County.

- (7) Alleys - Alleys may be required in commercial and industrial districts to provide for off-street loading and service access, but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions. Dead-end alleys shall not be approved and alleys shall not connect to a federal, state or County trunk highway.
- (8) Street Names - Street names shall not duplicate or be similar to existing street names and existing street names shall be projected or continued wherever possible.
- (9) Street Stubs - The Town may determine that a street stub will be required as a means of providing access to adjacent undeveloped properties. If street stubs create corner lots, access to said lots may be restricted to only the through street and not the street stub. Any street stub may be required to have utility stubs and be fully improved to Town road standards.

18.602 LIMITED ACCESS HIGHWAY / RAILROAD RIGHT-OF-WAY TREATMENT. Whenever the proposed land division contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- (1) When residential lots within the proposed land division back upon the right-of-way of an existing or proposed limited access highway or railroad, the following restriction shall be placed on the face of the plat or certified survey map: "Direct vehicular access to (name of road) from lots abutting such road is prohibited".
- (2) Commercial and industrial districts should provide on each side of the limited access highway or railroad a street approximately parallel to and at 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 150 feet.
- (3) Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses such railroad or highway, shall be located at a minimum distance of 250 feet from such 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.

18.603 STREET DESIGN STANDARDS.

- (1) Minimum Right-Of-Way - The minimum right-of-way of all proposed streets shall be as specified on any applicable street plan officially adopted by the Town or, if no width is specified, the minimum right-of-way width shall be as follow:

| <u>Type of Street</u> | <u>Minimum Right-Of-Way</u> |
|-----------------------|-----------------------------|
| Arterial Streets | 120 feet |
| Collector Streets | 80 feet |
| Minor Streets | 66 feet |
| Frontage Streets | 49.5 feet |

- (2) Minimum Roadway and Surface Widths - Minimum roadway width and surface width of all new roads shall comply with the town road standards contained in section 86.26, Wisconsin Statutes
- (3) Cul-De-Sacs - Cul-de-sac street designed to have one end permanently closed shall not normally exceed 600 feet in length. A cul-de-sac street should only be used (1) where access cannot be achieved from any surrounding properties or streets, or (2) where the shape of the land being platted cannot be subdivided efficiently without the use of a cul-de-sac. Such streets shall terminate in a circular turn-around having a minimum right-of-way radius of 64 feet if curb & gutter is utilized or 76 feet if an open ditch is built. The turn-around shall be 45 feet in radius. A temporary cul-de-sac may be required when (1) a developer intends to extend a street into a future phase of a subdivision or (2) the Town determines that a street needs to be extended into abutting properties to connect to other roads, future subdivisions or for other traffic circulation reasons. Said temporary cul-de-sac would need to end at the phase or property line. A written commitment from the owner/developer shall be made for reversion of the excess turnaround right-of-way to the adjoining properties when the street involving a temporary cul-de-sac is extended.
- (4) Street Grades
 - (a) Unless necessitated by exceptional topography subject to the approval of the Town Plan Commission, the minimum centerline grade of any street or public way shall not exceed the following:
 - 1. Arterial Street - 6%
 - 2. Collector Street - 8%
 - 3. Minor Street, Alley and Frontage Street - 10%
 - 5. Maximum Grade - The grade of any street shall in no case exceed 10% or be less than 0.5%, unless prior authorization is granted by the Town.
 - (b) The maximum allowable geometric grade difference of adjacent street profiles shall not exceed 1.0%.
 - (c) Street grades shall be established, whenever practicable, so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.
- (5) Radii of Curvature - When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on such centerline of not less than the following:
 - (a) Arterial Streets and Highways - 500 feet.
 - (b) Collector Streets - 300 feet.
 - (c) Minor Streets - 100 feet.
- (6) Tangents - A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

- (7) Half-Streets - Half streets shall be prohibited, except where the other half has already been dedicated or its alignment is shown on an officially adopted street plan.

18.604 STREET INTERSECTIONS. Streets shall intersect each other as nearly as possible at right angles and not more than 2 streets shall intersect at one point, unless approved by the Town Plan Commission.

- (1) Number of intersections along major streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections should not be less than 1,200 feet.
- (2) Street jogs with centerline offsets of less than 125 feet shall not be approved.

18.605 BLOCKS. The widths, lengths, and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic and the limitations and opportunities of topography.

- (1) Length - Blocks in residential areas should not, as a general rule, be less than 750 feet nor more than 1,500 feet in length, unless otherwise dictated.
- (2) Pedestrian Ways - Pedestrian ways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Town Plan Commission to provide adequate pedestrian circulation or access to schools, shopping centers, churches, or transportation facilities.
- (3) Width - Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or where lots abut a lake or stream. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning provisions for such use.
- (4) Utility Easements - All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles, except where lots abut a lake or stream or where such a location is deemed engineeringly unfeasible by the utility companies involved.

18.606 LOTS. The size, shape and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots should be designed to provide an architectural setting for the building contemplated.

- (1) Lot Lines - Side lot lines should be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- (2) Double and Reversed Frontage Lots - Double frontage and reversed frontage lots shall be prohibited, except where necessary to provide separation of residential

development from through traffic or to overcome specific disadvantages of topography and orientation.

- (3) Access - Every lot shall front or abut a public street and have direct vehicular access to that public street. Direct access does not include the use of easements.
- (4) Lot Area And Dimensions - Area and dimensions of lots shall conform to the Outagamie Zoning Ordinance and in areas not served by public sewer shall, in addition, conform to the requirements of the State Division of Health. Whenever a tract is divided into parcels with area in excess of the zoning requirements, such parcels should be arranged and dimensioned so as to allow re-dividing of any such parcels into normal lots in accordance with the provisions of this chapter. Lots within the shoreland jurisdiction shall conform to the area and dimension requirements of chapter 16 of the Outagamie County Codes.
- (5) Depth - Lots shall be designed with a suitable proportion between width and depth. Neither long, narrow nor wide, shallow lots are desirable. The use of "Flag Lots" shall be prohibited, except to overcome specific topographic or environmental restrictions.
- (6) Width of Lots - Width of lots shall conform to the requirements of the Outagamie Zoning Ordinance.
- (7) Corner Lots - Corner lots shall be designed with extra width to permit adequate building setback from both streets.

18.607 BUILDING SETBACK LINES. Building setback lines shall conform to the requirements of the Outagamie Zoning Ordinance. The provisions of chapter 16 of the Outagamie County Ordinance shall apply for lots in the shoreland area.

18.608 EASEMENTS. Where a land division is traversed by a watercourse, drainageway or stream, an adequate drainageway or easement may be required to handle storm water runoff. The location, width, alignment and improvement of the drainageway or easement shall be approved by the Town Board.

SECTION 18.700 CLUSTER SUBDIVISIONS/PLANNED UNIT DEVELOPMENTS

18.701 PURPOSE. Grouping of residences in clusters will permit individual minimum lot sizes to be reduced, provided overall density within the subdivision is maintained. The remaining undeveloped area within the subdivision can be used to provide common open space and preserve the scenic qualities of an applicable environmentally sensitive area. Grouping of residences facilitate common water and sewage disposal systems and encourages the improved use of the land in proper respect to the preservation of natural resources.

18.702 REVIEW. Cluster subdivisions and planned unit development subdivisions shall be submitted for review in the same manner as any other subdivision as outlined in sections 18.14 - 18.20 of this chapter.

18.703 REQUIREMENTS.

- (1) Proposed cluster developments shall include a minimum of 5 acres and shall be platted according to the requirements of this chapter.
- (2) The maximum permitted number of lots in such development shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required by the Outagamie Zoning Ordinance. Lots within the shoreland jurisdiction shall conform to the area and dimension requirements of chapter 16 of the Code of Ordinances.
- (3) The minimum yard and setback requirements of the Outagamie Zoning Ordinance shall apply.
- (4) Excess land not used for lots and streets shall be dedicated for open space purposes. This may be accomplished by conveyance in common to each of the owners of lots in the development or by dedication to the County or town. Lands dedicated to the public must be accepted by appropriate action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowners association or similar legally constituted body shall be created to maintain the open space land.
- (5) Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by a public body or which names a public body as grantee, promise or beneficiary shall vest in the public body the right to enforce the restriction at law or inequity against anyone who has or acquires an interest in the land subject to the restriction. These restrictions shall be subject to acceptance by the Freedom Town Board.
- (6) Water supply and sewage disposal shall meet the minimum standards of all Town, County, and State regulations.

- (7) The Design Standards, as outlined within this section, may, at the discretion of the Town Plan Commission and Town Board, be relaxed as an incentive in developing cluster subdivisions and planned unit developments. Standards that can be relaxed in order to permit more creative land division design include, but are not limited to, lot shape and depth, length of cul-de-sac roads, road right-of-way width and block length and shape.

SECTION 18.800 INSPECTIONS AND PERMITS

18.801 COMMENCEMENT. No construction or installation of improvements shall commence in a proposed land division until the preliminary plat or certified survey map has been approved by the County.

18.802 BUILDING PERMITS. No land use permit or building permit shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met.

18.803 FEES. The subdivider shall pay the Town all required fees at the specified time. The schedule of fees shall be as adopted from time to time by the Town Board and is hereby adopted by reference as if fully set forth herein.

18.804 PLANS. The following plans and accompanying construction specifications may be required by the town board before authorization of construction or installation of improvements:

- (1) Street plans and profiles showing existing and proposed grades, elevation 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 water management facilities and storm sewer plans and profiles showing locations, grades, sizes, cross sections, elevation and materials of required facilities.
- (4) Water main plans and profiles showing the sizes, locations, elevations and materials of required facilities.
- (5) Planting screens required showing the locations, age and species of any required street trees.
- (6) Additional special plans or information as required.

18.805 INSPECTION. The subdivider, prior to commencement of any work within the land division, shall make arrangements with the town board to provide for adequate inspection. The town board shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

SECTION 18.900 VIOLATIONS, PENALTIES, APPEALS AND VARIANCES

18.901 VIOLATIONS. No person shall 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 County sanitary permit and/or a building permit authorizing the building on or improvements of any land division within the jurisdiction of this chapter and not on 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 action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

18.902 PENALTIES. Any person that fails to comply with the provisions of this chapter shall, upon conviction thereof, be subject to a penalty as provided for in section 25.04 of this Code of Ordinances.

- (1) Recordation improperly made shall be subject to the penalties provided in for 236.30, Wisconsin Statutes.
- (2) Conveyance of lots in unrecorded plats shall be subject to the penalties as provided for in section 236.31, Wisconsin Statutes.
- (3) Monuments disturbed or not placed shall be subject to the penalties as provided for in section 236.32, Wisconsin Statutes.
- (4) The Town may order assessor's plat when a subdivision is created by successive divisions as provided for in section 236.31(2), Wisconsin Statutes.

18.903 APPEALS. Any person aggrieved by an objection to a plat or failure to approve a plat may appeal therefrom as provided for in sections 236.13(5) and 62.23(7), (10) - (15), Wisconsin Statutes.

18.904 VARIANCES. If a subdivider can show that, by reason of exceptional topography or other physical condition, strict compliance with any requirement of this chapter would cause practical difficulty or exceptional and undue hardship, the Town Board may relax such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the Town. A majority vote of the entire membership of the Town Board shall be required to grant any modification to these regulations and any modification thus granted shall be entered in the minutes of the Town Board, setting forth the reasons, which in the opinion of the Town Board, justified the modification. No variance shall be granted by the Town which is contrary to provisions of the Wisconsin Administrative Code or the Wisconsin Statutes.