



AMENDED

PLAN COMMISSION MEETING

FREEDOM TOWN HALL - W2004 COUNTY RD S

WEDNESDAY, AUGUST 13, 2025 - 5:30 p.m.

1. Call to order, roll call, pledge
2. Verification of posting & adopt agenda
3. Review and Approval of Meeting Minutes – May 14, June 11, July 9
4. Consideration and Possible Action on the Schuh Certified Survey Map (CSM)
5. Consideration and Possible Action on the Appleton/VanVreede Certified Survey Map (CSM)
6. Consideration and Possible Action on the BelGioioso Rezoning Application
7. Consideration and Possible Action on the Country Villa Final Plat
8. **Consideration and Possible Action on Chapter 18 Revisions**
9. Building permits report
10. Sanitary District report
11. Town Planner report
12. Future meeting schedule; September 10, 2025 at 5:30pm
13. Adjourn

Posted on 2 Boards at the Freedom Town Hall and on the Town website on the 6TH day of August 2025, by 4 PM by the Clerk's Office

Posted on 2 Boards at the Freedom Town Hall and on the Town website on the 11TH day of August 2025, by 9 AM by the Clerk's Office

Dana McHugh, Town Clerk/Treasurer

PLAN COMMISSION MEETING MINUTES

FREEDOM TOWN HALL - W2004 COUNTY RD S

WEDNESDAY, MAY 14, 2025 - 5:30 p.m.

1. Call to order, roll call, pledge

Chairperson Linda Borneman called the meeting to order at 5:30 p.m.

Chairperson Linda Borneman, Commissioner Dan Reinke, Commissioner Ron Mashlan, and Commissioner Mark Dollevoet were all present. Excused: Commissioner Henry McKenna, Commissioner Darin Tiedt, Commissioner Sam VanHandel. Also Present: Justin Carlson Town Administrator, Dana McHugh Clerk/Treasurer, Jeff Sanders Town Planner. Chairperson Borneman Led the Pledge of Allegiance.

2. Verification of posting & adopt agenda

Agenda posted on the 2 board at the Town Hall and on the Town website on 5/12/25 by 9am. Motion made by Commissioner Reinke with a second by Commissioner Dollevoet to adopt the agenda.

Vote: 4 Yes 0 No Motion Carried

3. Consideration of minutes from April 9, 2025

Motion made by Commissioner Dollevoet with a second by Commissioner Mashlan to approve April 9, 2025, meeting minutes.

Vote: 4 Yes 0 No Motion Carried

4. Discussion and possible action of preliminary plat – Chad & Mark Properties

Motion made by Commissioner Dollevoet with a second by Commissioner Reinke to recommend to the Town Board approval of the revised Preliminary Plat layout generally consistent with the drawing submitted.

Vote: 4 Yes 0 No Motion Carried

5. Discussion and possible recommendation of rezoning application – Chad & Mark Properties

Motion made by Commissioner Reinke with a second by Commissioner Mashlan to recommend approval contingent upon the Preliminary Plat.

Vote: 4 Yes 0 No Motion Carried

6. Discussion and possible action on Chapter 18 Ordinance, 18-073 Addressing

7. Building permits report

8. Sanitary District report

9. Town Planner report

10. Future meeting schedule = June 11, 2025 at 5:30pm

11. Adjourn

Motion made by Commissioner Dollevoet with a second by Commissioner Reinke to adjourn the meeting at 7:14pm.

Vote: 4 Yes 0 No Motion Carried

Dana McHugh, Town Clerk/Treasurer

PLAN COMMISSION MEETING – PUBLIC HEARING MINUTES

FREEDOM TOWN HALL - W2004 COUNTY RD S

WEDNESDAY, JUNE 11, 2025 - 5:20 p.m.

1. Call to order, roll call, pledge

Chairperson Linda Borneman called the Public Hearing to order at 5:20 p.m.

Chairperson Linda Borneman, Commissioner Dan Reinke, Commissioner Ron Mashlan, and Commissioner Mark Dollevoet, Commissioner Henry McKenna, Commissioner Darin Tiedt, and Commissioner Sam VanHandel were all present. Also Present: Justin Carlson Town Administrator, Deputy Clerk/Treasurer Rachel Kolocheski, and Jeff Sanders Town Planner. Chairperson Borneman Led the Pledge of Allegiance.

2. Verification of posting & adopt agenda

Posted on 2 Boards at the Freedom Town Hall and on the Town website on the 9th day of June 2025, by 4 PM by the Clerk's Office. Motion made by Commissioner Reinke with a second by Commissioner Tiedt to adopt the agenda.

Vote: 7 Yes 0 No Motion Carried

3. Public Hearing Chapter 18; Removing Section 18-073 Addressing

- A. Presentation
- B. Public Hearing
- C. Close Public Hearing

Motion made by Commissioner Reinke with a second by Commissioner Mashlan to close the public hearing.

Vote: 7 Yes 0 No Motion Carried

4. Adjourn

PLAN COMMISSION MEETING

FREEDOM TOWN HALL - W2004 COUNTY RD S

WEDNESDAY, JUNE 11, 2025 - 5:30 p.m.

1. Call to order, roll call, pledge

Chairperson Linda Borneman called the Public Hearing to order at 5:30 p.m.

Chairperson Linda Borneman, Commissioner Dan Reinke, Commissioner Ron Mashlan, and Commissioner Mark Dollevoet, Commissioner Henry McKenna, Commissioner Darin Tiedt, and Commissioner Sam VanHandel were all present. Also Present: Justin Carlson Town Administrator, Deputy Clerk/Treasurer Rachel Kolocheski, and Jeff Sanders Town Planner.

2. Verification of posting & adopt agenda

Posted on 2 Boards at the Freedom Town Hall and on the Town website on the 9th day of June 2025, by 4 PM by the Clerk's Office. Motion made by Commissioner Reinke with a second by Commissioner Dollevoet to adopt the agenda.

Vote: 7 Yes 0 No Motion Carried

3. Consideration of minutes from May 14, 2025

4. Discussion and possible action on Chapter 18 Ordinance, 18-073 Addressing
Motion made by Commissioner Reinke with a second by Commissioner VanHandel to recommend to the Town Board approval of the Chapter 18-073 Addressing update to remove that section.
Vote: 7 Yes 0 No Motion Carried
5. Building permits report
6. Sanitary District report
7. Town Planner report
8. Future meeting schedule = July 9, 2025 at 5:30pm
9. Adjourn
Motion made by Commissioner Dollevoet with a second by Commissioner Reinke to adjourn the meeting at 6:04pm.
Vote: 7 Yes 0 No Motion Carried


Dana McHugh, Town Clerk/Treasurer

PLAN COMMISSION MEETING MINUTES
FREEDOM TOWN HALL - W2004 COUNTY RD S
WEDNESDAY, JULY 9, 2025 - 5:30 p.m.

1. Call to order, roll call, pledge
***Chairperson Linda Borneman called the Meeting to order at 5:30 p.m.
Chairperson Linda Borneman, Commissioner Dan Reinke, Commissioner Henry McKenna Commissioner Mark Dollevoet, and Commissioner Darin Tiedt were present. Excused was Commissioner Sam VanHandel, Commissioner Ron Mashlan & Administrator Carlson. Also Present: Clerk/Treasurer Dana McHugh, and Jeff Sanders Town Planner. Chairperson Borneman Led the Pledge of Allegiance.***
2. Verification of posting & adopt agenda
***Posted on 2 Boards at the Freedom Town Hall and on the Town website on the 7th day of July 2025, by 4 PM by the Clerk's Office. Motion made by Commissioner Reinke with a second by Commissioner Tiedt to adopt the agenda.
Vote: 5 Yes 0 No Motion Carried***
3. Consideration of minutes from May 14, 2025 & June 11, 2025
***Motion made by Commissioner McKenna with a second by Commissioner Dollevoet to approve June 11, 2025 Minutes. Approval of May 14, 2025 minutes will move to August Plan Commission Meeting.
Vote: 5 Yes 0 No Motion Carried***
4. Discussion and possible action on Gonnering CSM
***Motion made by Commissioner McKenna with a second by Commissioner Dollevoet to recommend approval of the Gonnering CSM to the Town Board.
Vote: 5 Yes 0 No Motion Carried***
5. Discussion regarding property concerns – N4128 County Road E
6. Discussion regarding property concerns – W2060 County Road S
7. Building permits report
8. Sanitary District report
9. Town Planner report
10. Future meeting schedule; August 13, 2025 at 5:30pm
11. Adjourn
***Motion made by Commissioner Dollevoet with a second by Commissioner Reinke to adjourn the meeting at 6:19 pm.
Vote: 5 Yes 0 No Motion Carried***

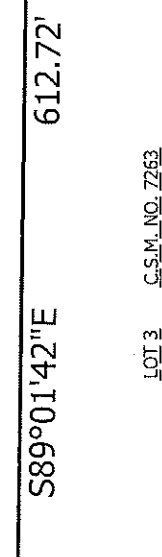
Dana McHugh, Town Clerk/Treasurer

OUTAGAMIE COUNTY CERTIFIED SURVEY MAP
All of Lot 2, Certified Survey Map No. 4918, Document No. 1632636 and All of Lot 3 C.S.M. No. 7263, Document No. 2085663, being a part of the Southwest 1/4 of the Southwest 1/4, Section 2, Township 22 North, Range 18 East, Town of Freedom, Outagamie County, Wisconsin.
Current zoning: - AGD GENERAL AGRICULTURE

WISCONSIN.

 WEST 1/4 CORNER
 SEC. 2-22-18 SURVEY
 NAIL W/WASHER
 Current zoning: - AGD GENERAL AGRICULTURE
 See sheet 3 of 3. Under current zoning Lot One's
 Buildable area for a permitted structure other
 than a single family dwelling is 138,672 sq. ft.
 (3.18 acres).

See sheet 3 of 3. Under current zoning Lot One's Buildable area for a permitted structure other than a single family dwelling is 138,672 sq. ft. (3.18 acres).

50' | 50' | LOT 2
C.S.M. NO. 7263
OWNER: A TO B PROPERTIES LLC
DRIVEWAY



LOT 2
C.S.M. NO. 6903
OWNER: SCHUH VIEW DAIRY,

* CONTROLLED ACCESS HIGHWAY SEE NOTE 7 PAGE 3 OF 3.

LOT 1
AREA = 205,792 SQ. FT.
4.72 ACRES

LOT 2
C.S.M. NO. 4918

611.44' 401.67' (401.65')
LOT 3
C.S.M. NO. 4918

401.67' (401.65')
 LOT 3
 C.S.M. NO. 4918
 OWNER: SCOTT H & JEAN M
 VANDYNHOVEN

OWNER: SCOTT H & JEAN M
VANDYNHOVEN

LEGEND

○ = 3/4" x 24" REBAR SET
WEIGHING 1.502 LBS./

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WEIGHING 1.502 LBS./LIN. FT.

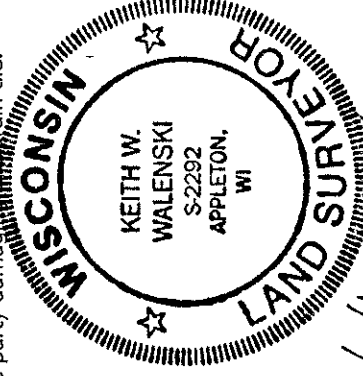
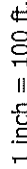
NOTES:

See notes on page 3 of 3 for wetland indicators, zoning, development, well drilling or land use activities.

Any agricultural drain tile which is disturbed, cut or broken as part of the development of the CSM or excavation for construction must be repaired and/or relocated to allow for the drain tile to continue to drain as originally designed. The cost of repair and/or replacement of the drain tile must be borne by the party damaging the drain tile.

Any agricultural drain tile which is disturbed, cut or broken as part of the development of the CSM or excavation for construction must be repaired and/or relocated to allow for the drain tile to continue to drain as originally designed. The cost of repair and/or replacement of the drain tile must be borne by the party damaging the drain tile.

SOUTH 1/4 CORNER
SEC. 2-22-18 MAG NAIL
W/WASHER



KEITH W. WALENSKI P.L.S.-2292

LS-10406



2718 NORTH MEADE ST.
APPLETON, WI 54911
TEL: (920) 733-6377
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HARRIS
& ASSOCIATES, INC.
CONSULTING ENGINEERS
AND LAND SURVEYORS

OUTAGAMIE COUNTY CERTIFIED SURVEY MAP

All of Lot 2, Certified Survey Map No. 4918, Document No. 1632636 and All of Lot 3 C.S.M. No. 7263, Document No. 2085663, being a part of the Southwest 1/4 of the Southwest 1/4, Section 2, Township 22 North, Range 18 East, Town of Freedom, Outagamie County, Wisconsin.

SURVEYOR'S CERTIFICATE

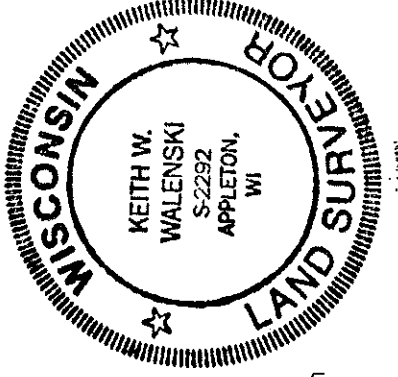
I, Keith W. Walenski, Professional Wisconsin Land Surveyor, certify that I have surveyed, combined divided and mapped All of Lot 2, Certified Survey Map No. 4918, Document No. 1632636 and All of Lot 3, Certified Survey Map No. 7263, Document No. 2085663, being a part of the Southwest 1/4 of the Southwest 1/4, Section 2, Township 22 North, Range 18 East, Town of Freedom, Outagamie County, Wisconsin, described as follows: Commencing at the Southwest corner of said Section 2, thence S89°01'42"E along the South line of said Southwest 1/4, 50.02 feet to the point of beginning; thence N00°39'15"W along the East right-of-way line of S. T. H. "55", 768.97 feet to the Northwest corner of said Lot 3, C.S.M. No. 7263; thence S89°01'42"E, 612.72 feet to the Northeast corner of said Lot 3; thence S00°26'08"E, 336.32 feet; thence N89°01'42"W, 401.67 feet; thence S00°00'00"E, 432.51 feet to the South line of said Southwest 1/4; thence N89°01'42"W, 204.83 feet to the point of beginning, containing 288,673 square feet, 6.63 acres and subject to all easements and restrictions of record.

That I have made such survey, map, land division and combination as shown hereon, under the direction of Kirk R. Schuh.

That this map is a correct representation of the exterior boundary lines of the land surveyed divided and the combination of that land.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Subdivision Ordinances of the Town of Freedom and Outagamie County in surveying, dividing, combining and mapping the same.

Keith W. Walenski 7/28/25 Date
Keith W. Walenski PLS - 2292



TOWN OF FREEDOM APPROVAL

This Certified Survey Map as surveyed and mapped has been reviewed and approved by the Town of Freedom, Outagamie County, Wisconsin.

on this _____ day of _____ 2025.

Plan Commission Chairman Date

Town Board Chairman Date

COUNTY TREASURER'S CERTIFICATE

I do hereby certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in this Certified Survey Map.

Outagamie County Treasurer Date

OUTAGAMIE COUNTY DEVELOPMENT AND LAND SERVICES DEPARTMENT CERTIFICATE

This Certified Survey Map has been reviewed and approved by Outagamie County Development and Land Services on this _____ day of _____ 2025.

Development and Land Services
Department Representative

OUTAGAMIE COUNTY CERTIFIED SURVEY MAP

All of Lot 2, Certified Survey Map No. 4918, Document No. 1632636 and All of Lot 3 C.S.M. No. 7263, Document No. 2085663, being a part of the Southwest 1/4 of the Southwest 1/4, Section 2, Township 22 North, Range 18 East, Town of Freedom, Outagamie County, Wisconsin.

LIMITED LIABILITY COMPANY OWNER'S CERTIFICATE

Kirk R. Schuh as owner and owner/Trustee of the Schuh Revocable Trust, do hereby certify that I caused the land described to be surveyed, combined, divided and mapped and do further certify that this Certified Survey Map is required by S.236.10 or S.236.12 of the Wisconsin Statutes be submitted to the Town of Freedom and Outagamie County for approval or objection.

Dated this ____ day of _____, 2025.

Owner/Trustee _____ Date _____

State of Wisconsin) ss
Outagamie County)

Personally came before me this ____ day of _____, 2025, the above named person to me known to be owner and trustee who executed the foregoing instrument and acknowledged the same.

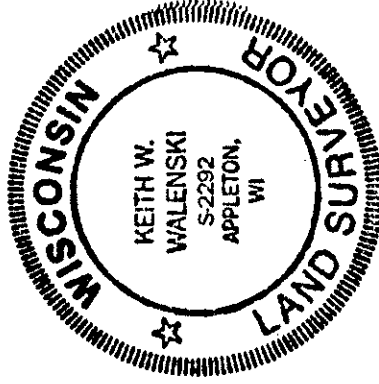
Notary Public _____ My commission expires _____

GENERAL NOTES:

1. This CSM is all of tax parcel Nos. 090002605 and 090002601.
2. This CSM is contained wholly within the property described in Document No. 2244424 & 2328647.
3. Property owner of record is Kirk R. Schuh.
4. The lots created on this map are adjacent to properties that, as of the date of this document, are being used for agricultural purposes. Some individuals believe that the activities associated with the agricultural use constitute a nuisance or conflict with the quiet enjoyment of their property. This statement is intended to provide third parties with notice that agricultural activities may exist on the adjacent properties.
5. Wetland indicators shown are per WDNR Wetland Inventory mapping, prior to development, a wetland delineation may be required on Lots 1 and 2 per Outagamie County Ordinance Section 48-7(c)(4)a requires a wetland setback of 10-30 ft., 50 ft. or 75 ft. depending on susceptibility of the wetland.
6. The lot(s) shown on this map are located in the Special Well Casing Pipe Depth Area ("SWCPDA"). The "SWCPDA" has been established due to naturally occurring arsenic contamination problems affecting wells in this area. Anyone planning on drilling a well within the "SWCPDA" shall, prior to any drilling, consult the Wisconsin Department of Natural Resources, or a drilling professional, to determine how to comply with the provisions of s. NR 812.12(3) of the Wisconsin Administrative Code.
7. S.T.H "55" is a controlled access highway: Access is regulated by the Wisconsin Department of Transportation. Permits are required for any work performed within the Highway right-of-way.

Current zoning: - AGD GENERAL AGRICULTURE

Prior to any development or land use activity building setbacks and other land use requirements should be verified by the Town of Freedom and Outagamie County Planning and Zoning Department.



Keith W. Walenski 7/28/25
Keith W. Walenski PLS - 2292 Date

I. APPLICATION

Title of Project: Revised Schuh CSM

Name of Owners: Schuh Revocable Trust, rep. Kirk R. Schuh

Name of Surveyor: Keith W. Walenski, PLS, Harris & Associated Inc.

II. BACKGROUND

The Owner has submitted an 'Application for Minor Land Division' to divide Tax Parcel Number 090002601 (hereafter, TPN-090002601) located at W2086 Center Valley Road and combine the newly created parcel with TPN-090002605, an abutting parcel to the north. The proposed land division/lot combine is necessary to accommodate a contractor storage yard (landscape businesses).

TPN-090002601 is a developed lot hosting a Principal Structure (single-family dwelling). TPN-090002605 is undeveloped and under agricultural use. Each hosts WI DNR Wetland Indicators (see Exhibit 1).

III. ZONING ORDINANCE

TPN-090002601 and TPN-090002605 are 5.5 and 2.0 acres in size, respectively, and are each zoned AGD General Agricultural District (hereafter, AGD District). As per Section 54-130(10) of the Outagamie County Zoning Ordinance (hereafter, zoning ordinance) *'Contractors storage yard, including landscape contractors, provided all equipment and materials are effectively screened from view from any residential lot or public highway'* is a Special Exception in the AGD District. The required pre-submittal consultation for the Special Exception was with Outagamie County, Town staff, and the Owner. The Town is awaiting submittal the required Special Exception Application.

Section 54-131(3) of the zoning ordinance establishes Dimensional Requirements for *'Other permitted or permissible uses and structures'* in the AGD District.

AGD District Dimensional Requirements – Other permitted or permissible uses and structures			
	Requirements	TPN-090002601 / TPN-090002605	Compliant
Lot 1			
Minimum Area	One ac.	4.72 ac.	Yes
Minimum Width	150 ft.	336 ft., 4 in.	Yes
Lot 2			
Minimum Area	One ac.	1.9 ac.	Yes
Minimum Width	150 ft.	204 ft., 10 in.	Yes

The Concept appears to be **compliant** with Section 54-131(3) of the zoning ordinance

IV. LAND DIVISION ORDINANCE

Section 18-050 of the Town of Freedom Land Division Regulations (hereafter, land division ordinance) establishes the following standards for Lots.

Lots	
Standard	Compliant
Lot dimensions and setback lines shall conform to the requirements of the zoning ordinance.	Yes
Side lot lines shall be right angles to straight lines or radial to curved street lines on which the lots face whenever possible.	Yes
Corner lots shall have sufficient width to permit adequate building setbacks from side streets to conform to the zoning ordinance.	Yes
Every lot shall front or abut on a public street, not including alleys, freeways, or half streets.	Yes
Lot lines shall not cross municipal boundary lines.	n/a
Shape of lots shall generally be rectangular. Lots platted on cul-de-sacs will generally be narrower at the street than at the rear lot line. Flag lots or easements or other lot stacking techniques shall be prohibited, except where necessary to accommodate exceptional topography or to preserve natural resources.	Yes
Excessive Depth of Lots in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable depth-to-width ratio under normal conditions. Depth of lots or parcels designated for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.	Yes
Double frontage and reverse 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.	n/a
Residential lots fronting or backing on arterial streets shall be platted with extra depth.	n/a
Where possible, lots shall be created to avoid crossing navigable waterways.	n/a

The proposed land division is **compliant** with Section 18-050 of the land division ordinance.

Section 18-062 of the land division ordinance establishes requirements for Certified Survey Maps.

Certified Survey Map	
Requirement	Compliant
Name of the owner.	Yes
Date of survey.	Yes
Graphic scale and North arrow.	Yes
All existing buildings, structures, driveways, and similar such developed features on the parcel.	n/a

Locations, widths of rights-of-way and easements, and names of adjoining streets, highways, railroads, utilities, parks, cemeteries, and subdivisions.	Yes
Any applicable use or access restrictions and covenants.	n/a
All floodplains, wetlands, navigable ponds, streams, lakes, flowages, wetlands, environmentally sensitive areas, or erosion hazard areas.	Yes
All Secondary Conservation Areas, as defined in this Chapter.	n/a
The buildable area of the proposed lot(s).	Yes
Distances and bearings referenced to a line and a corner of the Washington County Coordinate System.	Yes
Owner's and mortgagee's certification of dedication of streets and other public areas prepared in accordance with Wis. Stat. §§ 236.21(2) and 236.34(1m)(e).	n/a
Location and extent of permanently preserved open space as required under Section 18.103.A of this Chapter.	n/a
The entirety of the parent parcel from which the proposed lot(s) are to be divided shall be shown on the CSM.	Yes
Drain Tiles. The face of the Certified Survey Map shall contain the following statement: Any agricultural drain tile disturbed, cut, or broken as part of the development of the plat or excavation for home construction must be repaired and/or relocated to allow for the drain tile to continue to drain as originally designed. The cost of repair or relocation must be borne by the party or their agent damaging the drain tile.	Yes

The proposed land division is **compliant** with Section 18-062 of the land division ordinance.

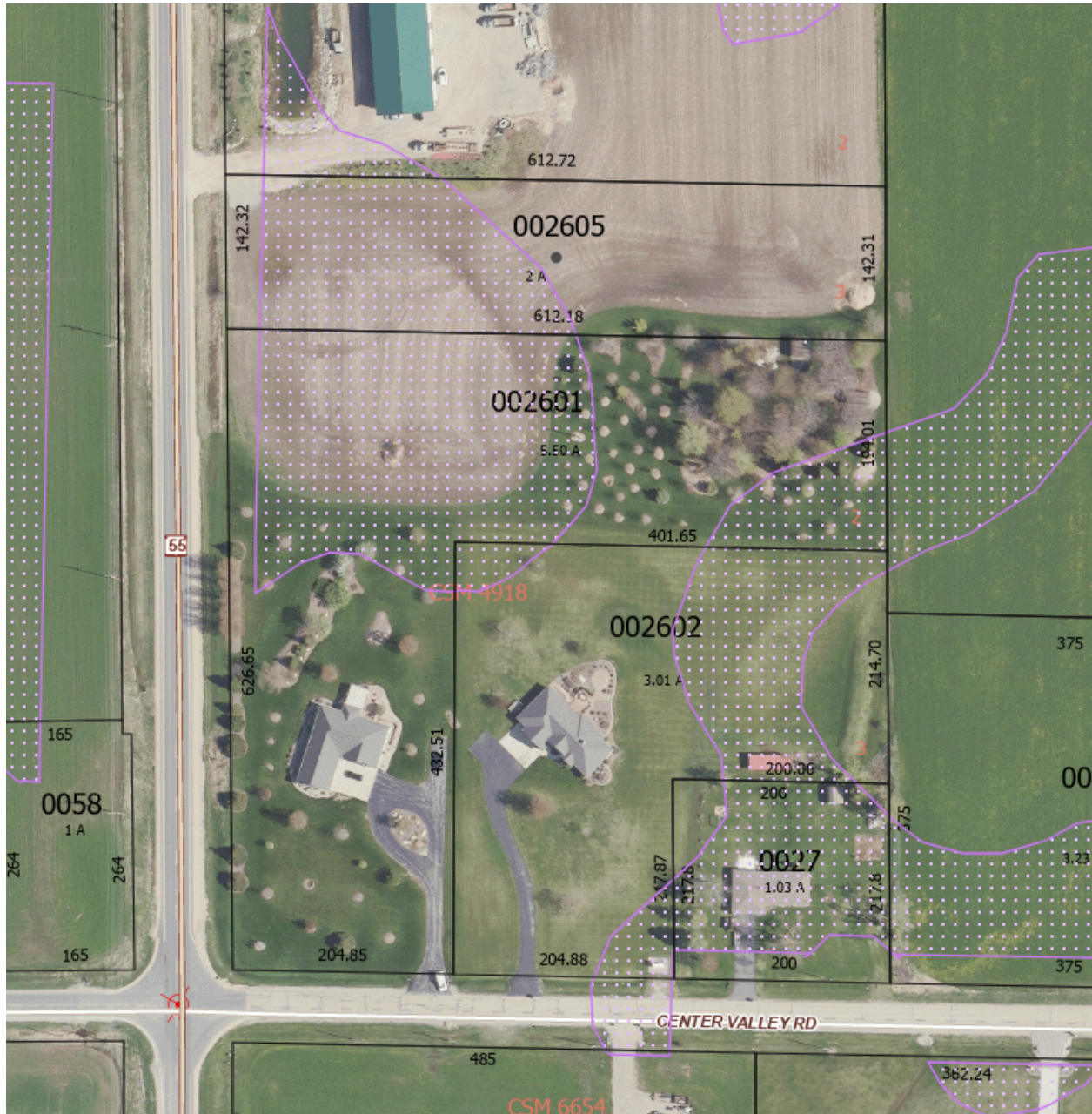
V. CPC COMMENT¹

CPC recommends **approval** of the Certified Survey Map as drawn contingent upon full extent of wetlands being shown if determined to be present.

¹ CPC recommendations are based upon professional staff review of application materials provided to CPC. CPC staff reports are authored by a municipal planner, not a licensed attorney, and do not constitute a legal opinion.

Exhibit 1

- Purple lines w/dots – WI DNR Wetland Indicators



APPLICATION for MINOR LAND DIVISION

A **Complete Application** is required before the Town of Freedom can review the proposed land division. A Complete Application entails a fully completed application form along with all required documents and drawings (printed copy and PDF) and payment of the Application Fee submitted as a single application packet.

Contact Information:

Name of Property Owner: David Appleton

Address: 1700 De Bruin Rd., Kaukauna, WI 54130

Phone: 920-740-4297 Email:

Name of Applicant (if different from Property Owner): Steve De Jong

Company Name: Meridian Surveying, LLC

Address: N9637 Friendship Dr., Kaukauna, WI 54130

Phone: 920-993-0881 Email: sdejong@meridian-wi.com

Name of Surveyor: Same as Applicant

Company Name:

Address:

Phone: Email:

Property Description:

Address (if different from property owner): Maloney & Greiner Rd.

Tax Parcel Number: 090098500

(Please include as attachment if more than one parcel is proposed to be divided)

Location of Property: NE 1/4 NW 1/4, Section 36, Town 22 Range 18, Town of Freedom

Current Use of Parcel to be Divided: Agriculture

Parcel Size: 39.9 acres Parcel Width: 1320'

Identify the Town of Freedom Comprehensive Plan land use classification for each parcel to be divided: (check all that apply)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Agricultural Land | <input checked="" type="checkbox"/> Single- and Two-Family Residential |
| <input type="checkbox"/> Livestock Intensive Agriculture | <input type="checkbox"/> Multi-Family |
| <input type="checkbox"/> Rural Character | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Rural Transition | <input type="checkbox"/> Commercial/Industrial |
| <input type="checkbox"/> Open Areas | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Planted Woodlots | Other: _____ |
| <input type="checkbox"/> Mining/Quarries | Other: _____ |

Current Zoning of Parcel to be Divided:
(check all that apply)

- | | | |
|--|---------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> AGD District | <input type="checkbox"/> RTF District | <input type="checkbox"/> CL District |
| <input type="checkbox"/> RSF District | <input type="checkbox"/> RMF District | <input type="checkbox"/> IND District |

Proposed Lot(s):

Lot 1:

Lot Size: 37.acres Lot Width: 1318'

Proposed Zoning: AGD Intended Use: Agriculture

Lot 2:

Lot Size: 2.446 acres Lot Width: 511' x 208'

Proposed Zoning: AGD Intended Use: single family home

Lot 3:

Lot Size: Lot Width:

Proposed Zoning: Intended Use:

Lot 4:

Lot Size: Lot Width:

Proposed Zoning: Intended Use:

Outlot(s):

Will any outlots be created as part of this land division? Yes ____ No X

If yes:

Purpose of the outlot: _____

Ownership of outlot(s): _____

Application Checklist:

The purposes of the Application Checklist is to ensure a complete submittal has been prepared and to expedite the review process. The checklist is not necessarily inclusive of all requirements needed to obtain an approval and does not absolve the Applicant from compliance with other applicable sections of the Town of Freedom Land Division Ordinance.

NOTE: One paper copy and one digital copy (PDF format or similar format approved by the Town Clerk) of the application packet is required.

Please confirm compliance with Application for Minor Land Division submittal requirements by completing the table below in full. Completion shall entail entering one of the following codes in each box under the 'Code' column.

✓ - Shown on CSM

☐ - Included with Application Packet

n/a - Appears Inapplicable

? - Unable to Determine if Required

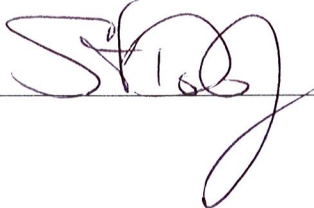
Code	Certified Survey Map Submittal Requirements (each of the following shall be shown on the face of, or as an attachment to, the CSM)
X	Name of the owner.
X	Date of survey.
X	Graphic scale and North arrow.
X	All existing buildings, structures, driveways, and similar such developed features on the parcel.
X	Locations, widths of rights-of-way and easements, and names of adjoining streets, highways, railroads, utilities, parks, cemeteries, and subdivisions.
N/A	Any applicable use or access restrictions and covenants.
N/A	All floodplains, wetlands, navigable ponds, streams, lakes, flowages, wetlands, environmentally sensitive areas, or erosion hazard areas.
N/A	All Secondary Conservation Areas, as listed in Section 18-103 of the Town of Freedom Land Division Ordinance.
?	The buildable area of the proposed lot(s).

X	Distances and bearings referenced to a line and a corner of the Outagamie County Coordinate System.
X	Owner's and mortgagee's certification of dedication of streets and other public areas prepared in accordance with Wis. Stat. §§ 236.21(2) and 236.34(1m)(e).
N/A	Location and extent of permanently preserved open space as required under Section 18-103.A of this Chapter.
X	The entirety of the parent parcel from which the proposed lot(s) are to be divided.
?	Drain Tiles. The face of the Certified Survey Map shall contain the following statement: Any agricultural drain tile disturbed, cut, or broken as part of the development of the plat or excavation for home construction must be repaired and/or relocated to allow for the drain tile to continue to drain as originally designed. The cost of repair or relocation must be borne by the party or their agent damaging the drain tile.

Additional Requirements	
The Town Board may require that any parcel of land divided from an agricultural parent parcel intended for the purpose of constructing a principal dwelling be located at the periphery of the parent parcel so as to preserve to the greatest degree practicable the functional agricultural use of the parent parcel.	
Where the Town finds that it requires additional information relative to a particular problem presented by a proposed development to review the certified survey map, it shall have the authority to request such information from the subdivider.	
<p>Section 18-121.C of the Town of Freedom Land Division Ordinance establishes Park Impact Fee requirements and reads as follows:</p> <ol style="list-style-type: none"> (1) Impact fees are hereby imposed on all residential developments and land divisions within the Town of Freedom. (2) Park impact fees shall be due in full within 14 days of the issuance of a building permit. (3) The effective date of a building permit is the date on which all impact fees imposed under this Article are paid in full, and unless all impact fees are paid in full within 14 days after issuance as required by Wis. Stat. § 66.0617(6)(g), said building permit shall expire 15 days after issuance. 	

Signature and Certification:

By signing and dating below, you certify the information presented on this Application along with the drawings and documents included therein are, to the best of your knowledge, complete and in accordance with the Town of Freedom Land Division Ordinance.

Applicant Signature:  Date: 7-28-2025

Application Fee:

The Application Fee for a Minor Land Division is as follows:

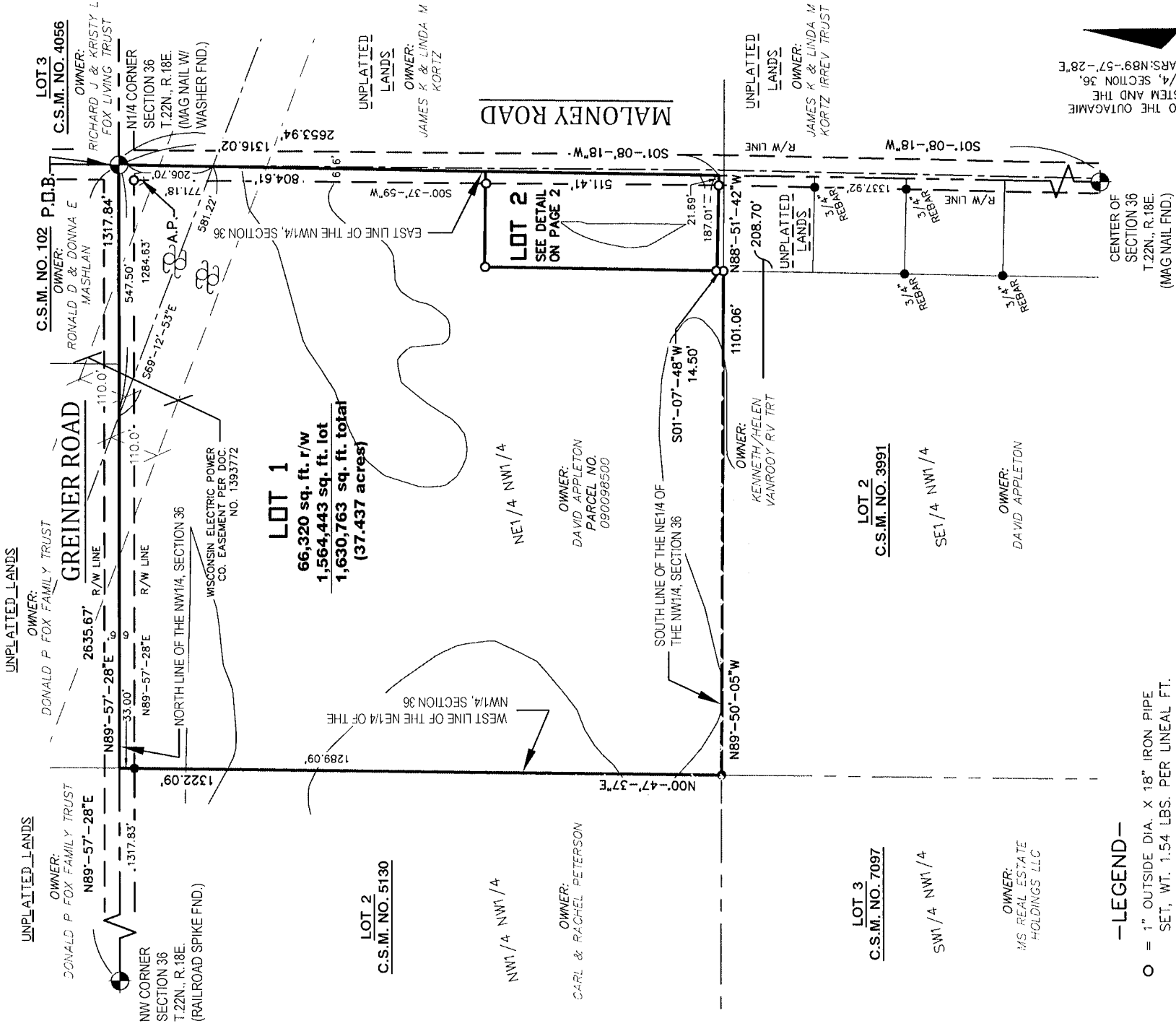
1. Minor Land Division via Certified Survey Map – \$250.00.
2. Lot Line Adjustment – \$100.00

For Town Use Only

Check No: _____ Amount: _____ Date Received: _____

CERTIFIED SURVEY MAP NO. _____

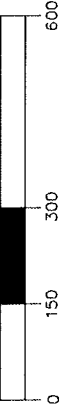
BEING A PART OF THE NE1/4 OF THE NW1/4, SECTION 36, T.22N., R.18E.,
TOWN OF FREEDOM, OUTAGAMIE COUNTY, WISCONSIN



—LEGEND—

- = 1" OUTSIDE DIA. X 18" IRON PIPE SET, WT. 1.54 LBS. PER LINEAL FT.
- = 1" IRON PIPE FOUND
- ⊙ = CALUMET CO. PLSS COR.
- P.O.B. = POINT OF BEGINNING
- A.P. = ACCESS POINT
- = WETLAND INDICATOR SOILS PER OUTAGAMIE COUNTY GIS
- ⌞ = EXISTING POWER POLE

GRAPHIC SCALE
1 inch = 300 ft.



MERIDIAN
SURVEYING, LLC

N9637 Friendship Drive
Kaukauna, WI 54130

Office: 920-993-0881
Fax: 920-273-6037

THIS INSTRUMENT
WAS DRAFTED BY: KR

FIELD WORK
DATE: 6-12-25

CHECKED BY: S.C.D.

FIELD BOOK: X

JOB NO.: 16114

SHEET 1 OF 5

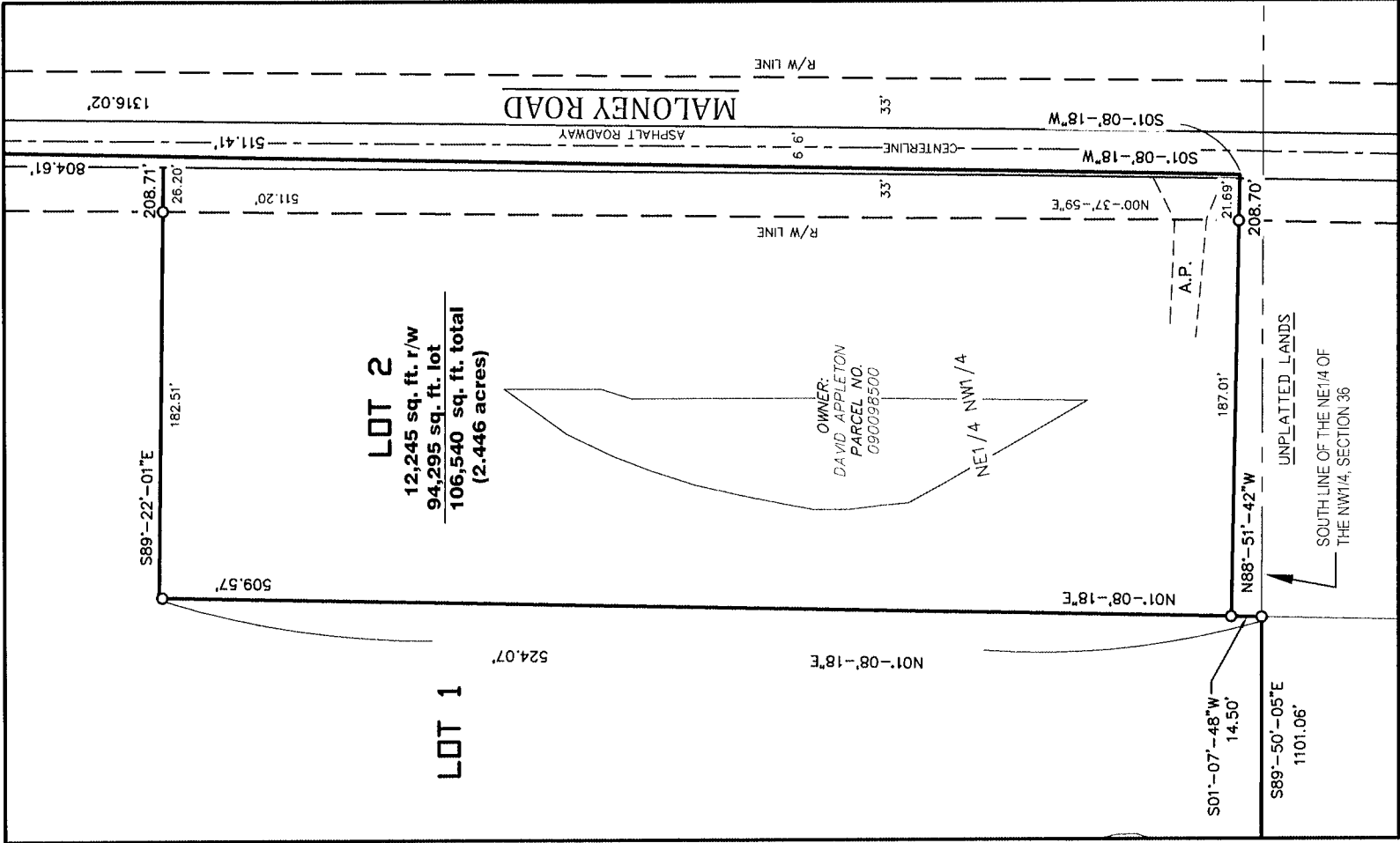
SURVEYED FOR:
DAVID APPLETON
1700 DEBRUN RD
KAUKAUNA, WI 54130

DEED: DOC. NO. 2325711

BEARINGS REFERENCED TO THE OUTAGAMIE
COUNTY COORDINATE SYSTEM AND THE
NORTH LINE OF THE NW1/4, SECTION 36,
T.22N., R.18E., WHICH BEARS: N89°-57'-28"E

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NE1/4 OF THE NW1/4, SECTION 36, T.22N., R.18E.,
TOWN OF FREEDOM, OUTAGAMIE COUNTY, WISCONSIN



BEARINGS REFERENCED TO THE OUTAGAMIE
COUNTY COORDINATE SYSTEM AND THE
NORTH LINE OF THE NW1/4, SECTION 36,
T.22N., R.18E., WHICH BEARS: N89°-57'-28"E

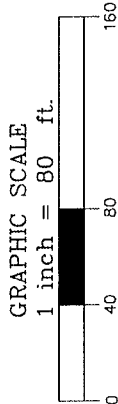
--LEGEND--

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SET, WT. 1.54 LBS. PER LINEAL FT.
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- A.P. = ACCESS POINT
- = WETLAND INDICATOR SOILS PER
OUTAGAMIE COUNTY GIS
- ⌒ = EXISTING POWER POLE

SURVEYOR'S NOTES

-PRIOR TO DEVELOPMENT, A WETLAND
DELINEATION MAY BE REQUIRED ON LOTS 1
AND 2. OUTAGAMIE COUNTY CODE OF
ORDINANCES, SECTION 48-7(C)(4)A REQUIRES
A WETLAND SETBACK OF 10FT TO 30FT, 50FT
OR 75FT, DEPENDING ON THE SUSCEPTIBILITY
OF THE WETLAND.

-ANY AGRICULTURAL DRAIN TILE DISTURBED,
CUT, OR BROKEN AS PART OF THE
DEVELOPMENT OF THE PLAT OR EXCAVATION
FOR HOME CONSTRUCTION MUST BE REPAIRED
AND/OR RELOCATED TO ALLOW FOR THE
DRAIN TILE TO CONTINUE TO DRAIN AS
ORIGINALLY DESIGNED. THE COST OF REPAIR
OR RELOCATION MUST BE BORNE BY THE
PARTY OR THEIR AGENT DAMAGING THE DRAIN
TILE.



MERIDIAN
SURVEYING, LLC
N9637 Friendship Drive
Kaukauna, WI 54130
Office: 920-993-0881
Fax: 920-273-6037

THIS INSTRUMENT WAS DRAFTED BY:	KR	FIELD WORK DATE:	6-12-25
CHECKED BY:	S.C.D.	FIELD BOOK:	x
JOB NO.:	16114	SHEET	2 OF 5

SURVEYED FOR:
DAVID APPLETON
1700 DEBRUIN RD
KAUKAUNA, WI 54130
DEED: DOC. NO. 2325711

STATE OF WISCONSIN) SS
OUTAGAMIE COUNTY)

CERTIFIED SURVEY MAP NO. _____
BEING A PART OF THE NE1/4 OF THE NW1/4, SECTION 36, T.22N., R.18E.,
TOWN OF FREEDOM, OUTAGAMIE COUNTY, WISCONSIN

Sheet 3 of 5

SURVEYOR'S CERTIFICATE

I, Steven C. De Jong, Wisconsin Professional Land Surveyor of Meridian Surveying, LLC, certify that I have surveyed, divided, mapped and monumented under the direction of Douglas Van Vreede, a part of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section Thirty-Six (36), Township Twenty-Two (22) North, Range Eighteen (18) East, Town of Freedom, Outagamie County, Wisconsin containing 1,737,303 square feet (39.883 acres) of land and being described by:

Beginning at the North Quarter Corner of said Section 36; thence S01°-08'-18"W 1316.02 feet along the east line of the NW1/4 of said Section 36; thence N88°-51'-42"W 208.70 feet; thence S01°-07'-48"W 14.50 feet to a point on the south line of the NE1/4 of the NW1/4 of said Section 36; thence N89°-50'-05"W 1101.06 feet along said south line of the NE1/4 of the NW1/4 to the southwest corner thereof; thence N00°-47'-37"E 1322.09 feet along the west line of said NE1/4 of the NW1/4 to a point on the north line of the NW1/4 of said Section 36; thence N89°-57'-28"E 1317.84 feet along said north line of the NW1/4 to the point of beginning. Being subject to any and all easements and restrictions of record.

That such is a correct representation of all exterior boundaries of the land surveyed.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Land Subdivision Ordinance of Outagamie County, in surveying, dividing, monumenting and mapping the same.

Dated this _____ day of _____, 2025.

Wisconsin Professional Land Surveyor
Steven C. De Jong, S-2791

Survey Notes:

This Certified Survey Map is contained wholly within the property described in the following recorded instruments: Document No. 2325711

Owner of Record: David Appleton

This Certified Survey Map is contained wholly within Tax Parcel Number: 090098500.

STATE OF WISCONSIN) SS
OUTAGAMIE COUNTY)

CERTIFIED SURVEY MAP NO. _____
BEING A PART OF THE NE1/4 OF THE NW1/4, SECTION 36, T.22N., R.18E.,
TOWN OF FREEDOM, OUTAGAMIE COUNTY, WISCONSIN

Sheet 4 of 5

OWNER'S CERTIFICATE

As owner(s), I (we) hereby certify that I (we) caused the land described on this map to be surveyed, divided, monumented and mapped as represented on this map. I (we) also certify that this map is required by S. 236.10 or 236.12 to be submitted to the following for approval or objection: Outagamie County Development and Land Services, Town of Freedom.

Dated this _____ day of _____, 2025.

David Appleton

Personally came before me this _____ day of _____, 2025, the above named David Appleton to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, _____ County, Wisconsin

My Commission Expires _____

STATE OF WISCONSIN) SS
OUTAGAMIE COUNTY)

CERTIFIED SURVEY MAP NO. _____
BEING A PART OF THE NE1/4 OF THE NW1/4, SECTION 36, T.22N., R.18E.,
TOWN OF FREEDOM, OUTAGAMIE COUNTY, WISCONSIN

Sheet 5 of 5

COUNTY DEVELOPMENT AND LAND SERVICES CERTIFICATE:

This Certified Survey Map has been reviewed and approved by the Outagamie County Development and Land Services Department.

Dated _____ Signed (Representative) _____

COUNTY TREASURER'S CERTIFICATE

I being the duly elected qualified and acting treasurer of the County of Outagamie, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or unpaid assessments as of this _____ day of _____, 2025 on any lands included in this Certified Survey Map.

Dated _____ County Treasurer _____

TOWN OF FREEDOM CERTIFICATE

This Certified Survey in the Section 36, T.22N., R.18E., Town of Freedom, Outagamie County, Wisconsin, is hereby approved.

Justin Schumacher _____ Date _____
Town of Freedom - Chairman

Dana McHugh _____ Date _____
Town of Freedom Clerk

TOWN TREASURER'S CERTIFICATE

As duly elected Treasurer for the Town of Freedom, I hereby certify that the records in our office show no unredeemed taxes and no unpaid or special assessments affecting any of the lands included in this Certified Survey Map as of the date listed below

Treasurer – Town of Freedom _____ Date _____

I. APPLICATION

Title of Project: Appleton-VanVreede CSM

Name of Owner: David Appleton

Name of Developer / Surveyor / Contractor: Steven C. De Jong, P.L.S., Meridian Surveying LLC

II. BACKGROUND

The Owner has submitted an 'Application for Minor Land Division' to divide Tax Parcel Number 090098500 (hereafter, TPN-090098500) located at the southwest intersection of Greiner Road and Maloney Road in the Town of Freedom. The Owner proposed to create Lot 2, a 2.446-acre lot irregular lot located in the southeast corner of TPN-090098500.

TPN-090098500 in an undeveloped parcel under agricultural use hosting hosts WI DNR Wetland and WI DNR Wetland Indicators (see Exhibit 1).

III. ZONING ORDINANCE

TPN-090098500 is 37.437 acres in size and is zoned AGD General Agricultural District (hereafter, AGD District). Section 54-131(1) of the Outagamie County Zoning Ordinance (hereafter, zoning ordinance) establishes 'Dimensional Requirements' for 'Principal Agricultural Uses' in the AGD District.

AGD District Dimensional Requirements			
	Requirements	Lot 2	Compliant
Lot			
Minimum Area	Two ac.	2.446 ac.	Yes
Minimum Width	100 ft.	187 ft.	Yes

The proposed land division is **compliant** with Section 54-131(1) of the zoning ordinance

IV. LAND DIVISION ORDINANCE

Section 18-050 of the Town of Freedom Land Division Regulations (hereafter, land division ordinance) establishes the following standards for Lots.

Lots	
Standard	Compliant
Lot dimensions and setback lines shall conform to the requirements of the zoning ordinance.	Yes
Side lot lines shall be right angles to straight lines or radial to curved street lines on which the lots face whenever possible.	Yes
Corner lots shall have sufficient width to permit adequate building setbacks from side streets to conform to the zoning ordinance.	n/a

Every lot shall front or abut on a public street, not including alleys, freeways, or half streets.	Yes
Lot lines shall not cross municipal boundary lines.	n/a
Shape of lots shall generally be rectangular. Lots platted on cul-de-sacs will generally be narrower at the street than at the rear lot line. Flag lots or easements or other lot stacking techniques shall be prohibited, except where necessary to accommodate exceptional topography or to preserve natural resources.	Yes
Excessive Depth of Lots in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable depth-to-width ratio under normal conditions. Depth of lots or parcels designated for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.	Yes
Double frontage and reverse 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.	n/a
Residential lots fronting or backing on arterial streets shall be platted with extra depth.	n/a
Where possible, lots shall be created to avoid crossing navigable waterways.	n/a

The Concept appears to be **compliant** with Section 18-050 of the land division ordinance.

Section 18-062 of the land division ordinance establishes requirements for Certified Survey Maps.

Certified Survey Map	
Requirement	Compliant
Name of the owner.	Yes
Date of survey.	Yes
Graphic scale and North arrow.	Yes
All existing buildings, structures, driveways, and similar such developed features on the parcel.	n/a
Locations, widths of rights-of-way and easements, and names of adjoining streets, highways, railroads, utilities, parks, cemeteries, and subdivisions.	Yes
Any applicable use or access restrictions and covenants.	n/a
All floodplains, wetlands, navigable ponds, streams, lakes, flowages, wetlands, environmentally sensitive areas, or erosion hazard areas.	Yes
All Secondary Conservation Areas, as defined in this Chapter.	n/a
The buildable area of the proposed lot(s).	No
Distances and bearings referenced to a line and a corner of the Washington County Coordinate System.	Yes
Owner's and mortgagee's certification of dedication of streets and other public areas prepared in accordance with Wis. Stat. §§ 236.21(2) and 236.34(1m)(e).	n/a
Location and extent of permanently preserved open space as required under Section 18.103.A of this Chapter.	No

The entirety of the parent parcel from which the proposed lot(s) are to be divided shall be shown on the CSM.	Yes
Drain Tiles. The face of the Certified Survey Map shall contain the following statement: Any agricultural drain tile disturbed, cut, or broken as part of the development of the plat or excavation for home construction must be repaired and/or relocated to allow for the drain tile to continue to drain as originally designed. The cost of repair or relocation must be borne by the party or their agent damaging the drain tile.	Yes

The proposes land division is **noncompliant** with Section 18-062 of the land division ordinance.

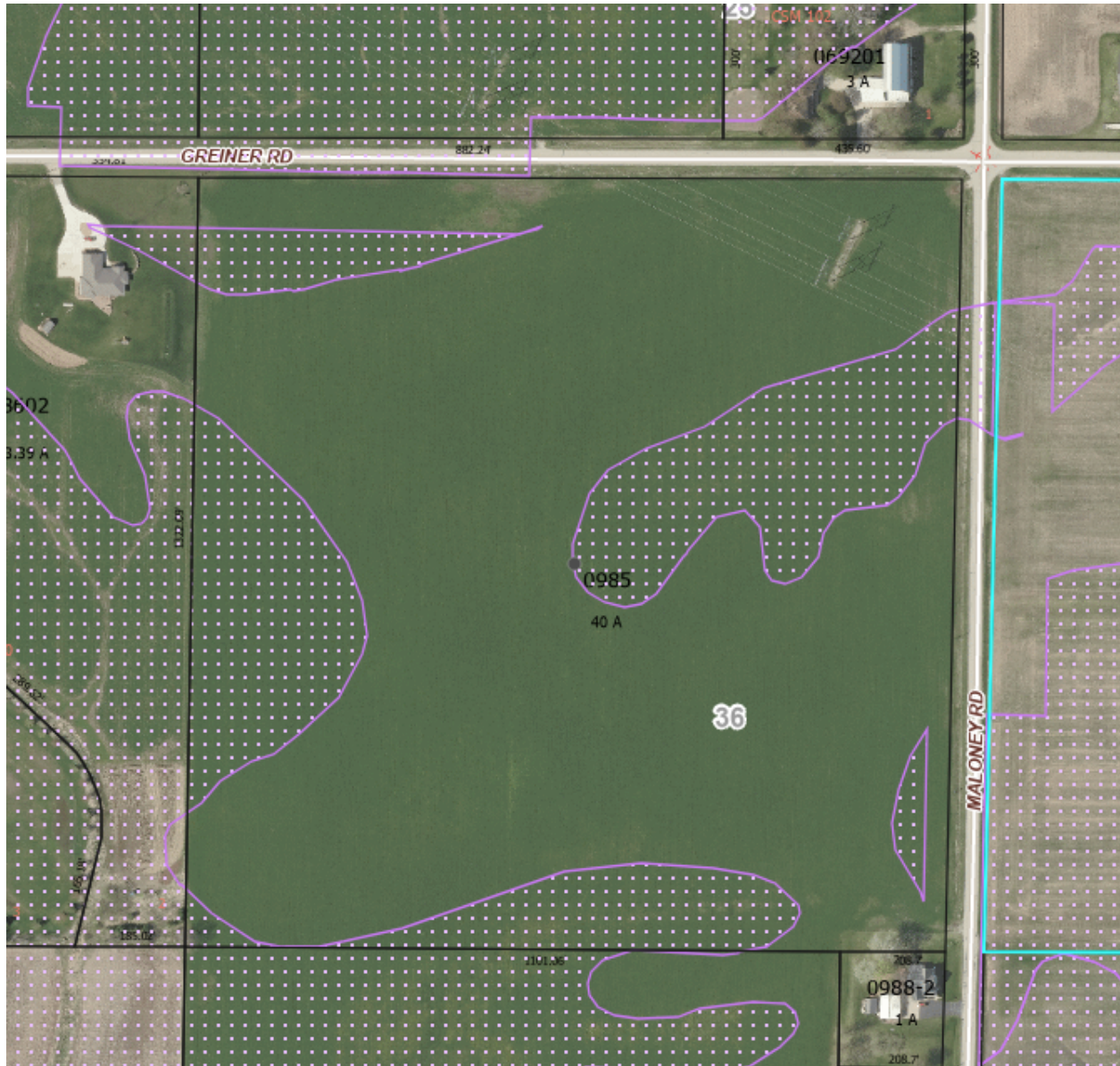
V. CPC COMMENT¹

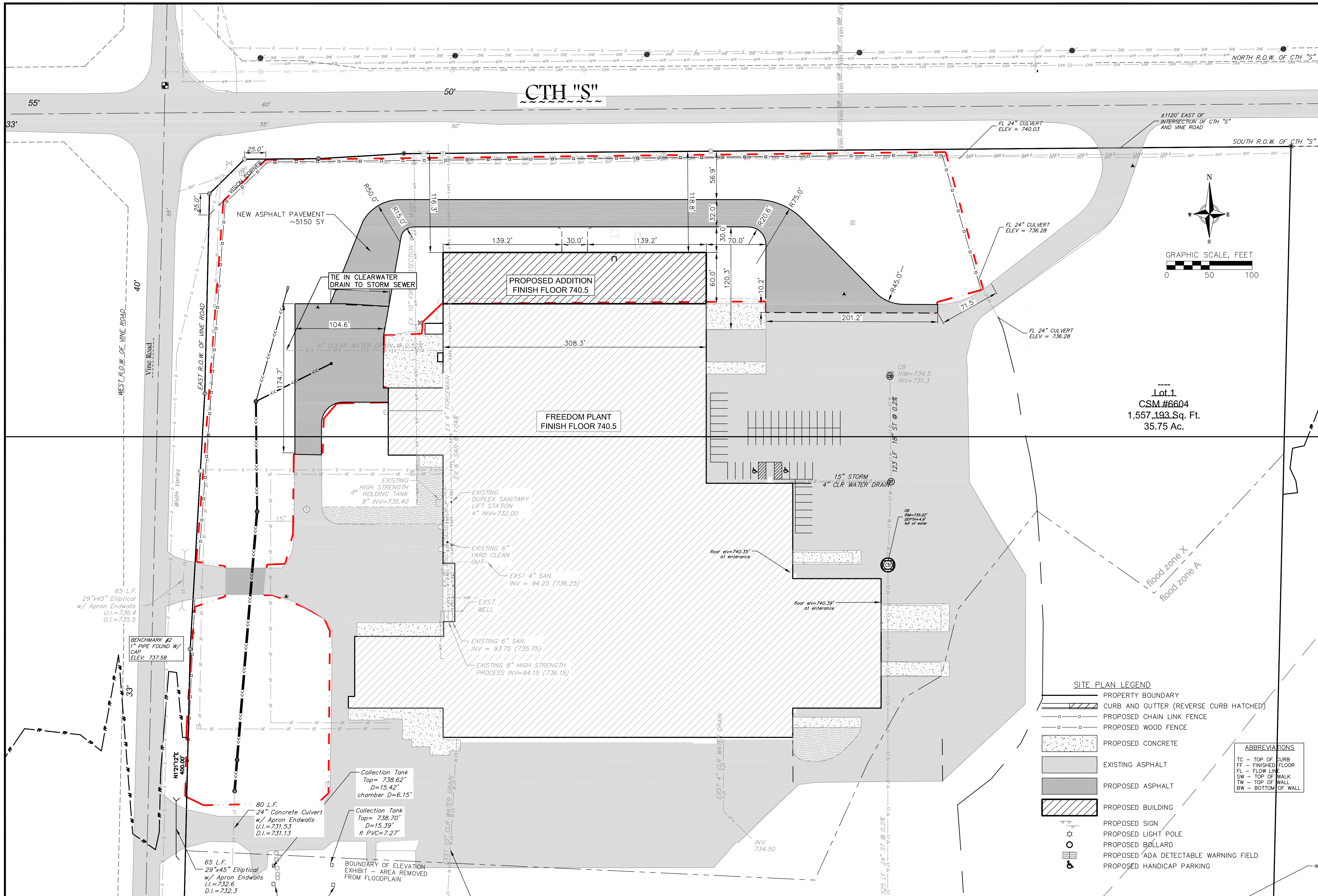
CPC recommends **approval** of the Concept contingent preparation of an amended CSM showing the buildable area of proposed Lot 2.

¹ CPC recommendations are based upon professional staff review of application materials provided to CPC. CPC staff reports are authored by a municipal planner, not a licensed attorney, and do not constitute a legal opinion.

Exhibit 1

- Purple lines w/purple dots – WI DNR Wetland Indicators





I. APPLICATION

Title of Project: Bel Gioioso Zoning Change
Name of Owner: Belgioioso Cheese Inc., rep. Sofia Krans
Name of Applicant: Benjamin Keuken, Belgioioso
Name of Surveyor/Engineer: Tonya Wagner, Vierbicher

II. BACKGROUND

The Applicant has submitted a 'Rezoning Application' (hereafter, Application) for Tax Parcel Number 090039900 (hereafter, TPN-090039900) located as N4056 Vine Road in the Town of Freedom. The proposed zoning change is necessary to accommodate an addition to the existing Principal Structure and Use (cheese plant).

TPN-090039900 hosts WI DNR Wetland Indicators and Flood Hazard Zones (see Exhibit 1). The bulk of the parcel, including the majority of the Principal Structure, is located within the 2030 Sewer Service Area (see Exhibit 2).

III. ZONING ORDINANCE

TPN-090039900 is 35.75 acres in size and is zoned AGD General Agricultural District. The owner requests a zoning change to IND Industrial District (hereafter, IND District) the purpose of which is to better reflect the actual use of the parcel (i.e., manufacturing). Section 54-306 of the Outagamie County Zoning Ordinance (hereafter, zoning ordinance) establishes the following as Permitted Principal Uses and Structures in the IND District:

- (4) *Agricultural related uses, including feed mills and co-ops.*
- (6) *Light manufacturing uses, including bottling, packaging, laboratories and uses of a similar nature.*

The requested zoning change is **compliant** with Section 54-306 of the zoning ordinance.

Section 54-309 of the zoning ordinance establishes the following 'Dimensional Requirements' for IND District lots.

Dimensional Requirements – IND District			
	Standard	TPN-090039900	Compliant
Lot Standards			
Minimum Area	12,000 sf.	1,557,270 sf.	Yes
Minimum Lot Width	100 ft.	1,226 ft., 2 in.	Yes
Maximum Lot Coverage	35%	Approx. 14% (4.96 ac.)	Yes

The requested zoning change is **compliant** with Section 54-309 of the zoning ordinance.

IV. COMPREHENSIVE PLAN

Wis. Stat. § 66.1001(3)(j) requires a county administering zoning regulations to do so consistent with an adopted comprehensive plan. As per Wis. Stat. § 66.1001(1)(am), ‘consistent with’ means: *‘furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.’*

Town of Freedom Comprehensive Plan

The Town of Freedom Comprehensive Plan (hereafter, comprehensive plan) was adopted in October 2020 and classifies TPN-090039900 as ‘Industrial’ and locates the parcel within Freedom Sanitary District #1 (see Exhibit 3).

The requested zoning change is **consistent with** the Town of Freedom Comprehensive Plan.

Outagamie County Comprehensive Plan

The Outagamie County Comprehensive Plan was adopted in 2020 and classifies TPN-090039900 as ‘Commercial/Industrial’ (see Exhibit 4).

The requested zoning change is **consistent with** the Outagamie County Comprehensive Plan.

V. CPC RECOMMENDATION¹

CPC advises the Town Board to recommend to Outagamie County **approval** of the requested zoning change.

¹ CPC recommendations are based upon professional staff review of application materials provided to CPC. CPC staff reports are authored by a municipal planner, not a licensed attorney, and do not constitute a legal opinion.

Exhibit 1

- Purple lines w/dots – WI DNR Wetland Indicators
- Light blue shading – Flood Hazard Zone

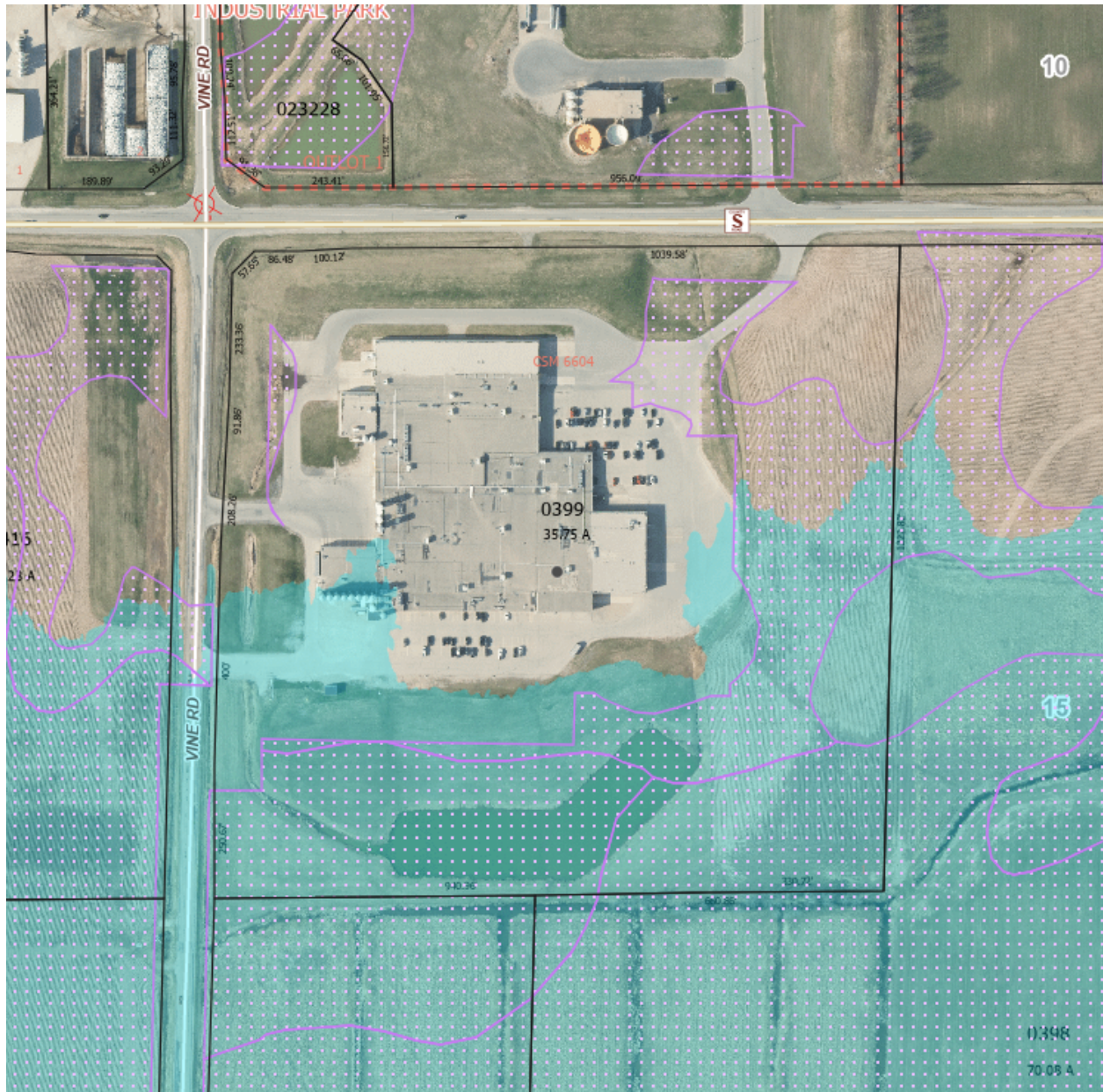


Exhibit 2

- Blue shading – Sewer Service Area

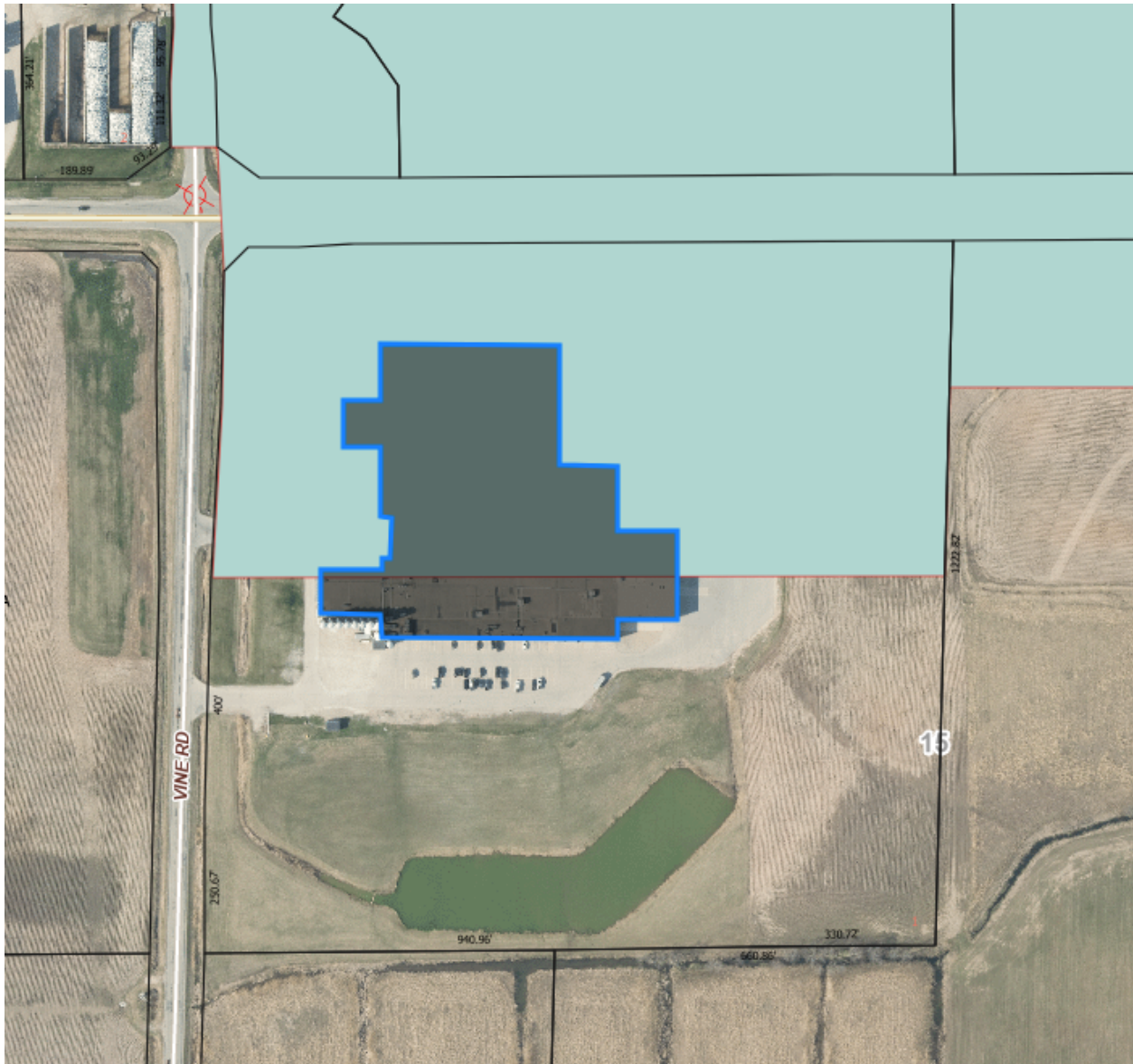


Exhibit 3

- Purple shading –
- Pink dashed line – Sanitary District #1

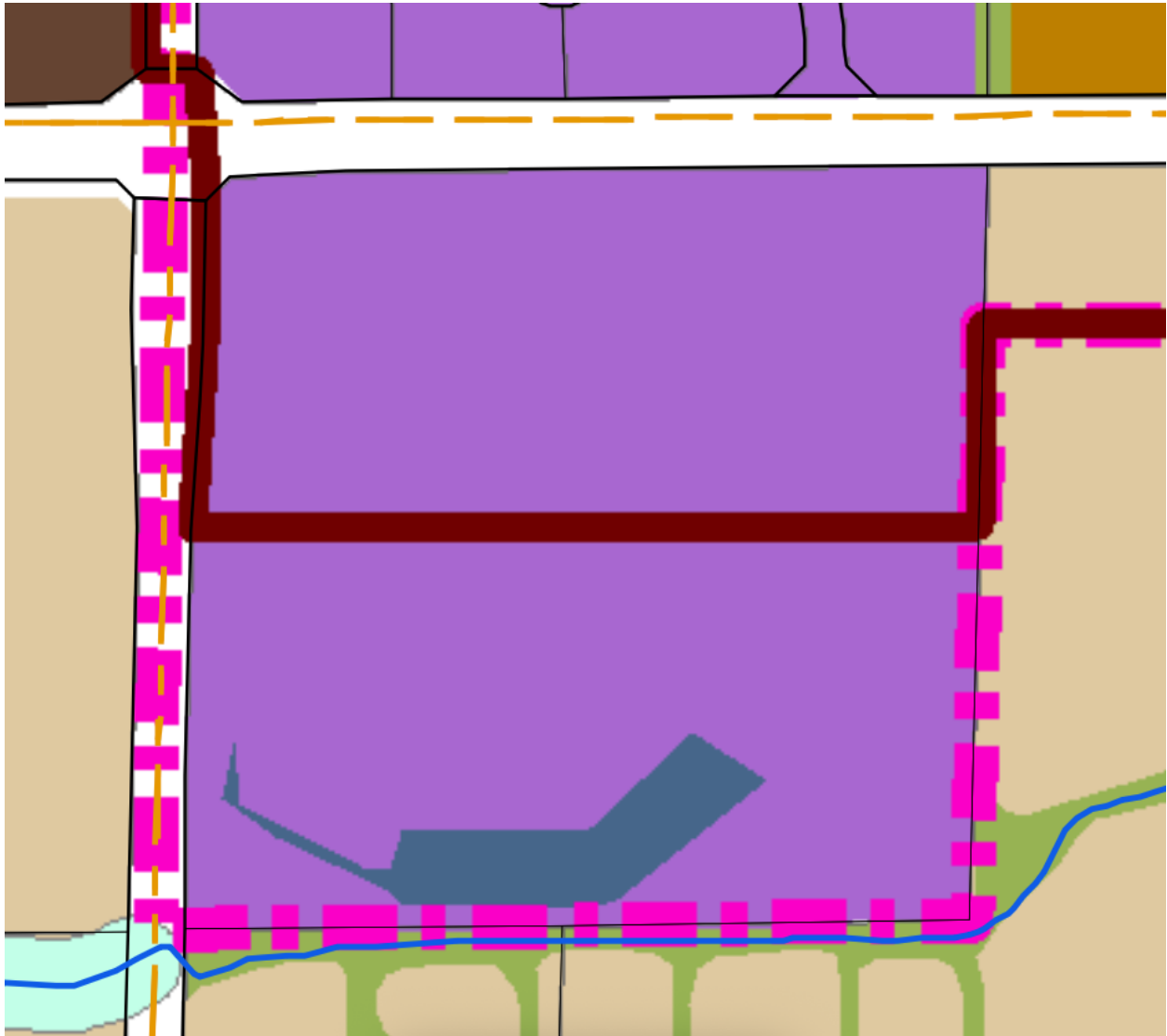


Exhibit 4

- Purple shading – Commercial/Industrial





Town of Freedom

OUTAGAMIE COUNTY P.O. BOX 1007 FREEDOM, WI 54131

W2004 County Road S - PO Box 1007 - Freedom, WI 54131

920-788-4548 phone - 920-788-7550 fax

clerk@townoffreedom.org - www.townoffreedom.org

**Rezoning Application – Page 1
(Submit 15 copies of Drawings)**

Property Owner(s): BelGioioso Cheese Inc.

Address/City/Zip: 4200 Main Street, Green Bay, WI 54311

Phone: 920-863-3755 **Fax:** _____ **E-Mail:** sofia.krans@belgioioso.com

Applicant (if other than Owner): Benjamin Keuken

Check: Architect ☐ Engineer ☐ Surveyor ☐ Attorney ☐ Agent ☐

Address/City/Zip: _____

Phone: 920-655-6311 **Fax:** _____ **E-Mail:** benjamin.keuken@belgioioso.com

I/we certify the attached drawings are to the best of my/our knowledge complete and drawn in accordance with all codes.

Owner Signature: [Signature] **Date:** 7/29/2025

Applicant Signature: [Signature] **Date:** 29 JUL 2025

Zoning Specifics:

Tax Key No.(s): 090039900

Address of Property to be Rezoned: N4056 Vine Road, Kaukauna, WI 54913

Existing Zoning: General Agriculture

Proposed Zoning: Industrial

Current Land Use: Cheese Plant

Proposed Land Use: Cheese Plant

Is the Proposed Zoning consistent with the Town's Comprehensive Plan: Yes ☒ No ☐

State the reasons for the rezoning.

We propose rezoning to better align with current and future property use - cheese manufacturing.

Would the rezoning endanger or create an adverse impact to the adjacent neighborhood?

No.

Would the rezoning provide a beneficial impact to the community at large?

Yes.

Are the soils and drainage conditions favorable for your intended use? If not, how will the existing hazards be overcome? During construction, what provisions will be made to prevent soil loss?

Yes.

Rezoning Application – Page 2

What types of public facilities are currently provided on the land? (e.g. sewer, water, utilities, etc.)

Do these facilities have the capability to support your intended use?

Gas, Electricity, City Water, and City Sanitary. No additional capacity requirements are currently intended.

What type of community facilities and services will have to be provided resulting from your request?
(i.e., additional water/sewer lines, roads, etc.)

None.

Are there any comments, information, special conditions related to the land that would be favorable for granting your request?

For Town Use Only

Fee: _____ Acct No: _____ Receipt: _____ Date: _____

Date Rec'd Complete: _____ By: _____ Applic. No.: _____

Neighbors within 300 feet notified: _____

Review by Plan Commission: _____

Recommendation to: Approve _____ Deny _____

Review by Town Board: _____

Rezoning is: Approved _____ Denied _____

If denied, date resolution was filed with Outagamie County: _____

Comments: _____

APPLICATION for FINAL PLAT

A **Complete Application** is required before the Town of Freedom can review the proposed land division. A Complete Application entails a fully completed application form along with all required documents and drawings (printed copy and PDF) and payment of the Application Fee submitted as a single application packet.

Submittal Deadline:

The Application for Final Plat shall be submitted within 12 months of Town Board approval of the Preliminary Plat.

Contact Information:

Name of Property Owner: CHAD AND MARK PROPERTIES, LLC

Address: W2015 INDUSTRIAL DRIVE, FREEDOM, WI 54130

Phone: 920-788-2494 Email: chad@readerplumbing.com

Name of Subdivider (if different from Property Owner): _____

Company Name: _____

Address: _____

Phone: _____ Email: _____

Name of Authorized Agent (if different from Subdivider): _____

Company Name: _____

Address: _____

Phone: _____ Email: _____

Name of Land Surveyor: TROY HEWITT

Company Name: REL

Address: 1250 CENTENNIAL CENTRE BLVD, HOBART, WI 54155

Phone: 920-662-9641 Email: thewitt@releeinc.com

Property Description:

Address (if different from property owner): N3782 COUNTRY VILLA WAY, APPLETON, WI 54913

Tax Parcel Number: 090040701, 090040706, 090040300

(Please include as attachment if more than one parcel is proposed to be divided)

Location of Property: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Town 22 Range 18, Town of Freedom

Current Use of Parcel to be Divided: ASSISTED LIVING, SINGLE FAMILY, AG

Submittal Requirements:

The Applicant shall submit the following:

- 10 copies of the completed Application for Final Plat.
 - Two copies of the plat 22 inches by 30 inches
 - Eight copies of the plat 11 inches by 17 inches.
- Four copies of all other plans and specifications required in this Chapter.
- One copy of the Application for Final Plat, the plat, and all other supporting information and documentation in PDF format, or an equivalent format acceptable to the Town.
- Proposed restrictive covenants (see below).

Covenants:


A covenant shall be recorded and placed on the Final Plat, and shall read as follows:

- Maintenance of all drainageways and associated structures within the land division or serving the land division is the sole responsibility of the property owners of the land division, unless noted on the plan.
- Upon failure of the property owner(s) to perform maintenance of the drainageways and associated structures, the county and/or town retains the right to perform maintenance and/or repairs. The payment of the maintenance and repairs shall be assessed among the property owners of the land division in an equal amount with a drainage covenant or where the cause can specifically identified then the payment shall be assessed to a specific property owner.

The face of the Final Plat shall contain the following statement: Any agricultural drain tile disturbed, cut, or broken as part of the development of the plat or excavation for home construction must be repaired and/or relocated to allow for the drain tile to continue to drain as originally designed. The cost of repair or relocation must be borne by the party or his agent damaging the drain.

Signature and Certification:

By signing and dating below, you certify the information presented on this Application along with the drawings and documents included therein are, to the best of your knowledge, complete and in accordance with the Town of Freedom Land Division Ordinance.

Applicant Signature:  Date: 7/14/2025

Application Fee:

The Application Fee for a Final Plat is \$250.00, plus \$10.00 per lot/outlot.

Recorded Final Plat:

Once approved and recorded, the subdivider shall provide one paper and one PDF format copy of the recorded Final Plat to the Town Clerk.

For Town Use Only



Check No: _____ Amount: _____ Date Received: _____

COUNTRY VILLA ESTATES

PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND ALL OF LOTS 2 AND 3, VOLUME 45, CERTIFIED SURVEY MAPS, PAGE 7454, MAP NUMBER 7454, DOCUMENT NUMBER 2118741, SAID MAP LOCATED IN PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, ALL BEING PART OF SECTION 15, TOWNSHIP 22 NORTH, RANGE 18 EAST, TOWN OF FREEDOM, OUTAGAMIE COUNTY, WISCONSIN

LEGEND

- Set 1" x 18" iron pipe with cap weighing 1.13 lbs./lin. ft.
- Set 2.375" outside diameter x 30" iron pipe min. wt. 3.65 lb./lin. ft.
- Existing 1" iron pipe
- ✦ Existing 5/8" iron rod unless noted
- ⊕ PLSS monument as noted

Bearings are referenced to the Outagamie County Coordinate System. The south line of the Southwest 1/4 of Section 15, T22N-R18E bears N88°26'15\"

All linear measurements have been made to the nearest hundredth of a foot and computed to the nearest hundredth of a foot.

All angular measurements have been made to the nearest three seconds and computed to the nearest half second.

LEGEND

- Set 1" x 18" iron pipe with cap weighing 1.13 lbs./lin. ft.
- Set 2.375" outside diameter x 30" iron pipe min. wt. 3.65 lb./lin. ft.
- Existing 1" iron pipe
- ✦ Existing 5/8" iron rod unless noted
- ⊕ PLSS monument as noted

SCALE: 1" = 60'


Bearings are referenced to the Outagamie County Coordinate System. The south line of the Southwest 1/4 of Section 15, T22N-R18E bears N88°26'15"W.

All linear measurements have been made to the nearest hundredth of a foot and computed to the nearest hundredth of a foot.

All angular measurements have been made to the nearest three seconds and computed to the nearest half second.

-

○ Set 1" x 18" iron pipe with cap weighing 1.13 lbs./lin. ft.
 ● Set 2.375" outside diameter x 30" iron pipe min. wt. 3.65 lb./lin. ft.
 ● Existing 1" iron pipe
 ■ Existing 5/8" iron rod unless noted
 ⊕ PLSS monument as noted



0' 30' 60' 120'
 Bearings are referenced to the Outagamie County Coordinate System. The south line of the Southwest 1/4 of Section 15, T22N-R18E bears N88°26'15"W.
 All linear measurements have been made to the nearest hundredth of a foot and computed to the nearest hundredth of a foot.
 All angular measurements have been made to the nearest three seconds and computed to the nearest half second.

DRAINAGE WAY COVENANT

(a) Maintenance of all drainageways and associated structures within the land division or serving the land division is the sole responsibility of the property owners of the land division, unless noted on the plan.

(b) Upon failure of the property owner(s) to perform maintenance of the drainageways and associated structures, the county and/or town retains the right to perform maintenance and/or repairs. The payment of the maintenance and repairs shall be the responsibility of the property owners in an equal amount with a drainage covenant or where the cause can be specifically identified then the payment shall be assessed to a specific property owner.

(c) No artificial obstruction may be constructed, planted or maintained within any manmade or natural drainage easement so that such obstruction impedes the natural flow of water and/or diminishes the natural aesthetic quality of the drainageway.

(a) Maintenance of all drainageways and associated structures within the land division or serving the land division is the sole responsibility of the property owners of the land division, unless noted on the plan.

(b) Upon failure of the property owner(s) to perform maintenance of the drainageways and associated structures, the county and/or town retains the right to perform maintenance and/or repairs. The payment of the maintenance and repairs shall be assessed among the property owners of the land division in an equal amount with a drainage covenant or where the cause can be specifically identified then the payment shall be assessed to a specific property owner.

(c) No artificial obstruction may be constructed, planted or maintained within any manmade or natural drainage easement so that such obstruction impedes the natural flow of water and/or diminishes the natural aesthetic quality of the drainageway.

DRAIN TILE NOTE

Any agricultural drain tile disturbed, cut, or broken as part of the development of the plat or excavation for home construction must be repaired and/or relocated to allow for the drain tile to continue to drain as originally designed. The cost of repair or relocation must be borne by the party or his agent damaging the drain.

Any agricultural drain tile disturbed, cut, or broken as part of the development of the plat or excavation for home construction must be repaired and/or relocated to allow for the drain tile to continue to drain as originally designed. The cost of repair or relocation must be borne by the party or his agent damaging the drain.

OUTLOT 1 NOTE
Outlot 1 is dedicated to the Town of Freedom & maintained by the Town for park purposes.

Outlot 1 is dedicated to the Town of Freedom & maintained by the Town for park purposes.

OUTLOT 2 NOTE
Outlot 2 is reserved for future development & maintained by the owner of record.

Outlot 2 is reserved for future development & maintained by the owner of record.

LOT 3 & OUTLOT 3 RESTRICTIVE COVENANT
 Lot 3 and Outlot 3 must be conveyed concurrently to the grantee and remain together in possession to their respective heirs, successors and assigns in perpetuity.

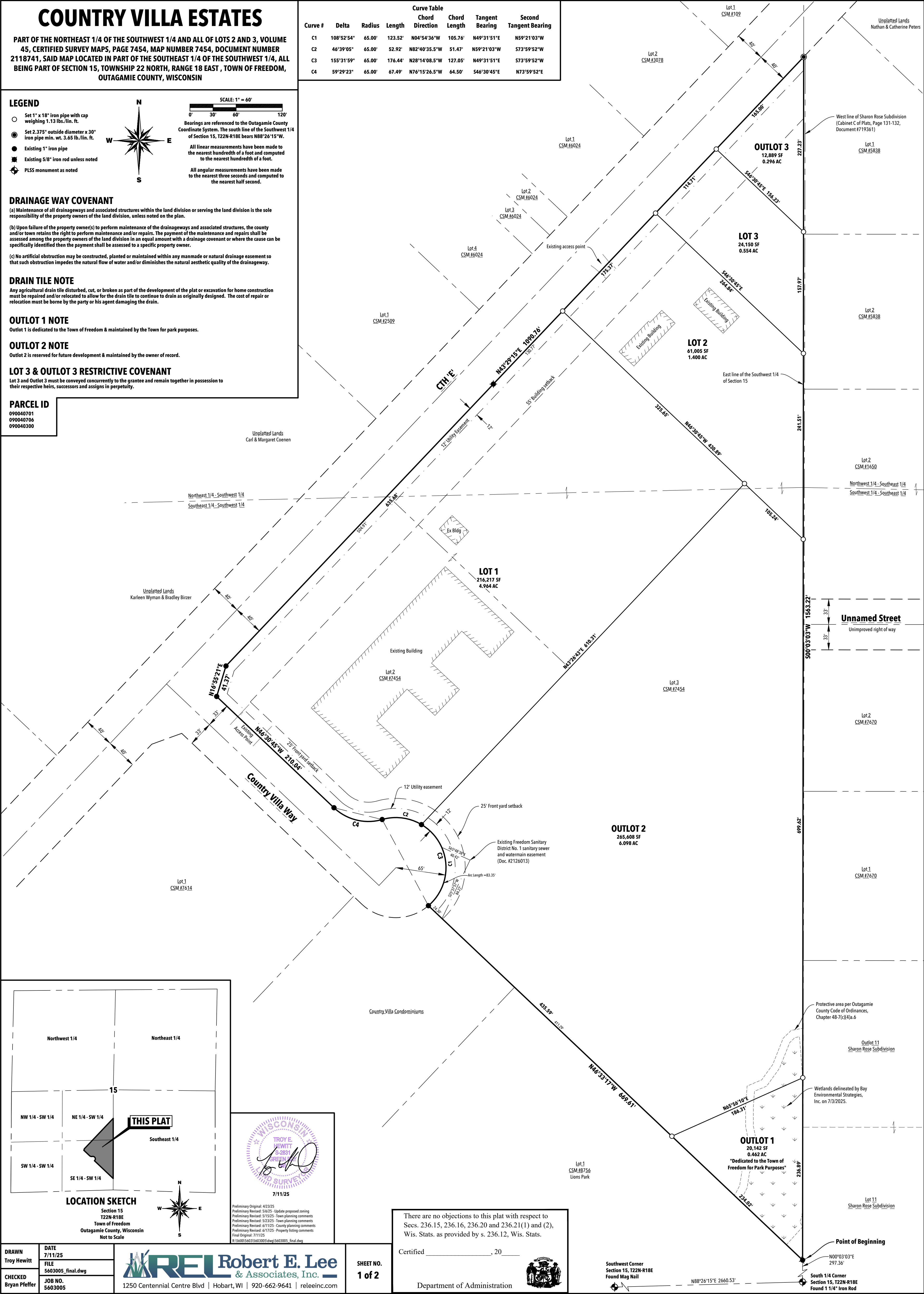
Lot 3 and Outlot 3 must be conveyed concurrently to the grantee and remain together in possession to their respective heirs, successors and assigns in perpetuity.

PARCEL ID	
090040701	
090040706	
090040300	

Unplatted Lands

[illegible]

Curve Table							
Curve #	Delta	Radius	Length	Chord Direction	Chord Length	Tangent Bearing	Second Bearing
C1	108°52'54"	65.00'	123.52'	N04°54'36"W	105.76'	N49°31'51"E	N59°21'03"W
C2	46°39'05"	65.00'	52.92'	N82°40'35.5"W	51.47'	N59°21'03"W	S73°59'52"W
C3	155°31'59"	65.00'	176.44'	N28°14'08.5"W	127.05'	N49°31'51"E	S73°59'52"W
C4	59°29'23"	65.00'	67.49'	N76°15'26.5"W	64.50'	S46°30'45"E	N73°59'52"E



COUNTRY VILLA ESTATES

PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND ALL OF LOTS 2 AND 3, VOLUME 45, CERTIFIED SURVEY MAPS, PAGE 7454, MAP NUMBER 7454, DOCUMENT NUMBER 2118741, SAID MAP LOCATED IN PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, ALL BEING PART OF SECTION 15, TOWNSHIP 22 NORTH, RANGE 18 EAST , TOWN OF FREEDOM, OUTAGAMIE COUNTY, WISCONSIN

OWNER'S CERTIFICATE OF DEDICATION (Parcel 090040706)

As owners, we hereby certify that we caused the land described on this plat to be surveyed, divided, mapped, granted (easements) and dedicated as represented on the plat. We also certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

- 1.) TOWN OF FREEDOM
- 2.) OUTAGAMIE COUNTY
- 3.) DEPARTMENT OF ADMINISTRATION

WITNESS the hand and seal of said owners this _____ day of _____, 2025.

Land Contract Vendor

Chad and Mark Properties, LLC

Print Name and Title (Chad and Mark Properties, LLC)

Land Contract Vendee

Chad and Mark Freedom Development, Inc.

Print Name and Title (Chad and Mark Freedom Development, Inc.)

STATE OF WISCONSIN) _____ COUNTY) SS

Personally came before me this _____ day of _____, 2025, the above named _____ to me known to be the persons who executed the foregoing instrument and acknowledged the same.

_____, Notary Public,
_____, Print Name

_____, Wisconsin

My commission expires _____

CONSENT OF CORPORATE MORTGAGEE (Parcel 090040706)

Nicolet National Bank, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and granting (easements) of the land described on this plat, and does hereby consent to the above certificate of Chad and Mark Freedom Development, Inc., Vendee.

IN WITNESS WHEREOF, the said Nicolet National Bank has caused these presents to be signed by an Authorized Officer, and countersigned by an Authorized Officer, at _____ (office address), Wisconsin, and its corporate seal to be hereunto affixed this _____ day of _____, 2025.

In the presence of:

NICOLET NATIONAL BANK

(Print name and title above) _____ (Print name and title above)

STATE OF _____)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 2025, the above named to be the same persons who executed the foregoing instrument and acknowledged the same.

_____, Notary Public, State of _____
(print name)_____

My commission expires: _____

OWNER'S CERTIFICATE OF DEDICATION (Parcel 090040300)

Chad & Mark Properties, LLC, a limited liability corporation duly organized and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability corporation caused the land described on this plat to be surveyed, divided, mapped and granted (easements) as represented on this plat.

Chad & Mark Properties, LLC, does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

- 1.) TOWN OF FREEDOM
- 2.) OUTAGAMIE COUNTY
- 3.) DEPARTMENT OF ADMINISTRATION

Dated this _____ day of _____, 2025.

By _____

Print Name _____

Title _____ Date _____

STATE OF WISCONSIN) _____ COUNTY) SS

Personally came before me this _____ day of _____, 2025 the above named officer of said limited liability corporation to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation, and acknowledged that they executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

_____, Notary Public,
_____, Wisconsin

My commission expires _____

CONSENT OF CORPORATE MORTGAGEE (Parcel 090040300)

Nicolet National Bank, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and granting (easements) of the land described on this plat, and does hereby consent to the above certificate of Chad & Mark Properties, LLC, owner.

IN WITNESS WHEREOF, the said Nicolet National Bank has caused these presents to be signed by an Authorized Officer, and countersigned by an Authorized Officer, at _____ (office address), Wisconsin, and its corporate seal to be hereunto affixed this _____ day of _____, 2025.

In the presence of:

NICOLET NATIONAL BANK

(Print name and title above) _____ (Print name and title above)

STATE OF _____)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 2025, the above named to me known to be the same person who executed the foregoing instrument and acknowledged the same.

_____, Notary Public, State of _____
(print name)_____

My commission expires: _____

CERTIFICATE OF TOWN PLANNING COMMISSION APPROVAL

The plat of Country Villa Estates has been approved by the Town of Freedom Planning Commission.

_____, Date _____
Linda Borneman
Town Planning Commission Chairperson

CERTIFICATE OF DEPARTMENT OF DEVELOPMENT & LAND SERVICES

The plat of Country Villa Estates in the Town of Freedom, Outagamie County, has been reviewed and hereby approved by Outagamie County on this the _____ day of _____, 2025.

_____, Date _____
Austin Dyb
Outagamie County Land Use Specialist

CERTIFICATE OF TOWN TREASURER

As duly appointed, qualified and acting Treasurer of the Town of Freedom, I hereby certify records in our office show no unredeemed taxes and no unpaid or special assessments affecting any of the lands included in Country Villa Estates as of the date listed below.

_____, Date _____
Dana McHugh
Town of Freedom Treasurer

CERTIFICATE OF COUNTY TREASURER

I, Rochelle Oskey, being the duly elected, qualified and acting treasurer of the county of Outagamie, do hereby certify records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of the date listed below affecting the lands included in the plat of Country Villa Estates.

_____, Date _____
Rochelle Oskey
Outagamie County Treasurer

SURVEYOR'S CERTIFICATE

I, Troy E. Hewitt, Professional Land Surveyor, hereby certify that by the order and under the direction of the owners listed hereon, I have surveyed, divided and mapped a parcel of land being part of the Northeast 1/4 of the Southwest 1/4 and all of Lots 2 and 3, Volume 45, Certified Survey Maps, Page 7454, Map Number 7454, Document Number 2118741, said map located in part of the Southeast 1/4 of the Southwest 1/4, all being part of Section 15, Township 22 North, Range 18 East, Town of Freedom, Outagamie County, Wisconsin more fully described as follows:

Commencing at the Southwest corner of said Section 15; thence N88°26'15"E, 2660.53 feet on the south line of said Southwest 1/4 to the South 1/4 of said Section 15; thence N00°03'03"E, 297.36 feet on the east line of said Southwest 1/4 to the southern-most corner of said Lot 3, the POINT OF BEGINNING; thence N46°33'17"W, 669.61 feet on a southwest line of said Lot 3 to the southeast right of way of Country Villa Way; thence 176.45 feet on the arc of a 65.00 foot radius curve to the left, having a long chord which bears N28°14'08.5"W, 127.05 feet on said southeast right of way and continuing on the northeast right of way of said Country Villa Way; thence 67.49 feet on the arc of a 65.00 foot radius curve to the right, having a long chord which bears N76°15'26.5"W, 64.50 feet on said northeast right of way; thence N46°30'45"W, 210.04 feet on said northeast right of way to the southeast right of way of CTH "E"; thence N16°55'21"E, 41.37 feet on said southeast right of way; thence N43°29'15"E, 1090.76 feet on said southeast right of way to said east line of said Southwest 1/4; thence S00°03'03"W, 1563.22 feet on said east line to the Point of Beginning.

Said parcel contains 600,011 Square Feet (13.774 Acres) of land more or less.
Subject to all esements and restrictions of record.

That the within map is a true and correct representation of the exterior boundaries of the land surveyed and the division of that land and that I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes in the surveying, dividing and mapping of the same.

_____, 7/11/25, Date _____
Troy E. Hewitt PLS #2831
ROBERT E. LEE & ASSOCIATES, INC.

Preliminary Original: 4/23/25
Preliminary Revised: 5/6/25 - Update proposed zoning
Preliminary Revised: 5/15/25 - Town planning comments
Preliminary Revised: 5/23/25 - Town planning comments
Preliminary Revised: 6/11/25 - County planning comments
Preliminary Revised: 6/17/25 - Property listing comments
Final Original: 7/11/25



UTILITY EASEMENT PROVISIONS

A non-exclusive easement granted to public utilities including but not limited to electric, natural gas, communications, water distribution, sewer collection, drainage, etc., is hereby granted by

CHAD AND MARK PROPERTIES, LLC and CHAD AND MARK FREEDOM DEVELOPMENT, INC., Grantor(s),

WISCONSIN ELECTRIC POWER COMPANY and WISCONSIN GAS, LLC, a Wisconsin corporations doing business as WE Energies and other Public Utilities, Grantee(s), their respective successors and assigns, to construct, install, operate, repair, maintain, and replace from time to time, facilities used in connection with underground public utilities for such purposes as the same is now or may hereafter be used, all in, under, across, along, and upon the property shown within those areas designated on the plat, together with the right to install service connections upon, across, within, and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush, and/or roots as may be reasonably required incidental to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The grantee may remove obstructions, including structures such as sheds, raised garden beds, play sets, etc. The grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. Structures shall not be placed over Grantee's facilities or in, upon or over the property within the lines marked "Utility Easement" without the prior written consent of the Grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors, and assigns of all parties hereto.

No utility transformers or pedestals are to be set within 2 feet of a lot corner monument.

No conductors are to be buried within 1 foot of a lot corner monument.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20 _____

Department of Administration



DRAWN Troy Hewitt	DATE 7/11/25
	FILE 5603005_final.dwg
CHECKED Bryan Pfeffer	JOB NO. 5603005

 **Robert E. Lee**
& Associates, Inc.
1250 Centennial Centre Blvd | Hobart, WI | 920-662-9641 | releinc.com

SHEET NO.
2 of 2

R:\56000\5603\5603005.dwg\5603005_final.dwg

PRELIMINARY PLAT COUNTRY VILLA ESTATES

ALL OF LOTS 2 & 3, VOLUME 45, CERTIFIED SURVEY MAP, PAGE 7454, MAP NUMBER 7454,
DOCUMENT NUMBER 2118741, LOCATED IN PART OF THE SOUTHEAST 1/4 OF THE
SOUTHWEST 1/4, AND PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, ALL BEING
PART OF SECTION 15, TOWNSHIP 22 NORTH, RANGE 18 EAST, TOWN OF FREEDOM,
OUTAGAMIE COUNTY, WISCONSIN

ZONING

RSF Single-Family Residential
RMF Multi-Family Residential
AGD General Agriculture

PROPOSED ZONING

RSF Single-Family Residential (Lot 3)
RMF Multi-Family Residential (Lot 2)
RTF Residential Two-Family District (Lots 1 & 4)

MINIMUM LOT AREA AS PLATTED

12,889 Sq. Ft.
0.296 Acres

NUMBER OF LOTS

3 Lots
3 Outlots

OWNER

Chad and Mark Properties, LLC
W2015 Industrial Drive
Freedom, WI 54130
(920) 788-2494

Chad and Mark Freedom Development, Inc.
W2015 Industrial Drive
Freedom, WI 54130
(920) 788-2494

SURVEYOR

Troy E. Hewitt
Professional Land Surveyor #2831
Robert E. Lee & Associates, Inc.
1250 Centennial Centre Boulevard
Hobart, WI 54155
(920) 662-9641

APPROVING & OBJECTING AUTHORITIES

Town of Freedom
Department of Administration
Outagamie County

PARCEL ID

090040701
090040706
090040300

PLATTED AREA

600,011 Square Feet
13.774 Acres

DRAIN TILE NOTE

Any agricultural drain tile disturbed, cut, or
broken as part of the development of the plat or
excavation for home construction must be
repaired and/or relocated to allow for the drain
tile to continue to drain as originally designed.
The cost of repair or relocation must be borne
by the party or his agent damaging the drain.

OUTLOT 2 NOTE

Outlot 2 is reserved for future development.

VERTICAL DATUM

Contours are based on the North American Vertical
Datum of 1988 (NAVD88).

LEGEND

- Set 1" x 18" iron pipe with cap
weighing 1.13 lbs./lin. ft.
- Set 2.375" outside diameter x 30"
iron pipe min. wt. 3.65 lb./lin. ft.
- Existing 1" iron pipe
- Existing 5/8" iron rod unless noted
- PLSS monument as noted

SCALE: 1" = 60'

Bearings are referenced to the Outagamie County
Coordinate System. The south line of the Southwest 1/4
of Section 15, T22N-R18E bears N88°26'15"W.

All linear measurements have been made to the
nearest hundredth of a foot and computed to
the nearest hundredth of a foot.

All angular measurements have been made to
the nearest three seconds and computed to
the nearest half second.

OUTLOT 3 RESTRICTIVE COVENANT

Lot 3 and Outlot 3 must be conveyed concurrently to the
grantee and remain together in possession to their respective
heirs, successors and assigns in perpetuity.

DRAINAGE WAY COVENANT

(a) Maintenance of all drainageways and
associated structures within the land division or
serving the land division is the sole responsibility
of the property owners of the land division,
unless noted on the plan.

(b) Upon failure of the property owner(s) to
perform maintenance of the drainageways and
associated structures, the county and/or town
retains the right to perform maintenance and/or
repairs. The payment of the maintenance and
repairs shall be assessed among the property
owners of the land division in an equal amount
with a drainage covenant or where the cause can
be specifically identified then the payment shall
be assessed to a specific property owner.

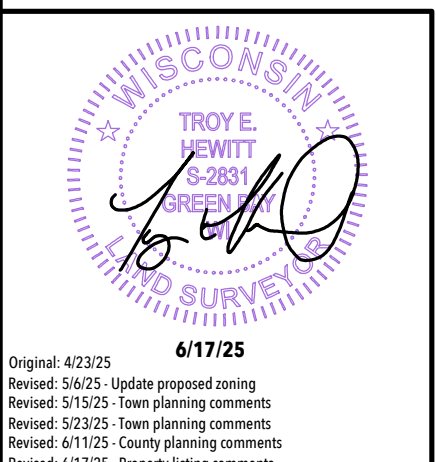
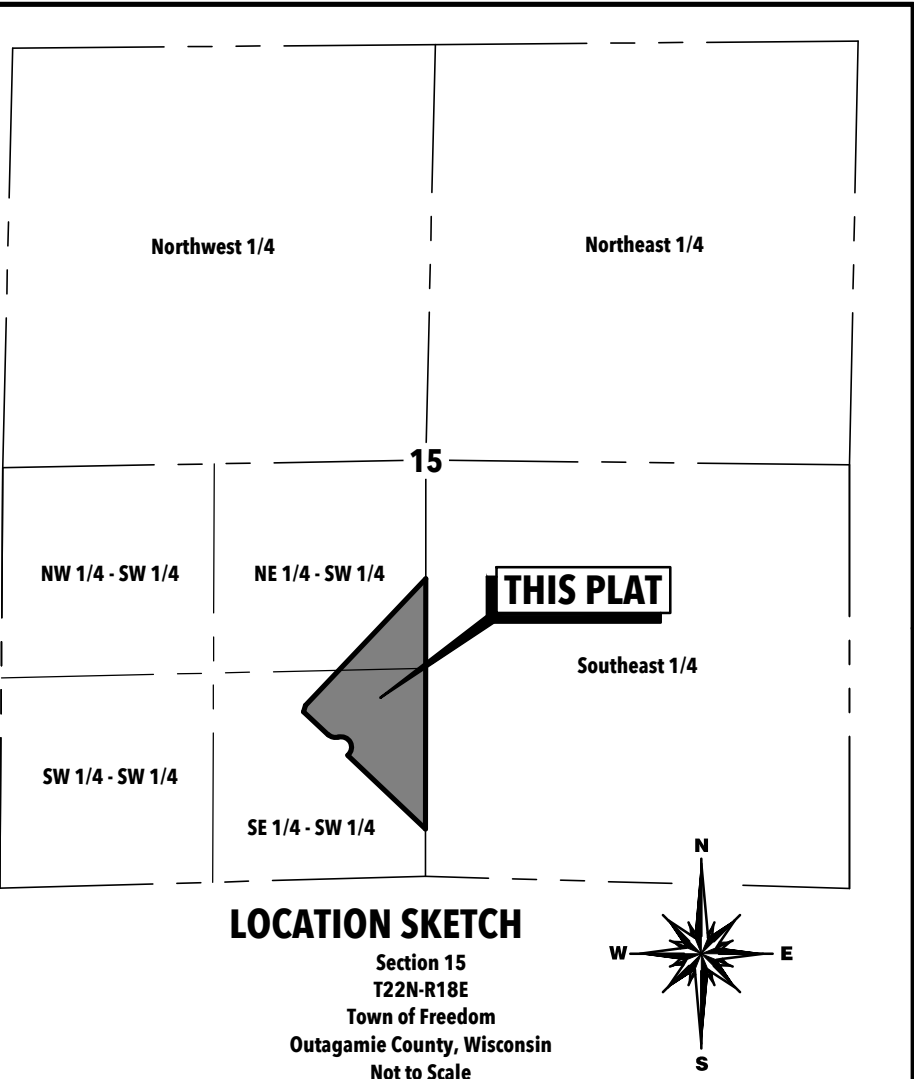
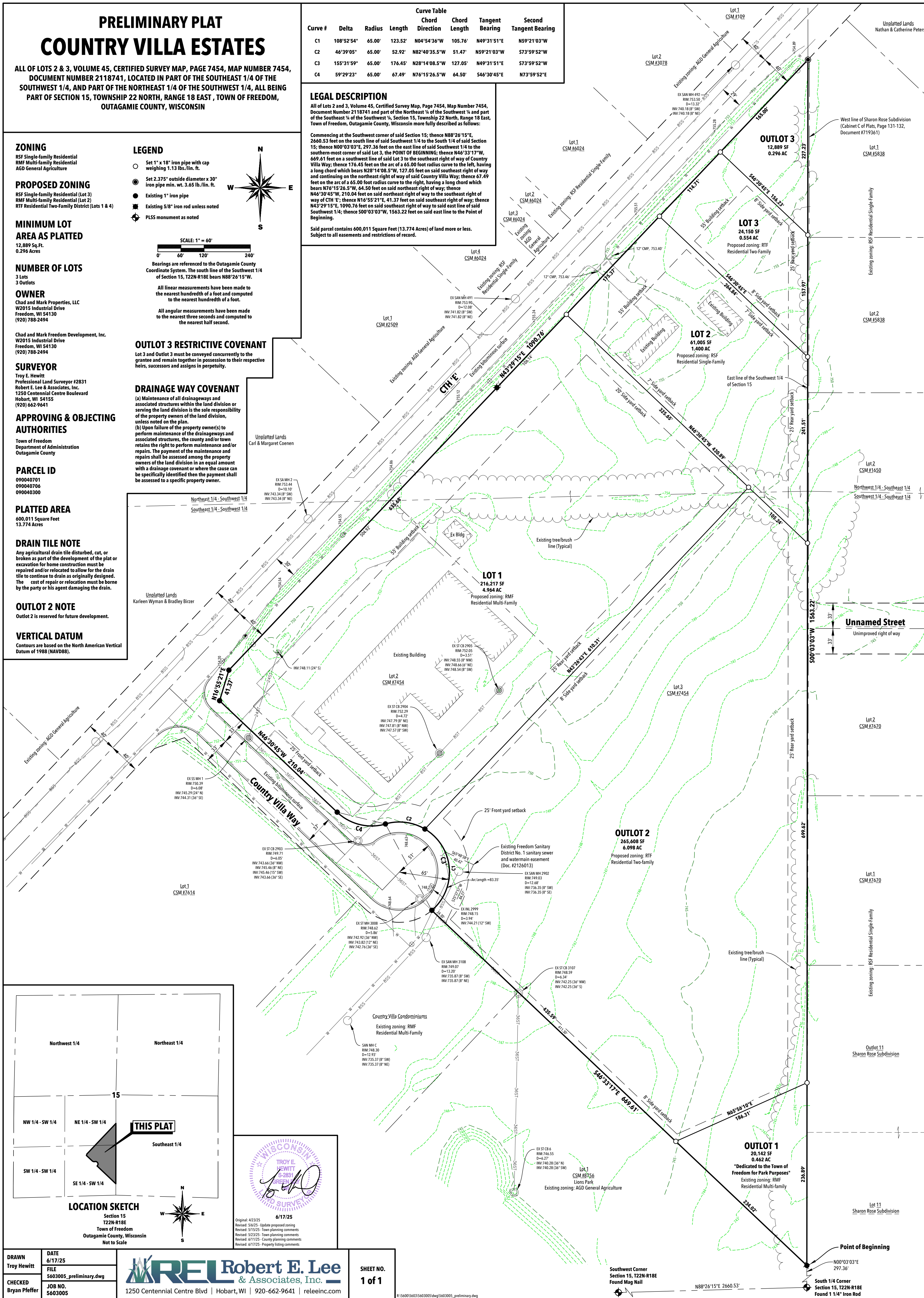
Curve #	Delta	Radius	Length	Chord Direction	Chord Length	Tangent Bearing	Second Tangent Bearing
C1	108°52'54"	65.00'	123.52'	N04°54'36"W	105.76'	N49°31'51"E	N59°21'03"W
C2	46°39'05"	65.00'	52.92'	N82°40'35.5"W	51.47'	N59°21'03"W	573°59'52"W
C3	155°31'59"	65.00'	176.45'	N28°14'08.5"W	127.05'	N49°31'51"E	573°59'52"W
C4	59°29'23"	65.00'	67.49'	N76°15'26.5"W	64.50'	S46°30'45"E	N73°59'52"E

LEGAL DESCRIPTION

All of Lots 2 and 3, Volume 45, Certified Survey Map, Page 7454, Map Number 7454,
Document Number 2118741 and part of the Northeast 1/4 of the Southwest 1/4 and part
of the Southwest 1/4 of the Southwest 1/4, Section 15, Township 22 North, Range 18 East,
Town of Freedom, Outagamie County, Wisconsin more fully described as follows:

Commencing at the Southwest corner of said Section 15; thence N88°26'15"E, 2660.53 feet on the south line of said Southwest 1/4 to the South 1/4 of said Section 15; thence N00°03'03"E, 297.36 feet on the east line of said Southwest 1/4 to the southern-most corner of said Lot 3, the POINT OF BEGINNING; thence N46°33'17"W, 669.61 feet on a southwest line of said Lot 3 to the southeast right of way of Country Villa Way; thence 176.45 feet on the arc of a 65.00 foot radius curve to the left, having a long chord which bears N28°14'08.5"W, 127.05 feet on said southeast right of way and continuing on the northeast right of way of said Country Villa Way; thence 67.49 feet on the arc of a 65.00 foot radius curve to the right, having a long chord which bears N76°15'26.5"W, 64.50 feet on said northeast right of way; thence N46°30'45"W, 210.04 feet on said northeast right of way to the southeast right of way of CTH'E; thence N16°55'21"E, 41.37 feet on said southeast right of way; thence N43°29'15"E, 1090.76 feet on said southeast right of way to said east line of said Southwest 1/4; thence S00°03'03"W, 1563.22 feet on said east line to the Point of Beginning.

Said parcel contains 600,011 Square Feet (13.774 Acres) of land more or less.
Subject to all easements and restrictions of record.



DRAWN	DATE
Troy Hewitt	6/17/25
CHECKED	FILE
Bryan Pfeffer	5603005_preliminary.dwg
	JOB NO.
	5603005

REL Robert E. Lee & Associates, Inc.
1250 Centennial Centre Blvd | Hobart, WI | 920-662-9641 | releinc.com

SHEET NO.
1 of 1

R:\56000\5603005\5603005.dwg\5603005_preliminary.dwg

APPLICATION for FINAL PLAT

A **Complete Application** is required before the Town of Freedom can review the proposed land division. A Complete Application entails a fully completed application form along with all required documents and drawings (printed copy and PDF) and payment of the Application Fee submitted as a single application packet.

Submittal Deadline:

The Application for Final Plat shall be submitted within 12 months of Town Board approval of the Preliminary Plat.

Contact Information:

Name of Property Owner: CHAD AND MARK PROPERTIES, LLC

Address: W2015 INDUSTRIAL DRIVE, FREEDOM, WI 54130

Phone: 920-788-2494 Email: chad@readerplumbing.com

Name of Subdivider (if different from Property Owner): _____

Company Name: _____

Address: _____

Phone: _____ Email: _____

Name of Authorized Agent (if different from Subdivider): _____

Company Name: _____

Address: _____

Phone: _____ Email: _____

Name of Land Surveyor: TROY HEWITT

Company Name: REL

Address: 1250 CENTENNIAL CENTRE BLVD, HOBART, WI 54155

Phone: 920-662-9641 Email: thewitt@releeinc.com

Property Description:

Address (if different from property owner): N3782 COUNTRY VILLA WAY, APPLETON, WI 54913

Tax Parcel Number: 090040701, 090040706, 090040300

(Please include as attachment if more than one parcel is proposed to be divided)

Location of Property: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Town 22 Range 18, Town of Freedom

Current Use of Parcel to be Divided: ASSISTED LIVING, SINGLE FAMILY, AG

Submittal Requirements:

The Applicant shall submit the following:

- 10 copies of the completed Application for Final Plat.
 - Two copies of the plat 22 inches by 30 inches
 - Eight copies of the plat 11 inches by 17 inches.
- Four copies of all other plans and specifications required in this Chapter.
- One copy of the Application for Final Plat, the plat, and all other supporting information and documentation in PDF format, or an equivalent format acceptable to the Town.
- Proposed restrictive covenants (see below).

Covenants:

A covenant shall be recorded and placed on the Final Plat, and shall read as follows:

- Maintenance of all drainageways and associated structures within the land division or serving the land division is the sole responsibility of the property owners of the land division, unless noted on the plan.
- Upon failure of the property owner(s) to perform maintenance of the drainageways and associated structures, the county and/or town retains the right to perform maintenance and/or repairs. The payment of the maintenance and repairs shall be assessed among the property owners of the land division in an equal amount with a drainage covenant or where the cause can specifically identified then the payment shall be assessed to a specific property owner.

The face of the Final Plat shall contain the following statement: Any agricultural drain tile disturbed, cut, or broken as part of the development of the plat or excavation for home construction must be repaired and/or relocated to allow for the drain tile to continue to drain as originally designed. The cost of repair or relocation must be borne by the party or his agent damaging the drain.

Signature and Certification:

By signing and dating below, you certify the information presented on this Application along with the drawings and documents included therein are, to the best of your knowledge, complete and in accordance with the Town of Freedom Land Division Ordinance.

Applicant Signature:  Date: 7/14/2025

Application Fee:

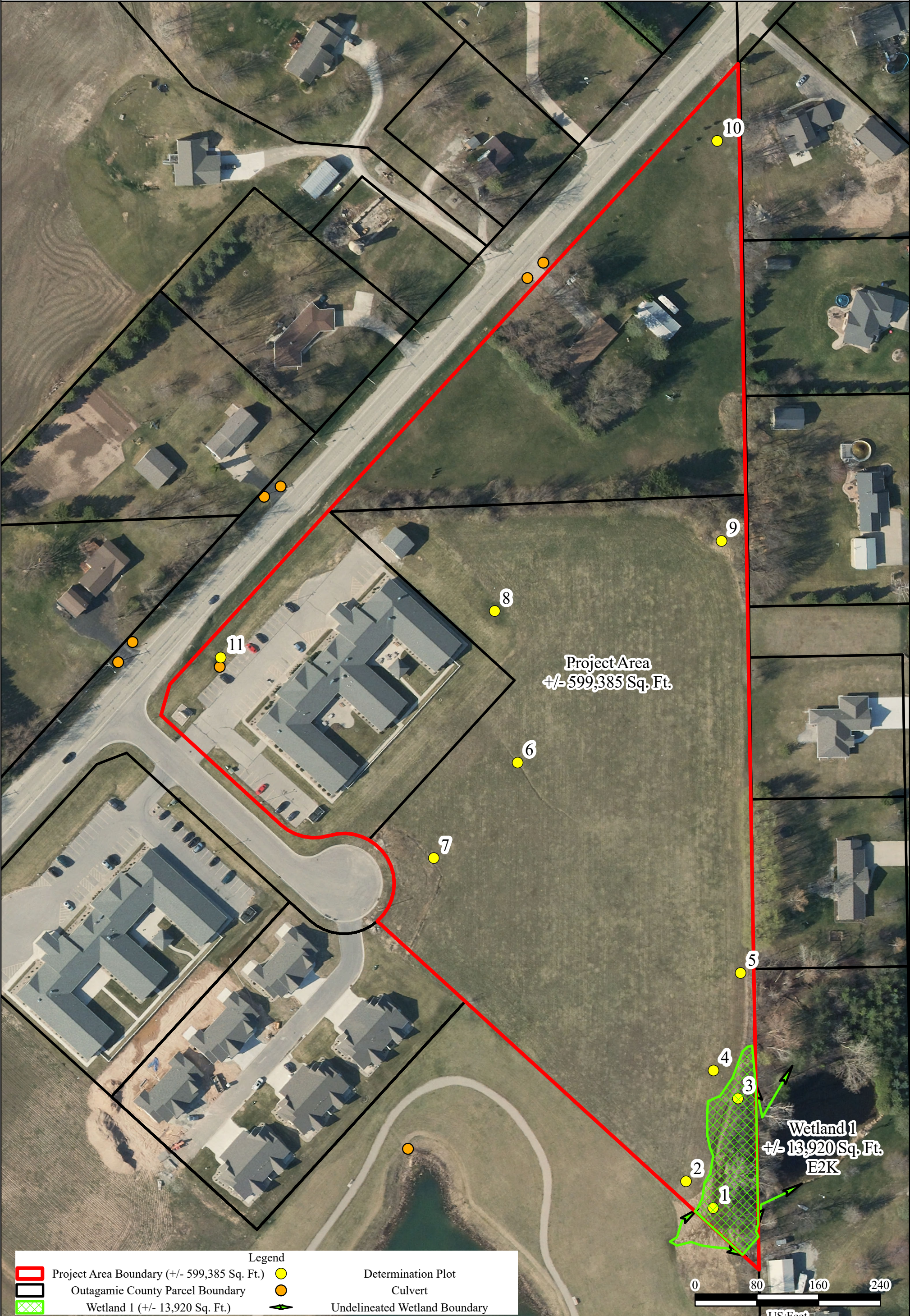
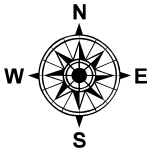
The Application Fee for a Final Plat is \$250.00, plus \$10.00 per lot/outlot.

Recorded Final Plat:

Once approved and recorded, the subdivider shall provide one paper and one PDF format copy of the recorded Final Plat to the Town Clerk.

For Town Use Only

Check No: _____ Amount: _____ Date Received: _____



This map is for demonstration purposes only, BAY Environmental does not warrant the accuracy and placement of the objects presented on this map for any specific use.

I. ISSUE:

This Report was prepared in response to questions pertaining to the method by which Country Villa Estates 'Outlot 2' may be converted to a buildable lot

II. LAND DIVISION ORDINANCE – DEFINITIONS:

Section 18-200 of the Town of Freedom Land Division Ordinance (hereafter, land division ordinance) provides the following definitions applicable to the matter at hand:

- (7) *Certified Survey Map (also CSM). A map, plan, or record of a minor subdivision meeting all the requirements of Wis. Stat. § 236.34, and of this Chapter.*
- (14) *Condominium. A community association combining individual unit ownership with shared use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Wis. Stat. ch. 703. A condominium is a legal form of ownership of real estate and not a specific building type or style.*
- (35) *Final Plat. The map or plan of record of a subdivision and any accompanying material prepared in compliance with Wis. Stat. ch. 236, and the terms within this Chapter.*
- (50) *Lot. A designated fractional part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this Chapter for a building site. For the purposes of this Chapter, a lot may also include the terms "parcel," "tract," or "building site" in determining the applicability of this Chapter to land divisions.*
- (60) *Minor land division. The creation of one but not more than four parcels or building sites which divide land into a parcel or parcels of five acres or smaller in size. Minor land divisions shall be created by Certified Survey Maps. Not more than four parcels may be created by means of minor land division procedures within any five-year period from a lot, parcel or tract which existed on the effective date of this Chapter.*
- (67) *Outlot: A parcel of land so designated on a plat or certified survey map and which is any of the following:*
 - (a) *A parcel of land left over at the time of platting and which is intended to be divided further in the future.*
 - (b) *A platted parcel which does not meet the requirements of a lot at the time of platting.*
 - (c) *A platted parcel which is intended for open space or other use and held in common ownership or which is transferred to a public agency or utility.*

- (69) *Parcel. A continuous area of land described in a single description in a deed or a lot or outlots on a plat or certified survey map, separately owned or capable of being separately conveyed.*
- (74) *Plat. A map of a subdivision.*
- (75) *Preliminary Plat. A map delineating the features of a proposed subdivision as described herein, submitted to the Town for preliminary consideration prior to the final plat.*
- (74) *Replat (also, Resubdivision). The process of changing the plat map, which changes the boundaries of a recorded plat or a part thereof.*
- (98) *Subdivision. Any division of a lot by the owner thereof, or his/her agent, for the purpose of sale, lease, or building development where:*
- (a) The act of division creates five or more parcels or building sites of 40 acres or less in area; or,*
 - (b) Five or more parcels or building sites of 40 acres each or less in area are created by successive divisions within a period of five years.*

III. LAND DIVISION ORDINANCE – OUTLOTS:

Section 18-052 of the land division ordinance establishes the following standards for an Outlot:

- A. *Outlots platted under Wis. Stat. § 236.02(7), Wis. Stats., and this Chapter are non-buildable and non-developable.*
- B. *If an outlot or portion of an outlot meets the criteria of a lot under this Chapter and the zoning ordinance, the outlot can be replatted as a lot only through a certified survey map or subdivision plat as defined in this Chapter.*

Section 18-024 of the land division ordinance establishes the following standards for a Condominium Plat:

‘A condominium plat prepared under Wis. Stat. ch. 703, creating at least four units with a parent parcel size of five acres or more, shall be reviewed by the Town in the same manner as a conventional subdivision plat as set forth in this Chapter and shall comply with the applicable design standards and required improvements of this Chapter.’

Section 18-025 of the land division ordinance establishes the following standards for a Replat:

‘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 Wis. Stat. §§ 236.36 through

236.44. The subdivider, or person wishing to replat, shall then proceed as specified in Article IV of this Chapter. 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 200 feet of the exterior boundaries of the proposed replat.'

IV. COUNTRY VILLA ESTATES

Country Villa Estates entails the creation of three lots and three outlots via subdivision plat. One of the outlots, Outlot 2, was intended to be a buildable lot but changed to an Outlot in order to expedite the review and approval process for the plat. As discussed during the August 4, 2025, meeting with the Country Villa Estates development team, it is the understanding of Town staff (hereafter, staff) that the project will move forward with Town and Outagamie County approval of the Final Plat before commencing the process of converting Outlot 2 to a buildable lot.

V. OUTLOT 2

As discussed on August 4th, the process of converting Outlot 2 to a buildable lot requires a Replat (an amended plat was discussed as a potential alternative; the development team chose to proceed with approval of the Final Plat as drawn). However, questions persist regarding the requirement for a Replat (as opposed to Certified Survey Map) as the mechanism by which to make Outlot 2 buildable. The focus of these questions has been on the phrase *'the outlot can be replatted as a lot only through a certified survey map **or** subdivision plat'* in Section 18-052 of the land division ordinance. [emphasis added]

Section 18-005 of the land division ordinance reads as follows:

*'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** and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.'* [emphasis added]

It is the interpretation of staff that the word 'or' does not create a subjective choice between the two options. An outlot created via plat must be converted to a buildable lot via a plat. Therefore, a Replat is necessary to make Outlot 2 a buildable lot. That aside, the 'or' issue is moot as it pertains to Outlot 2 for the reasons explained below.

As written in Section II of this Report, the land division ordinance defines 'Subdivision' as any division of a lot where five or more **parcels** or building sites of 40 acres each or less in area are created by successive divisions within a period of five years. Parcel is defined in the land division ordinance as a continuous area of land described in a single description in a deed or a lot **or outlots on a plat** or certified survey map, separately owned or capable of being separately conveyed. As written in Section IV of this Report, the Country Villa Estates Final Plat comprises six parcels (three lots, three outlots). [emphasis added]

As written in Section III of this Report, a Replat is required 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. Outlot 2 does not meet the '*criteria of a lot*' under the land division ordinance and, as such is unbuildable. To transition to a buildable lot, the boundaries of Outlot 2 must be modified...mainly to comply with the requirements of Section 18-050 of the land division ordinance. The required modifications necessitate a Replat. [emphasis added]

In closing...

1. Outlot 2 was created as part of the Country Villa Estates plat.
2. The development team intends to convert Outlot 2 to a buildable lot.
3. Doing so requires a change to its boundaries.
4. A change to the boundaries of a part of a plat requires a Replat.

I. ISSUE

CPC proposes the following revisions to Chapter 18: Land Division Regulations (hereafter, land division ordinance). The purpose of the changes is to address conflicts and ambiguities within the current ordinance pertaining to CSMs and plats. Language to be amended or removed, and recommended replacement language, is highlighted in bold font.

II. RECOMMENDED REVISIONS

A. Section 18-005 'Interpretation' reads as follows:

'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 and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.'

Amend to read:

'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 and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.' **Where conflicts or ambiguities exist between specific requirements or standards in this Chapter, the more restrictive of the requirements or standards shall apply.**

B. Section 18-024 of the land division ordinance establishes the following standards for a Condominium Plat:

*'A condominium plat prepared under Wis. Stat. ch. 703, creating at least four units with a parent parcel size of five acres or more, shall be reviewed by the Town in the same manner as a **conventional subdivision plat as set forth in this Chapter and shall comply with the applicable design standards and required improvements of this Chapter.***

Amend to read:

*'A condominium plat prepared under Wis. Stat. ch. 703, creating at least four **dwelling** units with a parent parcel size of five acres or more, shall be reviewed by the Town in the same manner as a **preliminary plat as set forth in Article V of this Chapter and shall comply with the applicable design standards and required improvements for preliminary plats and final plats as established in this Chapter.***

C. Section 18-025 'Replat' of the land division ordinance which reads as follows:

*'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 Wis. Stat. §§ 236.36 through 236.44. The subdivider, or person wishing to replat, shall then proceed as specified in **Article IV** of this Chapter. 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 200 feet of the exterior boundaries of the proposed replat.'*

Amend to read as:

*'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 Wis. Stat. §§ 236.36 through 236.44. The subdivider, or person wishing to replat, shall then proceed as specified in **Article V** of this Chapter. The Town Clerk shall schedule a public hearing before the Plan Commission when a replat of lands within the Town is filed and shall cause notices of the 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 200 feet of the exterior boundaries of the proposed replat.'*

D. Section 18-052.B of the land division ordinance reads as follows:

*'If an outlot or portion of an outlot meets the criteria of a lot under this Chapter and the zoning ordinance, the outlot can be replatted as a lot only through a **certified survey map or subdivision plat** as defined in this Chapter.'*

Amend to read as follows:

*'If an outlot or portion of an outlot meets the criteria of a lot under this Chapter and the zoning ordinance, the outlot **or portion thereof shall** be replatted as a lot through:*

- (1) **A certified survey map, when the outlot was created as part of a certified survey map; or,***
- (2) **Through a subdivision plat when the outlot was created as part of a subdivision plat; or,***
- (3) **Through a condominium plat when the outlot was created as part of a condominium plat.'***

E. Section 18-061 'Certified Survey Map' of the land division ordinance currently reads as follows:

*'When it is proposed to divide land within the Town into not more than four parcels or building sites, any one of which is 20 acres or less in area, **or when it is proposed to divide a block, lot, or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the boundaries of said block, lot, or outlot,** the subdivider shall subdivide by use of a Certified Survey Map.'* [emphasis added]

Amend to read as:

'When it is proposed to divide land within the Town into not more than four parcels or building sites, any one of which is 20 acres or less in area, the subdivider shall subdivide by use of a Certified Survey Map.'

Town of Freedom
Outagamie County, Wisconsin
Chapter 18: Land Division Regulations
October 2024

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ARTICLE I: INTRODUCTION

18-001 Authority.

This Chapter is adopted under the authority granted by Wis. Stat. ch. 236, and amendments thereto.

18-002 Title.

This Chapter shall be known as the "Land Division Ordinance, Town of Freedom, Wisconsin."

18-003 Intent.

It is the general intent of this Chapter to regulate the division of land so as to:

- A. Promote proper monumenting of subdivided land and conveyancing by accurate legal description and to provide safe and orderly shoreland layouts.
- B. Obtain the wise use, conservation, protection, and proper development of the Town's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.
- C. Lessen congestion in the roads, streets, and highways.
- D. Further the orderly layout and appropriate use of land.
- E. To provide for a diversity of lot sizes, housing choices, and building densities to accommodate a variety of age and income groups.
- F. Secure safety from fire, panic, and other dangers.
- G. Provide adequate light and air.
- H. Facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, and other public facilities and services.
- I. Secure safety from flooding, water pollution, disease, and other hazards.
- J. Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects.
- K. Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.
- L. Preserve natural vegetation and cover and promote the natural beauty of the Town.
- M. Restrict building sites on areas covered by poor soils or in other areas poorly suited for development.
- N. Facilitate the further division of larger tracts into smaller parcels of land.

- O. Ensure adequate legal description and proper survey monumentation of subdivided land.
- P. Provide for the administration and enforcement of this Chapter.
- Q. Provide penalties for its violation.
- R. Implement the Town of Freedom Comprehensive Plan, as adopted and updated from time to time.

18-004 Purpose.

The purpose of this Chapter is to regulate and control the division of land within the Town in order to promote the public health, safety, morals, prosperity, aesthetics, and the general welfare.

18-005 Interpretation.

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

18-006 Abrogation and Greater Restrictions.

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, 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.

18-007 Repeal.

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

18-008 Effective Date.

This Chapter shall become effective upon passage and posting according to law.

18-009 Through 18-019 Reserved

ARTICLE II: GENERAL PROVISIONS

18-020 Jurisdiction.

The provisions of this Chapter shall apply in all lands and waters within the municipal boundaries of the Town of Freedom. The provisions of this Chapter as it applies to divisions of tracts of land into four or fewer parcels shall not apply to:

- A. Transfers of interest in land by will or pursuant to court order.
- B. Leases for a term not to exceed 10 years, mortgages, or easements.
- C. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not, thereby, created and the lots resulting are fully compliant with the requirements of this Chapter, the zoning ordinance, and other applicable laws, codes, and ordinances, and is consistent with the comprehensive plan. (amended by ord. 2024-06)
- D. A division of land resulting in parcels more than 40 acres in area.
- E. Cemetery Plats made under Wis. Stat. § 157.07.
- F. Assessors' Plats made under Wis. Stat. § 70.27, but such assessors' plats shall comply with Wis. Stat. § 236.15(1)(a-g) and Wis. Stat. § 236.20(1) and (2)(a-e).
- G. Conversion of the form of ownership of existing buildings into condominiums or cooperatives.

18-021 Severability and Nonliability.

- A. If any section, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- B. The Town does not guarantee, warrant, or represent that only those areas designated as floodplains will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Town Board, its agencies or employees for sanitation problems, structural damages, or other losses that may occur as a result of reliance upon, and conformance with, this Chapter.

18-022 Resubdivision of Land.

Any resubdivision of a recorded land division that ultimately results in the creation of five or more lots, parcels, or building sites from the same original parcel shall be considered to be a subdivision and shall be accomplished by a subdivision plat and not additional certified survey maps.

18-023 Compliance.

No person, firm, or corporation shall divide any land located within the limits of the Town which results in a subdivision, minor land division or a replat as defined herein; no such subdivision, minor land division or replat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following documents:

- A. Wis. Stat ch. 236.
- B. Rules of the Wisconsin Department of Safety and Professional Services regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
- C. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or a connecting highway.
- D. Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodlands, wetland, and shoreland areas.
- E. Rules of the Wisconsin Department of Natural Resources contained in Wis. Admin. Code NR 115 and NR 116 for Wisconsin's Shoreland-Wetland Management and Floodplain Management Programs.
- F. Duly Approved Comprehensive Plan, including its individual elements, of the Town of Freedom, Outagamie County, Wisconsin.
- G. The zoning ordinance and all other applicable local and county ordinances and state and federal laws.
- H. Town of Freedom Sewer Service Area Plan.

18-024 Condominium Plat.

A condominium plat prepared under Wis. Stat. ch. 703, creating at least four units with a parent parcel size of five acres or more, shall be reviewed by the Town in the same manner as a conventional subdivision plat as set forth in this Chapter and shall comply with the applicable design standards and required improvements of this Chapter.

18-025 Replat.

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 Wis. Stat. §§ 236.36 through 236.44. The subdivider, or person wishing to replat, shall then proceed as specified in Article IV of this Chapter. 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 200 feet of the exterior boundaries of the proposed replat.

18-026 Amendments.

For the purpose of promoting public health, safety, and general welfare, the Town Board may, from time to time, amend the regulations imposed by this Chapter. The Town Board shall hold public

hearings on all proposed amendments following a recommendation of the Town of Freedom Plan Commission. Notice of such hearings shall be given by publication of a class 2 notice preceding the hearing or as otherwise provided by Wisconsin Statutes.

18-027 Land Suitability.

No land shall be divided or subdivided for use which is determined to be unsuitable by the Town because of flooding or potential flooding, wetlands, soil or rock limitations, inadequate drainage, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, incompatible surrounding land use, or any other condition likely to be harmful to the health, safety, or welfare of the future residents or users of the area or likely to be harmful to the Town. Except as provided herein, the Town shall determine such unsuitability at the time the preliminary plat or certified survey map is considered for approval.

- A. When a proposed subdivision plat or certified survey map is located in an area where flooding or potential flooding may be a hazard, the Town Board may require that the subdivider determine the floodway and floodplain boundaries for the proposed plat or map. Floodplain boundaries as determined by a licensed surveyor or engineer through a detailed flood study shall be reviewed and approved by the Wisconsin Department of Natural Resources and Federal Emergency Management Agency (FEMA).
- B. The development shall be in accordance with the floodplain management standards of the Floodplain-Shoreland Management Sections, Wisconsin Department of Natural Resources, any applicable floodplain, shoreland, and wetland ordinances, and the Town of Freedom Sewer Service Area Plan.
- C. The Town Board, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusions that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence and the means of overcoming such unsuitability, if he/she so desires, at a meeting of the Board. Thereafter, the Board may affirm, modify, or withdraw its determination of unsuitability.
- D. The subdivider may, as a part of the preliminary plat or certified survey map procedure, request a determination of land suitability by the Plan Commission, provided that the subdivider shall furnish such maps, data, and information as may be necessary to make a determination of land suitability. In addition to the data required to be submitted with the preliminary plat or certified survey map, the subdivider may be required to submit some or all of the following additional information for development located in an area where flooding or potential flooding may be a hazard:
 - (1) Maps and aerial photographs. Two copies of an aerial photograph, or two maps prepared by a licensed land surveyor or registered professional engineer, which accurately locates the existing and proposed development with respect to floodplain zoning district limits if present, channel or stream fill limits and elevations, and floodproofing measures taken or proposed to be taken.
 - (2) Cross sections. Two copies of a typical valley cross section showing the channel of the stream, the floodplain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information.
 - (3) Profiles. Two copies of a profile showing the slope of the channel or flow line of the stream.

- (4) Base flood elevation. The developer may finance a detail engineering study with updated data. The study must be approved by both the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency. Two copies of the study shall be submitted. The flood study must be submitted to both the Town of Freedom and the Outagamie County Department of Development and Land Services in a format that meets the standards set forth by Outagamie County to ensure that it is compatible with the county GIS system.
- E. Each proposed subdivision plat or certified survey map shall be in compliance with the Town of Freedom Comprehensive Plan, Town Official Map, zoning ordinance, and all other local, county, state, and federal regulations.

18-028 Dedication and Reservation of Lands.

A. Streets and Public Ways.

- (1) Whenever a parcel of land to be divided as a subdivision contains all of, or in part, a proposed street, highway, drainageway, stormwater management facility, other public way, or public access to navigable lakes or streams which has been designated in a comprehensive plan as defined in this Chapter, as required by W.s Stat. ch. 236, or as indicated in an official map adopted under Wis. Stat § 62.23, such public way or access shall be made a part of the plat and dedicated or reserved by the subdivider in the location and dimensions indicated, unless otherwise provided herein.
- (2) Prior to acceptance of any streets or public ways by the Town, the Town of Freedom Engineer shall certify to the Town that all of the following conditions are met with respect to each facility:
 - (a) The street or public way is functioning properly in accordance with the plans and specifications of the Town of Freedom.
 - (b) Any necessary maintenance, including application of first lift of asphalt or other Town-approved surface material, is completed.
 - (c) The application of the second lift of asphalt must be laid no later than one year after the first lift is completed unless determined otherwise by the Town.

B. Stormwater management facilities.

- (1) The determination as to whether stormwater management facilities shall be public or remain private shall be determined on a case-by-case basis; however, it shall be preferred that such facilities come under public ownership.
- (2) The dedication of any lands and/or facilities shown on a plat of a subdivision or certified survey map within the Town of Freedom for stormwater management facilities as "Dedicated to the Public for Stormwater Management Purposes" shall not be accepted by the Town until one year after the recordation date of the subdivision plat or CSM, unless an earlier date is agreed to by the Town of Freedom.
- (3) Prior to the acceptance of any lands and/or stormwater management facilities by the Town, the Town of Freedom Engineer shall certify to the Town that all of the following conditions are met with respect to each facility:
 - (a) The stormwater management facility is functioning properly in accordance with the plans and specifications of the Town of Freedom as certified by the Town Engineer.
 - (b) Any required plantings are compliant with the applicable landscaping requirements of the zoning ordinance.

- (c) Any necessary maintenance, including removal of construction sediment, has been properly performed by the subdivider.
- (d) All access and maintenance easements have been secured and recorded if the stormwater management facilities are to be owned and maintained by the Town.

C. Parks and open space.

- (1) The subdivider may designate on every final plat and certified survey map of a residential subdivision or land division an area of land suitable for park or open space purposes. If so designated, such land shall be dedicated to the public.
- (2) The Town shall properly develop and maintain the dedicated area, and the owner who dedicated said land shall in no way be responsible for its development, maintenance, or liability thereon except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use, or value of the dedicated property.

D. Reservation of lands for park, open space, school, or public sites. Whenever a parcel of land to be divided as a subdivision or a land division contains all of, or in part, a site for a park or open space use, or a school or other public site, which has been designated in a comprehensive plan as defined in this Chapter or an official map adopted under Wis. Stat. § 62.23, such park, open space, school, or public site shall be made a part of the plat. The subdivider shall reserve such proposed public lands for a period not to exceed three years, unless extended by mutual agreement for acquisition by the public agency having jurisdiction. If the three-year period expires with no action by the public agency, the open space provisions of this Chapter shall still apply.

E. Environmentally Sensitive Areas. Whenever a tract of land to be subdivided includes any part of identified environmentally sensitive areas, such areas shall be made a part of the plat. Environmentally sensitive areas included within a subdivision plat shall be included within lots or outlots, or reserved for acquisition as provided above, or shall be reserved in perpetuity for the recreational use of the future residents of the land to be divided, if approved by the Town.

F. Lands between meander line and water's edge. The lands lying between the meander line established in accordance with Wis. Stat. § 236.20(2)(g), 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, outlots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which he or she holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

G. Subdivisions abutting a navigable lake or stream. Subdivisions abutting a navigable lake or stream must provide a 60-foot-wide public access to the lake or stream, at half mile intervals as measured along the shoreline, unless there is an existing public access at least 60 feet wide, within 1/2 mile of the subdivision. This public access must extend to the low watermark and be connected to public roads.

H. Restrictions for public benefit.

- (1) Any restrictions placed on platted land by covenant, grant of easement, or in any other manner, which were required by the Town, or public utility, or which name the Town of

Freedom as grantee, promisee, or beneficiary, vest in the Town of Freedom the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in land subject to the restriction. Such restrictions shall include obligations to pay maintenance assessments for commonly held open space property, shore protection works, erosion control measures, and other improvements. The restriction may be released or waived in writing by the Town of Freedom.

- (2) The Town Board reserves the right to require conservation easements for future public access across or through dedicated public lands for the purposes of sound engineering, planning, maintenance, or development purposes.

I. Flood studies. Where required as deemed necessary by Town staff, a detailed flood study shall be completed by a licensed engineer to determine the extent of the floodplain within a proposed land division. The flood study must be approved by the Wisconsin Department of Natural Resources (WDNR) and Federal Emergency Management Agency (FEMA) prior to final plat approval subject to the following conditions:

- (1) All physical changes in the field must be completed prior to marking the floodplain information on the subdivision plat or certified survey map.
- (2) The WDNR/FEMA approved flood study must be submitted to both the Town and Outagamie County in a format that meets the standards set by the county to ensure that it is compatible with the county GIS system.

18-029 Improvements.

The subdivider or the subdivider's agent shall furnish and install the following improvements, as required by the Town. The required improvements are to be furnished and installed at the sole expense of the subdivider, unless specified differently within this Chapter or in an approved development agreement between the Town and subdivider. The required improvements are to be installed in accordance with plans, standards, specifications, and scheduling approved by the Town.

- A. Financing and development agreements. Before a final plat is approved by the Town Board, the subdivider shall submit a development agreement and performance bond, cash escrow, or irrevocable letter of credit agreement to assure the following:
- (1) The subdivider shall pay for the cost of all improvements required in the subdivision. However, in the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for payment of a portion of the cost by the subdivider and the remaining cost by the Town. This subsection shall apply to public sanitary sewage disposal facilities as discussed in this Chapter.
 - (2) If any improvement installed within the subdivision will be of substantial benefit to the land beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such land, to be assessed against the same, and in such case the subdivider will be required to only pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.
 - (a) The Town of Freedom shall be responsible for paying the costs associated with oversizing all improvements at the time of installation.
 - (b) Assessments for improvements installed within the subdivision shall be deferred until such time that said lands are annexed into the Town.

- (3) Guaranteed completion of the required improvements within a two-year period.
 - (4) Payment by the subdivider for all costs incurred by the Town for review and inspection. This would include preparation and review of plans and specifications by the Engineer, Planning Consultant, and Attorney, as well as other costs of a similar nature.
 - (5) The Town may elect to install any of the required improvements under the terms of a performance bond, cash escrow, or letter of irrevocable credit agreement.
 - (a) The performance bond, cash escrow, or irrevocable letter of credit agreement shall be equal to the Town Engineer's estimated cost of the required improvements.
 - (b) The performance bond is due at the time of the initial application for the first building permit for the new subdivision.
 - (c) The performance bond, cash escrow, or irrevocable letter of credit agreement shall include all costs for construction and maintenance as discussed in the development agreement.
 - (d) If the required improvements are not complete within the two-year period, all amounts held under the performance bond, cash escrow, or irrevocable 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 discretion, may extend the bond period for an additional period not exceeding two years. If the subdivider's performance bond, cash escrow, or irrevocable letter of credit is to be renewed for an additional period of time, the Town shall require a new bid/estimate certified by the Town Engineer.
 - (e) Should the performance bond, cash escrow, or irrevocable letter of credit be insufficient in amount to allow the Town to complete the improvements, the subdivider shall be required to pay the Town such additional costs as needed for the completion of such improvements and/or actions, including but not limited to the Town's administrative costs, attorneys' fees, planning consultant fees, engineering consultant fees, and other costs associated with completing the improvements.
- B. Development Agreement. As a condition for approval of the final plat, the subdivider shall enter into a development agreement with the Town providing for, and including but not limited to, the subdivider's responsibility and liability for road construction, lighting, utility construction, landscaping, erosion control, drainage, flood control, pollution or contamination of the environment, street appurtenances such as signage, fire protection, easements, and stormwater management facilities construction and maintenance as discussed in this Chapter. This agreement shall provide for time limits and security for performance and penalties for noncompliance. The agreement will not create or invoke special treatment for the developer, nor imply or create promises of approval. All estimates shall be verified by the Town Engineer.
- C. Survey Monuments. The subdivider's surveyor shall install survey monuments placed in accordance with the requirements of Wis. Stat. § 236.15, Wis. Stats. Pursuant to Wis. Stat. § 236.15(1)(h), Wis. Stats., the Town which is required to approve the subdivision under Wis. Stat. § 236.10, may waive the placing of monuments for a reasonable time on condition that the subdivider's surveyor executes a performance bond to ensure that he or she will place the monuments within the time required.
- D. Grading and surfacing.
- (1) The subdivider shall finish grade all curb and gutter systems, shoulders and ditches and install all necessary culverts and other storm and surface water drainage structures or

systems to effect positive drainage away from buildings and service facilities and to prevent erosion and sedimentation.

- (2) The subdivider shall grade the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town of Freedom. After the installation of all utility and stormwater drainage improvements, the subdivider shall surface all roadways and streets proposed to be dedicated with surfacing materials approved by the Town.

E. **Bicycle Circulation.** Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non-motorized users), shared on-street driving/bicycle lanes, and striped bicycle lanes on streets. Designated lane signs shall be placed beside the road where bicycle lanes are present, and "bike lane" shall be painted within the lanes to ensure that people understand the lanes are to be used only by bicyclists.

F. **Motor vehicle circulation.** Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Features such as curb extensions, roundabouts, short medians, and other traffic calming techniques may be used to encourage slow traffic speeds.

- (1) **Street hierarchy.** Each street within a development shall be classified according to the following:

- (a) **Freeways.** Freeways are fully controlled access highways that have no at-grade intersections or driveway connections.
- (b) **Arterials.** Principal and minor arterials carry longer-distance traffic flows between activity centers. These facilities are the backbone of a highway system and are designed to provide a very high amount of mobility and very little access.
- (c) **Collectors.** Collectors link local streets with the arterial street system. These facilities collect traffic in local areas, serve as local through routes, and directly serve abutting land uses.
- (d) **Locals.** Local roads and streets are used for short trips. Their primary function is to provide access to abutting land uses, and traffic volumes and speeds are relatively low.
- (e) **Alleys.** These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial properties.

- (2) **Street layout.** The existing street grid should be maintained where present, and well-connected street patterns shall be established in new subdivisions to maximize connectivity and accessibility wherever feasible.

- (a) **Alignment and visibility.** Clear visibility, measured along the center line, shall be provided for at least 400 feet on major streets, 350 feet on collector streets, and 250 feet on minor streets.
- (b) **Minimum radii of curvature on the center line** shall be 300 feet on arterial streets, 200 feet on collector streets, and 100 feet on local streets.
- (c) **All streets shall terminate at other streets or at public land**, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when geographic conditions necessitate the creation of a cul-de-sac. Culs-de-sac

should maintain a connection to the pedestrian and bicycle path network at the terminus in order to maintain an effective pedestrian and bicycle circulation network.

- G. Streetlamps. The subdivider shall provide and install street, pedestrianway, and bikeway lighting systems, where appropriate, within the area being developed, upon consultation with the appropriate electric utility and as approved by the Town Engineer, prior to acceptance of the subdivision.
- H. Street name signs. The developer shall reimburse the Town for the installation of all street name signs, temporary dead-end barricades and signs, no parking signs, and traffic control signs as required by Town standards, prior to acceptance of the subdivision. All signs shall be ordered and installed by the Town. All signs shall have lettering which is six inches in height.
- I. Landscaping Standards. Overall composition and location of landscaping shall complement the scale of the development and its surroundings and shall comply with the landscaping requirements of the zoning ordinance.
- J. Street terraces shall be a least four feet in width between the sidewalk and the curb and gutter to allow for planting of trees. In areas with preexisting sidewalk which do not meet this requirement, street trees may be planted within the front yard setback adjacent to the sidewalk.
- K. Tree preservation. In the development of new subdivisions, the developer shall work with Town staff to create a tree preservation plan that shows exactly which trees will be removed to install infrastructure for the development. The developer shall also provide a plan specifying methods of protecting trees not approved for removal. The developer shall ensure protective structures shall remain in place until construction on site is complete. Trees dead or in poor condition after one year as determined by Town staff shall be replaced by the subdivider.
- L. Stormwater management and erosion control facilities.
 - (1) For all land divisions containing five or more parcels, or other land divisions as determined by Town staff, the subdivider shall submit a stormwater management and erosion control plan. All plans are subject to the Outagamie County Code of Ordinances.
 - (2) Stormwater management plans may require but not be limited to storm sewers, road ditches, waterways, storm sewers, curbs, and gutters, catch basins and inlets, and water retention/settling basins. Erosion control plans may require but not be limited to landscaping techniques utilizing vegetative covers and grading specifications; berms, etc., may also be employed.
 - (3) All land disturbing activity shall be conducted so as to prevent erosion and sedimentation and to minimally disturb the natural flora, fauna, water regimen, and topography. All areas in which the surface of the land is disturbed by construction shall be promptly seeded and mulched, sodded, or otherwise suitably protected against erosion at a time and in a manner satisfactory to the Town.
 - (4) Plans required under this section shall be submitted to the Town of Freedom, Outagamie County Department of Development and Land Services, and Department of Natural Resources for review, comment, and approval as appropriate.
 - (5) Stormwater management and erosion control plans will be required for all activities which create land disturbances one acre or more in size and when deemed necessary by the Town Engineer or Outagamie County.

M. Other utilities.

- (1) Underground requirements.
 - (a) All new electric distribution lines (excluding lines of 15,000 volts or more), telephone lines from which individual lots are served, telegraph lines, fiber optic, and cable or community antenna television cables within all newly platted subdivisions and land divisions shall be installed underground unless:
 - [1] The placing of such facilities underground would not be compatible with the development; or,
 - [2] The Town determines that the location, topography, soil, stands of trees, or other physical barriers would make underground installation unreasonable or impractical or that the lots to be served by said facilities would be best served directly from existing overhead facilities.
 - (b) Associated equipment and facilities which are appurtenant to underground electric and communications systems, including but not limited to substations, pad-mounted transformers, switches, and aboveground pedestal-mounted terminal boxes, may be located above ground. The aforementioned aboveground equipment shall be landscaped and screened with natural vegetation so as to blend into the surrounding landscape.
 - (c) The subdivider or their agent shall furnish proof to the Town that such arrangements as may be required under the applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to the approval of the final plat, development plan, or certified survey map.
 - (d) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed.
- (2) Easement locations.
 - (a) Perpetual, unobstructed easements centered on the front lot lines of subdivisions and land divisions shall be provided for utilities (private and municipal) where necessary. Such easements shall be at least 12 feet wide and shall be designated as "Utility Easements" on the plat or certified survey map. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements along adjoining properties.
 - (b) Where topographical or other conditions are such to make impractical the inclusion of utilities within the front lot line, where necessary, perpetual, unobstructed easements at least 12 feet wide shall be provided along side lot lines and shall be designated as "Utility Easements" on the plat or certified survey map. Where feasible, the twelve-foot-wide easement should be split equally between adjacent parcels.

18-030 Construction Procedures.

- A. Construction plans and specifications. 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

review and approval and to determine an estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Immediately following approval of the preliminary plat by the Town Board, or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished to the Town for the following public improvements:

- (1) Street plans and profiles showing existing and proposed grades, elevations, names, 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, culvert sizes, retention ponds, detention ponds, and materials of required facilities.
- (4) Water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.
- (5) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.
- (6) Planting plans showing the locations, species, and time of planting of any required grasses and ground cover.
- (7) Corner elevations for every proposed lot and outlot shall be submitted to the Town prior to issuance of building permit.
- (8) Additional special plans or information as required by Town Plan Commission, Town Board, or Town staff.

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 design standards. If the Town Engineer rejects the plans and specifications, the Town Engineer shall notify the owner or owner's agent, who shall modify the plans or specifications or both accordingly. If 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.

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 and any other Town-approved standards.
- (2) Construction and provision of all improvements shall begin and be complete in accordance with the timelines provided in this Chapter.
- (3) During the course of construction, the Town Engineer or designee shall make such inspections as he/she deems necessary to ensure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Town for such inspections. This fee shall be the actual cost to the Town of inspectors, engineers, and other parties necessary to ensure satisfactory work.
- (4) Contractors shall provide a warranty for all improvements for a minimum of one year from substantial completion.

- D. As-built plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all drain tiles, valves, manholes, hydrants, stubs, sewers and water mains and such other facilities as the Town Engineer shall require. This map shall be on paper and shall bear the signature and seal of a professional engineer registered in Wisconsin. A digital scanned version of the map shall also be made available to the Town in a format of the Town's choosing. A copy of all televising reports for sewer and water systems shall also be submitted. The presentation of the reports, maps and digital files shall be a condition of final acceptance of the improvements and release of letter of credit, performance bond, or remaining escrow, assuring their completion.

18-031 Water Quality Management.

A Water Quality Management Conformance Letter (208) shall be required by any new development.

18-032 Lots Utilizing City Sewer.

Lots utilizing city sewer must be within the Sewer Service Area, Exhibit 5 of the Freedom Sewer Service Area Plan. If lots are not within the sewer service area but require sewer service, the owner of the lot, in conjunction with the Town of Freedom, may apply for a sewer service amendment to extend the sewered area.

18-033 Through 18-039 Reserved

ARTICLE III: DESIGN STANDARDS

18-040 Conformity with the Comprehensive Plan.

All proposed development shall conform to the Comprehensive Plan, and other applicable Town plans and ordinances. The classification and location of all streets shall be considered in their relationship to existing and planned streets, to topographic conditions, to natural features, to public convenience and safety, and in their appropriate location to the proposed uses of the land to be served.

18-041 Relationship to Existing and Future Development.

- A. The arrangement of streets in new subdivisions and condominium plats shall make provision for the continuation of existing streets to adjoining areas. (amended by ord. 2024-06)
- B. Where adjoining areas are not subdivided or developed and the Comprehensive Plan indicates development is desired, the arrangement of streets in the proposed development shall provide for proper projection of streets to the boundary of the proposed development.

18-042 Access to Public Roadway System.

- A. A subdivision comprised of 20 or fewer developable lots, or a condominium plat of 20 or fewer dwelling units, shall provide access to the existing or planned public roadway system via at least one access point. (amended by ord. 2024-06)
- B. Subdivisions comprised of 21 or more developable lots, or a condominium plat of 21 or more dwelling units, shall provide access to the existing or planned public roadway system via no fewer than two access points. (amended by ord. 2024-06)
- C. All Subdivisions.
 - (1) If construction of a subdivision is to be phased, the second point of access must be provided before the total number of issued building permits for new dwelling units in the subdivision exceeds 20.
 - (2) The Plan Commission and Town Board may require additional access points when deemed necessary to provide safe and efficient circulation, and connectivity to the existing or planned road system.
 - (3) Temporary Road Stubs.
 - (a) The Plan Commission and Town Board may require subdivisions include outlots designated as a temporary road stub, when deemed necessary to provide safe and efficient circulation to potential future development adjoining or adjacent to the proposed subdivision.
 - (b) Such outlots, when required, shall be wide enough to comply with Town road standards and accommodate two-way traffic.
 - (c) Such outlots, when required, shall be maintained by the Homeowner Association until such time as may be dedicated to the Town. Street Design Standards.

18-043 Street Design Standards

- A. 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 ft.
Collector Streets	80 ft.
Minor Streets	66 ft.
Frontage Streets	49.5 ft.

- B. Minimum Roadway and Surface Widths - Minimum roadway width and surface width of all new roads shall comply with Town road standards.
- C. Street Grades. Unless necessitated by exceptional topography subject to the approval of the 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%
 - (4) 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.
- D. The maximum allowable geometric grade difference of adjacent street profiles shall not exceed 1.0%.
- E. 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.
- F. 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:
- (1) Arterial Streets and Highways - 500 feet.
 - (2) Collector Streets - 300 feet.
 - (3) Minor Streets - 100 feet.
- G. Tangents. A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.
- H. 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.
- I. 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.
- J. 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.

K. Street jogs with centerline offsets of less than 125 feet shall not be approved.

L. Street names.

- (1) A proposed street that is in alignment with or extends an existing named street shall bear the name of the existing street.
- (2) The Town Board reserves the right to approve or disapprove any new proposed street names.

M. Cul-de-sac streets.

- (1) The use of cul-de-sac streets shall be limited to portions of developments which, due to unusual topographical, environmental, or other particular conditions, may better be served by culs-de-sac than by continuous streets.
- (2) Every attempt shall be made to provide for pedestrian connections at the terminus of a cul-de-sac.
- (3) All cul-de-sac streets shall terminate in a circular turnaround meeting the dimensional standards of this Chapter.
- (4) Culs-de-sac shall not exceed 600 feet in length and shall be measured along the center line from the center of the turnaround to the edge of the right-of-way of the intersecting street.

N. Temporary roadway termination. Temporary roadway termination will require a turnaround.

O. Alignment. Horizontal alignments of proposed streets shall be in accordance with the requirements of the Department of Transportation Facilities Development Manual.

P. Intersections. Design and geometry shall be in accordance with the Wisconsin Department of Transportation Facilities Development Manual.

Q. Restriction of access (protection of arterial streets and highways). Whenever a proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential property, limitation of access and the separation of through and local traffic shall be provided by reversed frontage with one of the following:

- (1) Screened planting contained in a non-access reservation along the rear property line.
- (2) Access to the rear lot line via a public alley.

18-044 Sidewalks.

A. Sidewalks, paths, trails, or other pedestrian facilities shall be provided for all new subdivisions located within or adjacent to the town core and elsewhere when necessary to complete missing links between, or extensions of, existing sidewalks, paths, trails, or other such facilities.

B. All mid-block sidewalks, multi-use paths, and other required pedestrian facilities shall be constructed at the time of street construction. Development costs shall be the responsibility of the developer or subdivider.

- C. Engineering plans specifying grades and locations for all sidewalks associated with newly platted streets shall be prepared by the developer. Said plans shall be maintained on file with the Town Engineer.
- D. All sidewalks shall be no less than five feet in width and the inner edge thereof shall be one foot from the lot line. Wider than standard sidewalks shall be required as deemed necessary by the Town Board in the vicinity of schools, commercial areas, and other places of public assemblage.
- E. Sidewalks shall be graded along their full width to the subgrade of the roadbed as agreed upon in the required development agreement of this Chapter. (amended by ord. 2024-06)
- F. If sidewalks are damaged during construction, they shall be rebuilt prior to issuance of a certificate of occupancy.
- G. Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
- H. Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.
- I. Street frontages where sidewalks are required shall be shown on the face of the plat or certified survey map, and the following restrictive covenant shall also be placed on the face of the plat or CSM or plat: (amended by ord. 2024-06)
 - (1) Where the locations of the sidewalks have been graphically designated on the plat or CSM, the following restrictive covenant may be used: "Concrete sidewalks shall be installed as shown on this subdivision plat/CSM. Sidewalks shall be installed in front of lots abutting the locations shown as directed by the Town Board."
 - (2) Where the locations of the sidewalks have not been graphically designated on the plat or CSM, the following restrictive covenant shall be used: "Concrete sidewalks shall be installed in front of lots abutting the right-of-way."
- J. The Town Board shall require the construction of sidewalks in locations other than required under the preceding provisions of this Chapter if such walks are necessary, in its opinion, for safe and adequate pedestrian circulation.
- K. Exceptions. The Town will consider the construction of a sidewalk on only one side of the street where the right-of-way has very severe topographic or environmental constraints or where there is existing development or mature landscaping.
- L. Sidewalk grade. Sidewalk grade shall follow ADA standards. (amended by ord. 2024-06)

18-045 Land Divisions Abutting Trail Corridors or Limited Access Highways.

Where a subdivision or certified survey map borders on or contains an off-street trail corridor or limited access highway right-of-way, the Town Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with regard for the requirements of approach grades and future grade separations.

18-046 Addresses.

All new lots shall be numbered in accordance with the uniform house number system. Street numbers shall be assigned prior to approval or as a condition of approval of the final plat by the Town Board.

18-047 Driveways.

- A. Driveways shall be a minimum of 150 feet from center line of the intersection of any road rights-of-way excluding alleys.
- B. Driveways shall provide for the continuation of the sidewalk network within the concrete driveway apron.

18-048 Pedestrianways and Bikeways.

- A. In the design of the plat, the developer shall make provisions for pedestrianways and bikeways for transport and recreation as required by the Town. Walks and paths away from streets in common areas shall be lighted for safety and to permit visual surveillance.
- B. Pedestrianways and bikeways recommended in the Comprehensive Plan and other similar planning documents shall be incorporated into all new proposed subdivisions.
- C. Access shall be made available to local, regional, and state recreational trails at distances not to exceed one per half mile. Existing street crossing shall be considered as existing access points and may be considered when determining additional access.

18-049 Blocks.

- A. The lengths, widths, and shapes of blocks shall be compatible with the Comprehensive Plan, zoning requirements, need for convenient pedestrian, bike and vehicle access, control and safety of street traffic, bicyclists and pedestrians, and the limitations and opportunities of topography. Blocks in residential areas shall not be less than 200 feet wide between street lines or greater than 1,500 feet in length unless dictated by exceptional topography or other limiting factors of good design.
- B. Block layout shall promote the development of a well-connected street pattern; however, they may vary in size and shape to allow for topographical or environmental constraints.
- C. Blocks shall be of sufficient width to provide for two tiers of lots of appropriate depth, except where required to separate residential development from through traffic.
- D. Dedicated sidewalk corridors not less than 10 feet in width, with a sidewalk not less than five feet in width, shall be established near the center and entirely across any block or elsewhere deemed essential, in the opinion of the Town, to provide convenient pedestrian and bicycle circulation.

18-050 Lots.

- A. Lot dimensions and setback lines shall conform to the requirements of the zoning ordinance.
- B. Side lot lines shall be right angles to straight lines or radial to curved street lines on which the lots face whenever possible.
- C. Corner lots shall have sufficient width to permit adequate building setbacks from side streets to conform to the zoning ordinance.
- D. Every lot shall front or abut on a public street, not including alleys, freeways, or half streets.
- E. Lot lines shall not cross municipal boundary lines.
- F. Shape of lots shall generally be rectangular. Lots platted on cul-de-sacs will generally be narrower at the street than at the rear lot line. Flag lots or easements or other lot stacking techniques shall be prohibited, except where necessary to accommodate exceptional topography or to preserve natural resources.
- G. Excessive Depth of Lots in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable depth-to-width ratio under normal conditions. Depth of lots or parcels designated for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- H. Double frontage and reverse 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.
- I. Residential lots fronting or backing on arterial streets shall be platted with extra depth.
- J. Where possible, lots shall be created to avoid crossing navigable waterways. When this is required, it shall be approved at the discretion of Town of Freedom.

18-051 Building Setback Lines.

- A. Where building setback lines are not controlled by the zoning ordinance, the Town shall establish building setback lines appropriate to the location and type of development.
- B. Where lots abut navigable waters as determined by the Wisconsin Department of Natural Resources, building setback lines for all buildings and structures except piers, marinas, boathouses, and similar uses, shall not be less than 75 feet from the ordinary high-water line as measured on a horizontal plane.
- C. When a flood study has been approved by the Wisconsin Department of Natural Resources and Federal Emergency Management Agency, building setback lines for all structures except piers, marinas, boathouses, and similar uses shall not be less than the greater of 75 feet from the ordinary high-water mark or 50 feet landward of the floodway.
- D. Where lots abut non-navigable waters as determined by the Wisconsin Department of Natural Resources, building setback lines for all buildings and structures except piers, boathouses, and

similar uses shall not be less than 35 feet from the ordinary high-water line as measured on a horizontal plane.

18-052 Outlots.

- A. Outlots platted under Wis. Stat. § 236.02(7), Wis. Stats., and this Chapter are non-buildable and non-developable.
- B. If an outlot or portion of an outlot meets the criteria of a lot under this Chapter and the zoning ordinance, the outlot can be replatted as a lot only through a certified survey map or subdivision plat as defined in this Chapter.

18-053 Through 18-059 Reserved

ARTICLE IV: MINOR LAND DIVISIONS

18-060 General.

A Certified Survey Map prepared by a registered land surveyor shall be required for all minor land divisions and shall:

- A. Comply in all respects with the requirements of Wis. Stat. § 236.34.
- B. Comply in all respects with this Chapter.

18-061 Certified Survey Map.

When it is proposed to divide land within the Town into not more than four parcels or building sites, any one of which is 20 acres or less in area, or when it is proposed to divide a block, lot, or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the boundaries of said block, lot, or outlot, the subdivider shall subdivide by use of a Certified Survey Map. The Certified Survey Map shall include all parcels of land 20 acres or less in area and may, at the owners' discretion, include any other parcels containing more than 20 acres. The subdivider shall prepare the Certified Survey Map in accordance with this Chapter and shall file 10 paper copies and one digital (PDF or equivalent format approved by the Town), of the Certified Survey Map and application form with the Town Clerk at least 15 days, but not more than 60 days, prior to the meeting of the Plan Commission at which first consideration is desired.

- A. The Town Clerk shall receive the formal filing of a Certified Survey Map, including review and recording fees, and transmit copies of the Certified Survey Map to the Town Board, Plan Commission, Town Planner, and Town Engineer. (amended by ord. 2024-06)
- B. The Town Planner shall review the Certified Survey Map for conformance with this Chapter and all other Town ordinances, rules, regulations, comprehensive plans, and comprehensive plan components, and shall prepare a report for the Plan Commission and Town Board with the Town Planner's recommendation to approve, approve conditionally, or deny the proposed Certified Survey Map.
- C. The Plan Commission shall review the Certified Survey Map for conformance with this Chapter and all other Town ordinances, rules, regulations, comprehensive plans, and comprehensive plan components.
- D. The Plan Commission shall, within 90 days from the date of filing of the Certified Survey Map, recommend approval, conditional approval, or rejection of the Certified Survey Map, and shall transmit the Certified Survey Map along with its recommendations to the Town Board.
- E. The Town shall, within 90 calendar days from the date of filing of the map (unless the time is extended by agreement with the subdivider), approve, approve conditionally, or reject the certified survey map based on a determination of conformance with the provisions of this Chapter, the comprehensive plan, and any other applicable local or state codes and statutes. If the map is rejected, the reasons shall be stated in written form and submitted to the subdivider or their agent. If the map is approved, the Town shall so certify on the face of the original map and return the map to the subdivider or their agent.

- F. Recordation. The Town Clerk shall cause to be recorded the approved Certified Survey Map with the County Register of Deeds within 12 months after the date of the last approval and within 36 months after the date of the first approval. The subdivider shall be responsible for the recording fees.

18-062 Additional Information

- A. In addition to the requirements of Wis. Stat. § 236.34, the Certified Survey Map shall show correctly on its face the following:
- (1) Name of the owner.
 - (2) Date of survey.
 - (3) Graphic scale and North arrow.
 - (4) All existing buildings, structures, driveways, and similar such developed features on the parcel.
 - (5) Locations, widths of rights-of-way and easements, and names of adjoining streets, highways, railroads, utilities, parks, cemeteries, and subdivisions.
 - (6) Any applicable use or access restrictions and covenants.
 - (7) All floodplains, wetlands, navigable ponds, streams, lakes, flowages, wetlands, environmentally sensitive areas, or erosion hazard areas.
 - (8) All Secondary Conservation Areas, as defined in this Chapter.
 - (9) The buildable area of the proposed lot(s).
 - (10) Distances and bearings referenced to a line and a corner of the Outagamie County Coordinate System.
 - (11) Owner's and mortgagee's certification of dedication of streets and other public areas prepared in accordance with Wis. Stat. §§ 236.21(2) and 236.34(1m)(e).
 - (12) Location and extent of permanently preserved open space as required under Section 18-103.A of this Chapter.
 - (13) The entirety of the parent parcel from which the proposed lot(s) are to be divided shall be shown on the CSM.
 - (14) Drain Tiles. The face of the Certified Survey Map shall contain the following statement: Any agricultural drain tile disturbed, cut, or broken as part of the development of the plat or excavation for home construction must be repaired and/or relocated to allow for the drain tile to continue to drain as originally designed. The cost of repair or relocation must be borne by the party or their agent damaging the drain tile.
- B. The Town Board may require that any parcel of land divided from an agricultural parent parcel intended for the purpose of constructing a principal dwelling be located at the periphery of the parent parcel so as to preserve to the greatest degree practicable the functional agricultural use of the parent parcel.
- C. Where the Town finds that it requires additional information relative to a particular problem presented by a proposed development to review the certified survey map, it shall have the authority to request such information from the subdivider.
- D. The subdivider shall indicate in writing to the Town the current and proposed use and zoning of the lots.

18-063 State Plane Coordinate System.

Where the Certified Survey Map is located within a U.S. Public Land Survey one-quarter section, the corners of which have been relocated, monumented, and coordinated by the Town or Outagamie County, the Certified Survey Map 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 ties shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corners to which the Certified Survey Map is tied shall be indicated on the Certified Survey Map. All distances and bearings shall be referenced to the Outagamie County coordinate system. All measurements shall also be based on the county remonumentation data on file with the County Surveyor.

18-064 Certificates

The surveyor shall certify on the face of the Certified Survey Map that he has fully complied with all the provisions of this Chapter. The Plan Commission and Town Board, after a recommendation by the reviewing agencies, shall each certify its approval on the face of the Certified Survey Map. 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 Wis. Stat. § 236.21(2)(a).

18-065 Recordation.

The Town Clerk shall cause the Certified Survey Map to be recorded with the County Register of Deeds only after the certificates of the Plan Commission and Town Board and the surveyor are placed on the face of the Certified Survey Map and after all applicable fees have been paid in accordance with this Chapter.

18-066 Minor Land Divisions Not Requiring a Certified Survey Map.

Divisions of land creating lots or parcels greater than 20 acres shall not be required to submit a plat or certified survey map, but shall be required to present the proposed land division to the Plan Commission for approval recorded in the minutes of the meeting, with the exception of sales or exchanges of parcels of land between owners of adjoining property which do not create additional lots or create a lot or lots noncompliant with the zoning ordinance.

18-067 Through 18-069 Reserved

ARTICLE V: PRELIMINARY PLATS

18-070 Pre-submittal Meeting.

- A. Prior to the submittal of a preliminary plat, the subdivider shall contact the Town Clerk to schedule a meeting with appropriate Town staff to discuss the proposed plat. The meeting is intended to identify potential problems and methods to alleviate them, and to encourage a cooperative effort between the developer and the Town and all affected utilities for assistance and advice regarding site suitability and general requirements.

The subdivider shall be prepared to discuss a conventional and conservation subdivision layout for the proposed subdivision (see Article VI of this Chapter).

- B. Conceptual Plan. A conceptual plan of the proposed subdivision or land division drawn on a topographic survey map shall be submitted to the Town Clerk no less than seven days prior to the Pre-submittal Meeting. No Preliminary Plat may be submitted prior to the Pre-submittal Meeting. The conceptual plan shall identify:

- (1) Property boundaries.
- (2) Topographic contours, at two-foot intervals.
- (3) Slopes at or exceeding 12 percent.
- (4) General soil conditions.
- (5) General hydrologic and geological characteristics.
- (6) Description of current land cover on site.
- (7) All environmentally sensitive areas.
- (8) Location of Secondary Conservation Areas, as defined in this Chapter.
- (9) Brief description of historic character of buildings and structures, historically important landscapes, and archeological features, as applicable. This includes a review of existing inventories, including those the State Historical Society of Wisconsin maintains for historic buildings, archaeological sites, and burial sites.
- (10) Digital images of the site, including views onto the site from surrounding roads, public areas, and a map indicating the location where the subject of the image is located and location where the image was taken.
- (11) All contiguous property owned or controlled by the subdivider.
- (12) Existing buildings and easements.
- (13) Current and proposed zoning.
- (14) Proposed uses of the property.
- (15) Number and type of dwelling units proposed.
- (16) Tentative lot and street layout.

- C. The subdivider shall also consult with the Outagamie County Department of Development and Land Services to obtain planning assistance to avoid potential environmental impacts associated with the proposed subdivision.

18-071 Preliminary Plat.

A. A preliminary plat shall be prepared for all subdivisions and shall be based upon a survey by a land surveyor licensed in this state.

(1) For Preliminary Plats associated with Conservation Design Subdivisions, please refer to Article VI of this Chapter.

B. The plat shall be submitted at a scale of not less than 100 feet to one inch, shall conform to any standards and specifications set forth in, Wis. Stats. § 236.34, shall utilize the Outagamie County Coordinate Monumentation System, and shall show correctly on its face the following information:

- (1) Title of the proposed subdivision not duplicating an existing subdivision in Outagamie County.
- (2) Location of the proposed subdivision by government lot, quarter section, section, township, range, and county.
- (3) A small-scale drawing detailing the section or region in which the subdivision lies within the location of the subdivision located thereon.
- (4) Date, graphic scale, and North arrow.
- (5) Name, address, email address, and phone number of the owner, subdivider, authorized agent, and land surveyor preparing the plat. (amended by ord. 2024-06)
- (6) Entire area contiguous to the proposed plat owned or controlled by the subdivider, even if only a portion of said area is proposed for immediate development. The Town 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.
- (7) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the Outagamie County Coordinate Monumentation System, and the total acreage encompassed.
- (8) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- (9) Location, right-of-way width, and names of any existing or proposed streets, alleys, or other public ways, easements, railroad and utility rights-of-way, and all section or quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (10) Location of all permanent buildings and major structures.
- (11) Location of existing property lines, structures, drainage ditches, streams and watercourses, lakes, wetlands, rock outcrops, wooded areas, slopes 12% or greater, environmentally sensitive areas, and other similar significant features within the parcel being subdivided.
- (12) Location of Secondary Conservation Areas, as defined in this Chapter.
- (13) Location and type of existing and proposed public easements.
- (14) Water elevations of adjoining lakes, ponds, streams, and flowages at the date of the survey, and approximate high and low water elevations.
- (15) Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto with any legally established center-line elevations.
- (16) 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 four feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Datum of 1929 (mean sea level).

- (17) Location and approximate dimensions of any sites to be dedicated or reserved for parks, open space, drainageways, schools, or other public uses as deemed necessary by the Town.
- (18) Approximate dimensions of all lots, and proposed lot and block numbers.
- (19) Buildable area of proposed lots. (amended by ord. 2024-06)
- (20) Existing and proposed land use and zoning included within and immediately adjacent to the proposed subdivision.
- (21) Floodplains, wetlands, and any proposed lake and stream access.
- (22) Surface drainage pattern mapping and indication of direction and established peak volume of soil drainage pattern as deemed necessary by the Town.
- (23) Signature and seal of surveyor.
- (24) Where the Town finds that it requires additional information relative to a particular problem presented by a proposed development to review the preliminary plat, it shall have the authority to request such information from the subdivider.
- (25) Drainage Ways. A covenant shall be recorded with or placed on the Certified Survey Map. The covenant shall read as follows:
 - (a) Maintenance of all drainageways and associated structures within the land division or serving the land division is the sole responsibility of the property owners of the land division, unless noted on the plan.
 - (b) Upon failure of the property owner(s) to perform maintenance of the drainageways and associated structures, the county and/or town retains the right to perform maintenance and/or repairs. The payment of the maintenance and repairs shall be assessed among the property owners of the land division in an equal amount with a drainage covenant or where the cause can be specifically identified then the payment shall be assessed to a specific property owner.
- (26) Drain Tiles. The face of the Preliminary Plat shall contain the following statement: Any agricultural drain tile disturbed, cut, or broken as part of the development of the plat or excavation for home construction must be repaired and/or relocated to allow for the drain tile to continue to drain as originally designed. The cost of repair or relocation must be borne by the party or his agent damaging the drain.

- C. Development Yield Analysis. The subdivider shall submit a table showing the maximum number of dwelling units that would be permitted under the zoning ordinance, consistent with the minimum lot size, lot widths, setbacks, and other provisions of the zoning district within the land proposed for development will be located. Land that is undevelopable because of other laws and ordinances that prohibit development in certain areas (e.g., floodplains, wetlands, steep slopes, and drainage ways), shall be excluded from the development yield analysis.

18-072 Submittal Procedure.

- A. Subdivider submittals. Prior to submitting a final plat for approval, the subdivider shall submit to the Town and to those agencies having the authority to object to plats under Ch. 236, Wis. Stats., a preliminary plat and a letter of application for Town approval. The subdivider shall prepare the plat in accordance with this Chapter and shall submit said plat and all required information to the Town Clerk at least 15 days, but not more than 60 days, prior to the meeting of the Plan Commission at which first consideration is desired. The preliminary plat shall be prepared in accordance with this Chapter. The Plan Commission shall submit a copy of the preliminary plat to the Town Engineer and Town Planner for review and written report of their reaction to the proposed plat. In total, the subdivider shall submit the following to the Town:

- (1) 10 copies of the completed Application for Preliminary Plat.
 - (a) Two copies of the plat 22 inches by 30 inches.
 - (b) Eight copies of the plat 11 inches by 17 inches.
 - (2) Four copies of all other plans and specifications required in this Chapter.
 - (3) One copy of the Application for Preliminary Plat, the plat, and all other supporting information and documentation in PDF format, or an equivalent format acceptable to the Town.
- B. Within 90 days of the date of filing the plat, the Town, or its approving authority, shall take action to approve, approve conditionally, or reject the preliminary plat, unless the time is extended by agreement with the subdivider, based on its determination of conformance with the provisions of this Chapter and the comprehensive plan. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and, if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat and shall be submitted to the subdivider.
- C. Failure of the Town, or its approving authority, or its agent, to act within 90 days of the date of filing, or agreed extension thereof, constitutes an approval of the preliminary plat.
- D. 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 36 months of the preliminary plat approval and conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to any local plans and ordinances adopted as authorized by law, as indicated in Wis. Stat. § 236.11(1)(b), the final plat is entitled to approval.

18-073 Addressing.

In order to ensure timely emergency response, addresses shall be assigned as part of the final subdivision plat. Land divisions that create new streets shall also have addresses assigned whenever possible. Minor land divisions that create new streets shall also have an address range determined. The subdivider shall contact the agency responsible for assigning addresses in the Town to determine the address for each proposed lot.

18-074 Development Agreement.

As a condition of approval of a final plat, the subdivider shall enter into a development agreement per this Chapter. This agreement shall provide for time limits and security for performance and penalties for noncompliance. The agreement will not create or invoke special treatment for the developer, nor imply or create promises of approval.

18-075 Through 18-079 Reserved

ARTICLE VI: FINAL PLATS

18-080 Final plat.

A final plat prepared by a land surveyor licensed in this state is required for all subdivisions. It shall comply in all respects with this Chapter and the standards and specifications of Wis. Stat. § 236.20, and that section is hereby adopted by reference. Where the Town finds that it requires additional information or plat data relative to a particular problem presented by a proposed development to review the final plat, it shall have the authority to request such information from the subdivider.

18-081 Final Plat Submittal Procedure.

- A. The subdivider shall prepare a final plat in accordance with this Chapter and applicable state statutes and administrative codes, for transmittal to the Town and appropriate state and county agencies, within 36 months of preliminary plat approval, unless the Town Board waives this requirement in writing. The final plat shall be accompanied by detailed construction plans of all improvements and a development agreement as discussed in this Chapter. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time. (amended by ord. 2024-06)
- B. The final plat shall be presented to the Town Clerk at least 14 working days prior to the Plan Commission meeting at which it is to be considered. In total, the subdivider shall submit the following to the Town:
 - (1) 10 copies of the completed Application for Final Plat.
 - (a) Two copies of the plat 22 inches by 30 inches.
 - (b) Eight copies of the plat 11 inches by 17 inches.
 - (2) Four copies of all other plans and specifications required in this Chapter.
 - (3) One copy of the Application for Preliminary Plat, the plat, and all other supporting information and documentation in PDF format, or an equivalent format acceptable to the Town.
- C. Any proposed restrictive covenants for the land involved shall also be submitted. This data will be used for informational purposes only.

18-082 Drainage Ways.

A covenant shall be recorded with or placed on the Final Plat. The covenant shall read as follows:

- A. Maintenance of all drainageways and associated structures within the land division or serving the land division is the sole responsibility of the property owners of the land division, unless noted on the plan.
- B. Upon failure of the property owner(s) to perform maintenance of the drainageways and associated structures, the county and/or town retains the right to perform maintenance and/or repairs. The payment of the maintenance and repairs shall be assessed among the property owners of the land division in an equal amount with a drainage covenant or where the cause can be specifically identified then the payment shall be assessed to a specific property owner.

18-083 Drain Tiles.

The face of the Final Plat shall contain the following statement: Any agricultural drain tile disturbed, cut, or broken as part of the development of the plat or excavation for home construction must be repaired and/or relocated to allow for the drain tile to continue to drain as originally designed. The cost of repair or relocation must be borne by the party or his agent damaging the drain.

18-084 Deed Restrictions.

The Plan Commission may require that deed restrictions be filed with the Final Plat, when so doing would serve to achieve the purposes of the Comprehensive Plan or other Town plans.

18-085 Plat Restrictions.

The Town may require that plat restrictions intended to reflect Town plans and ordinances be placed on the face of the plat.

18-086 Survey Accuracy.

The Town Engineer shall examine all Final Plats and, where appropriate, make field checks for the accuracy and closure of survey, the proper kind and location of monuments and the legibility and completeness of the drawing. In addition:

- A. 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 1:10,000, nor in azimuth, four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When 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.
- B. 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 field checks disclose an error for any interior line of the Plat greater than the ratio of 1:5,000, or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.
- C. The Town Board shall receive the results of the Town Engineer's examination prior to approving the Final Plat.

18-087 Surveying and Monumenting.

All final plats shall meet all the surveying and monumenting requirements of Wis. Stat. § 236.15.

18-088 State Plane Coordinate System.

Where the Plat is located within a U.S. Public Land Survey one-quarter section, the corners of which have been relocated, monumented, and coordinated by Outagamie County or the Town of Freedom, 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 ties 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 County's control survey.

18-089 Certificates.

All Final Plats shall provide all the certificates required by Wis. Stat. § 236.21; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

18-090 Final Plat Review.

- A. 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 other ordinances, rules, regulations, and duly adopted Town plans which may affect it and shall recommend approval or rejection of the Plat to the Town Board.
- D. Partial Platting. If permitted by the Town Board, the approved Preliminary Plat may be final platted in phases with each phase encompassing only that portion of the approved Preliminary Plat which the subdivider proposes to record at one time, however, it is required that each such phase be final platted and be designated as a phase of the approved Preliminary Plat.
- E. Failure of the Town to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the authority which has failed to act.
- F. Approved final plats shall be recorded with the Outagamie County Register of Deeds in accordance with requirements of Wis. Stat. § 236.25 before lots may be sold. (amended by ord. 2024-06)
- G. No building permits may be issued by the Town until all improvements specified in the development agreement have been fulfilled or otherwise agreed to.
- H. Pursuant to Wis. Stat. § 236.12(2), the subdivider shall submit an electronic or paper copy of the final plat to the Director of Plat Review of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies.

18-091 Recordation.

After the Final Plat has been approved by the Town Board and required improvements either installed or a contract and sureties ensuring 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 to be forwarded to the County Register of Deeds for recording. The Register of Deeds shall not record

the plat unless it is offered within 12 months after the last approval and within 36 months after the date of the first approval.

18-092 Copies.

The subdivider shall file one paper copy and one digital PDF format or equivalent format approved by the Town, of the Final Plat with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor, and other affected departments for their files.

18-093 Through 18-099 Reserved

ARTICLE VII: CONSERVATION DESIGN SUBDIVISIONS

18-100 Purpose.

- A. In addition to the purposes listed in Article I of this Chapter, Article VI is intended to provide the Town with the ability:
- (1) To preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources.
 - (2) To preserve scenic views by minimizing views of new development from existing roads and other public spaces.
 - (3) To provide commonly owned open space areas for passive recreational use by residents of the development and, when and where specified, the larger community.
 - (4) To provide buffering between residential development and non-residential uses.
 - (5) To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors.
 - (6) To meet demand for housing in a rural setting
- B. If a conflict exists between the requirements for a conservation design subdivision and a conventional subdivision exist, the requirements for a conservation subdivision shall apply.

18-101 Zoning District.

A Conservation Design Subdivision shall be permissible as a Cluster Subdivision under the zoning ordinance.

18-102 Minimum Required Open Space.

- A. Amount.
- (1) The minimum required open space in a conservation design subdivision shall be no less than 40 percent of the gross tract area and shall include:
 - (a) All primary conservation areas.
 - (b) Any secondary conservation areas as required by the Plan Commission or Town Board.
 - (2) When insufficient primary and secondary conservation areas exist to meet minimum required open space, the subdivider shall prepare a restoration plan to reconcile the difference. Restoration plan shall be approved by the Plan Commission and may include any combination of prairie, woodland, or wetland restoration.
 - (3) No more than 30 percent of the required open space may consist of active recreation land.
 - (4) No more than 50 percent of the required open space may consist of water bodies, ponds, floodplain, or wetlands.
 - (5) Although primary and secondary conservation areas may comprise more than 40 percent of the gross tract area, no subdivider shall be required to designate more than 40 percent of the gross tract area as required open space.
 - (6) Road rights of way shall not be counted towards the required minimum open space.
- B. Location. Required open space shall be situated, when practicable, to take advantage of the site's natural, historic, and cultural features, to preserve scenic views, and to be contiguous with existing or proposed open spaces outside of the conservation design subdivision.

18-103 Conservation Areas.

- A. Primary Conservation Areas. Primary Conservation Areas are those landscapes or landscape elements with existing, regulatory restrictions on development potential as regulated by state or federal law.
- (1) Examples of primary conservation areas include, but not necessarily limited to, the following:
- (a) Wetlands.
 - (b) Navigable waters.
 - (c) Shoreland areas.
 - (d) Floodplains.
 - (e) Archaeological sites and grave sites.
- B. Secondary Conservation Areas. Secondary conservation areas are those landscapes or landscape elements important to the Freedom community but are not otherwise regulated by state or federal law.
- (1) Examples of Secondary Conservation Areas in the Town include, but are not necessarily limited to, the following:
- (a) Upland woodlands and upland woodland buffers.
 - (b) Grasslands, meadows, and prairies.
 - (c) Wildlife habitat and wildlife corridors.
 - (d) Riparian corridors
 - (e) Isolated wetlands.
 - (f) Large trees with a DBH of 36 inches or greater, when deemed to be healthy and structurally sound by a qualified source.
 - (g) Historic structures or places.
 - (h) Historic Farmsteads.
 - (i) Structurally-sounds barns, silos, fence lines, and other such examples of Freedom's agricultural heritage.
 - (j) Localized groundwater recharge areas.
 - (k) Other unique natural, cultural, and historical features as may be identified by the Town Board and Plan Commission.
- (2) Secondary Conservation Areas shall be preserved when practicable.
- (3) The final determination of which Secondary Conservation Areas within a given development are to be protected shall be made by the Plan Commission and Town Board based upon their determination said

18-104 Trails.

The Plan Commission encourages, and may require, that each conservation design subdivision include an internal trail system providing access to each lot owner. Any section of the trail system identified for potential future public use as part of an integrated Town trail network shall be dedicated to the Town. When a trail system is required, the subdivider shall be granted the five percent density bonus described below.

18-105 Preliminary Plat Submittal Requirements.

In addition to the requirements of Article IV of this Chapter, the Preliminary Plat for a Conservation Design Subdivision shall include the following:

- A. Development Yield. The maximum number of residential lots allowed in the proposed subdivision shall be determined in accordance with the following:
 - (1) The development yield analysis in Article IV of this Chapter shall establish the base development yield for the proposed subdivision.
 - (2) A 10 percent density bonus is provided for each conservation design subdivision.
 - (3) In addition to the 10 percent density bonus, the development yield, may be increased if the development complies with one or more of the following standards. Each additional standard provides an additional density bonus of five percent, to a maximum allowable density bonus of 20% over the development yield.
 - (a) Providing for access by the general public to parks and designated sections of trails included within the subdivision.
 - (b) Providing affordable housing, to include a minimum of 25 percent of all units that would be affordable to moderate-income households, as defined by the U.S. Department of Housing and Urban Development.
 - (c) Incorporating and integrating existing structurally-sounds barns, silos, fence lines, and other such examples of Freedom's agricultural heritage into the development.
- B. Layout of Lots.
 - (1) Lots shall be configured to minimize the amount of road and driveway length for the subdivision.
 - (2) All lots shall abut open space on at least one side. A local street may separate lots from the open space.
 - (3) All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more than 20 dwelling units and no less than five units.
 - (4) Residential clusters shall be located to minimize negative impacts on the primary and secondary conservation areas.
 - (5) Residential structures shall be oriented to maximize solar gain in the winter months.
- C. Designation of Required Open Space. All required open space areas shall be clearly delineated on the plat as an outlot or outlots, and clearly designated as open space on the face of the plat. Each outlot shall be accessible by public road or trail, or by an easement for ingress and egress to a public road.
- D. The Town may require a separate instrument to be recorded with the Outagamie County Register of Deeds regarding restrictions on use, maintenance, ownership and transfer of ownership. The Town, or a designee approved by the Town, shall be noted as a benefited party for enforcement purposes.
- E. Ownership of Open Space. Unless otherwise approved by the Town, open space outlots shall be owned and maintained by a Homeowners' Association. All documents and instruments relating to the ownership, use, and maintenance of open space shall be reviewed and approved by the Town. A Homeowners' Association shall be created and operated under the following provisions:

- (1) The subdivider shall submit all documentation in connection with the creation of a Homeowners' Association and its powers, duties, and responsibilities for Town review prior to approval.
 - (2) The Homeowners' Association shall be created as a separate legal entity by the owner, with its bylaws, organization and responsibilities contained in a document recorded with the Outagamie County Register of Deeds.
 - (3) Membership in the Homeowners' Association shall be mandatory for all lot owners and their successors and assigns.
 - (4) The Homeowners' Association shall be authorized to levy fees and assessments against all lots in an amount sufficient for payment of real estate taxes and to discharge its duties and responsibilities.
 - (5) Unpaid fees and assessments by any lot owner shall become and remain a lien on the lot until paid, with the Homeowners' Association authorized to bring any action against a lot owner for the collection of fees and assessments.
 - (6) Modification of any bylaws shall require approval of the Town.
- F. Designation of Common Facilities. All common or community facilities shall be clearly delineated on the plat as an outlot or outlots, and shall be clearly designated as to specific use, on the face of the plat. Each outlot shall be accessible by public road, or by an easement for ingress and egress to a public road.
- G. Ownership of Common Facilities. Unless otherwise approved by the Town, common facility outlots shall be owned and maintained by a Homeowners' Association. All documents and instruments relating to the use and maintenance of common facilities shall be reviewed and approved by the Town. The Homeowners' Association shall be subject to the requirements of Chapter 18.092.F.1 through 6 above.

18-106 Final Plat Submittal Requirements.

Final Plats shall comply with the requirements of Article VI of this Chapter.

18-107 Through 18-109 Reserved

ARTICLE VIII: LOT LINE ADJUSTMENTS

18-110 Use of Lot Line Adjustments.

A Lot Line Adjustment is an adjustment or relocation of property line(s) between adjacent lots that does not result in the creation of additional lots, from what was originally platted or mapped.

18-111 Plat of Survey.

A Plat of Survey or Certified Survey Map prepared by a registered land surveyor shall be required for all Lot Line Adjustments. The plat of survey shall comply in all respects with the requirements of this Chapter and Wis. Admin. Code Chapter A-E7. The Town Planner shall have the discretion of requiring a certified survey map if the lot line adjustment involves unplatted land and/or has a complicated metes and bounds description.

18-112 Submission.

The subdivider shall submit to the Town a complete application, which includes the following:

- A. A written application and fee set forth by the Town Fee Schedule which is subject to change.
- B. Two paper copies and one digital copy (PDF format or other format as approved by the Town), of the plat of survey prepared by a registered land surveyor, in accordance with the requirements of this ordinance and Wis. Admin. Code Chapter A-E7.

18-113 Review and Approval.

The Lot Line Adjustment will be reviewed administratively by the Town Planner. A Lot Line Adjustment may be approved pursuant to this ordinance, provided the resulting lot line adjustment is compliant with this Chapter and the zoning ordinance. The petitioner shall be notified in writing by the Town Planner of any conditions of approval or the reasons for rejection. (amended by ord. 2024-06)

18-114 Technical Requirements for Lot Line Adjustments.

- A. The plat of survey shall be required for all lot line adjustments and shall be prepared by a registered land surveyor in accordance with this ordinance.
- B. The plat of survey shall show correctly on its face, in addition to the information required by Wis. Admin. Code Chapter A-E7 the following information:
 - (1) Date, legend, scale, surveyor's certificate, legal description for each lot based upon the lot line adjustment and north arrow.
 - (2) Names and addresses of the owner and land surveyor preparing the plat of survey map.
 - (3) Exterior and interior boundary line dimensions and bearings.
 - (4) Square footage of each lot or outlot.
 - (5) Location, use, and setback dimensions to existing and proposed property line of all existing structures.
 - (6) Location, right-of-way width and names of all existing and proposed streets, alleys, easements or other public ways, railroad, and utility rights-of-way.

- (7) Where the Town Planner finds that additional information relative to a particular problem presented by a proposed lot line adjustment in order to review the lot line adjustment, he or she shall have the authority to request in writing such information from the petitioner.

18-115 Recordation.

Upon written approval by the Town Planner, the petitioner shall record the deed or other appropriate instrument and attach the plat of survey as an exhibit to the deed or instrument with the Outagamie County Register of Deeds within 30 days from the written approval date or the approval will expire. Failure to record the deed or instrument and attach the plat of survey as an exhibit to the deed or instrument within 30 days from the written approval date by the Zoning Administrator requires the petitioner to recommence the entire procedure for Lot Line Adjustment approval. (amended by ord. 2024-06)

18-116 Filing of Recorded Plat of Survey and Deed or Instrument.

The petitioner shall submit one recorded copy of the deed or instrument and the plat of survey exhibit with the Town Clerk. (amended by ord. 2024-06)

18-117 Through 18-119 Reserved.

ARTICLE IX: PARK DEDICATIONS, RESERVATIONS, AND IMPROVEMENTS

18-120 Park Dedication Requirements.

- A. Dedication of Sites. When feasible and compatible with the Comprehensive Plan and Comprehensive Outdoor Recreation Plan, the subdivider shall provide and dedicate to the public adequate land to provide for park, playground, trail, recreation, and open space needs of the land development within the Town of Freedom. The location of such land to be dedicated shall be determined by the Town Board. Where the dedication is not compatible with the Comprehensive Plan and Comprehensive Outdoor Recreation Plan, or for other reasons is not feasible as determined by the Town Board, the subdivider shall, in lieu thereof, pay to the Town a fee as established by the Town Board in the Town of Freedom Fee Schedule.
- B. Dedication of Parks, Playgrounds, Trails, Recreation and Open Spaces. The subdivider shall dedicate sufficient land area to provide adequate parks, playgrounds, trails, recreation, and open spaces to meet the needs to be created by and to be provided for the land division, subdivision, or comprehensive development. The minimum dedication shall be one acre for each 25 potential dwelling units or fractions thereof.
- C. Combination of Residential Uses. Where a combination of residential uses is intended, the minimum dedication shall be the sum obtained by adding the potential residential units intended for single-family and two-family dwellings, and the potential residential units intended for multi-family dwellings. Where a definite commitment is made to the Town by the developer with respect to those portions of the project intended for single family, duplex and multi-family dwellings, the dedication shall be based upon the maximum dedications which the zoning classification of the parcel will permit.
- D. Minimum Size of Park and Recreation Land Dedications.
 - (1) In general, land reserved for parks, playgrounds, recreation, and open spaces purposes shall have an area of at least one acre of contiguous land. Where the amount of land to be dedicated is less than one acre, the Town Board may require that the recreation area be located at a suitable place on the edge of the proposed major subdivision or planned unit development so that additional land may be added at such time that the adjacent land is subdivided.
 - (2) Land dedicated for the purpose of establishing trails shall be shown as an easement on the Preliminary and Final Plats. The minimum width of the easement shall be no less than 30 feet wide. Widths greater than 30 feet may be required in certain circumstances as determined by the Plan Commission. Neither end of the easement may result in a dead-end, unless a future connection has been identified or may be reasonably established. Up to 100 percent of the total land area of the granted easement may be counted towards the overall dedication requirement.
 - (3) Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have frontage on one or more streets for public access. The Town Board shall make the final determination of suitability.

- E. Fees in Lieu of Land Dedication (see Section 18-121 below). (amended by ord. 2024-06)
- F. Limitations. A subdivider shall not be required to dedicate more than one-fifth of the total area of the plat to meet the objectives of this Section.
- G. Suitability of Lands. Town Board shall have sole authority to determine the suitability and adequacy of parklands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- H. Access to Dedicated Land. All dedicated land shall have frontage on a public street and shall have public access.
- I. 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.

18-121 Park Fees.

- A. Authorization. This Section is authorized under Wis. Stat. § 66.0617. The provisions of this Article shall not be construed to limit the power of the Town to adopt such Article pursuant to any other source of local authority or to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this Article.
- B. Purpose. The purpose of this Article is to facilitate the adequate provision of parks, playgrounds, and land for athletic fields by imposing impact fees upon developers to pay for the Capital Costs of public facilities that are necessary to accommodate land development. The park impact fee ensures that the cost of providing park and recreational sites and facilities necessary to serve the additional families brought into the community may be most equitably apportioned on the basis of the additional need created by the construction and occupancy of new dwellings.
- C. Park Impact fees imposed; due date for payment; building permit.
 - (1) Impact fees are hereby imposed on all residential developments and land divisions within the Town of Freedom.
 - (2) Park impact fees shall be due in full within 14 days of the issuance of a building permit.
 - (3) The effective date of a building permit is the date on which all impact fees imposed under this Article are paid in full, and unless all impact fees are paid in full within 14 days after issuance as required by Wis. Stat. § 66.0617(6)(g), said building permit shall expire 15 days after issuance.
- D. Applicability; amount of fee; annual adjustment; disposition of revenue.
 - (1) Any developer creating a land division for residential development or constructing additional residential dwelling units within the Town shall pay a fee to the Town to provide for the Capital Costs necessary to accommodate the park facilities needs of land development, except as provided below.
 - (2) The amount of the fee per residential dwelling unit to be constructed or created by the proposed development as determined by the Town Board and as identified in the Town of Freedom Fee Schedule, subject to adjustment pursuant to below, shall be as follows:

- (a) For single-family or two-family residential development, the fee per dwelling unit shall be the fee listed in the adopted Town of Freedom Fee Schedule.
 - (b) For multifamily residential development, the fee per dwelling unit shall be the fee listed in the adopted Town of Freedom Fee Schedule.
 - (3) Such fees collected by the Town shall be placed in a special fund which shall be separate from the general fund of the Town and shall be used exclusively for the particular Capital Costs for which the fee was imposed.
 - (4) Such fees shall be expended by the Town for the aforesaid purpose within seven years of the date of payment or such fee amount paid along with any interest accumulated shall be refunded to the current owner(s) of the property with respect to which such fee was imposed.
 - (5) In order to ensure that these fees remain equitable, the impact fees described herein shall automatically adjust on an annual basis on January 1 of each year by the percentage increase or decrease in the North Central Region Consumer Price Index, September percent change, or three percent (3%), whichever is greater. (amended by ord. 2024-06)
- E. Fee Reduction. Any impact fee imposed under this Article shall be reduced to compensate for Capital Costs otherwise imposed by the Town upon the land development subject to this Article for the same particular public facilities for which an impact fee has been imposed under this Article, including by way of special assessments, special charges or any ordinance adopted thereunder or any other items of value. Impact fees imposed under this Article shall also be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees under this Article are imposed.
- F. Exemption. The lawful new construction of a single-family dwelling structure razed or to be razed within one year of the issuance of a building permit for the new construction as part of the new construction project shall be exempt from the fees imposed under this Article. Any new construction of a single-family dwelling structure upon a single parcel of land involving the demolition of a preexisting residential structure upon such single parcel of land, which project is similar to but not exactly as described above, may be found to be exempt upon application to the Town Board and a finding by the Town Board that such project does not bear a rational relationship to the need for new, expanded or improved public facilities required to serve such development. Such application shall be made to the Town Board prior to the payment of any fees under this Article.
- G. Administration and review. The Town Board shall, as part of its annual budget process, review the impact fees imposed under this Article. The revenue and expenditure totals for each impact fee must also be included in the Town's annual budget, and a summary of the revenue and expenditure totals for each impact fee must be made available in the Town's annual budget summary required under Chapter 65.90(3)(a), Wis. Stats.
- H. Appeals. Any developer upon whom an impact fee is imposed under this Article shall have the right to contest the amount, collection, or use of the impact fee to the Town Board, provided that the developer files a written notice of appeal in the Town Clerk's office within 15 days of the building permit approval upon which the impact fee is imposed. Such notice of appeal shall be titled "Notice of Appeal of Impact Fee" and shall state the developer's name, address, telephone number, address (if available) and legal description or tax parcel identification number of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal. The Town Clerk shall schedule the appeal for

consideration by the Town Board at a regular meeting as soon as reasonably practicable under the circumstances and shall notify the developer of the time, date, and place of such meeting, in writing, by regular mail deposited in the mail no later than at least three days before the date of such meeting. Upon review of such appeal, the Town Board may adjust the amount, collection, or use of the impact fee upon just and reasonable cause shown.

18-122 Through 18-129 Reserved

ARTICLE X: ADMINISTRATION

18-130 Variances and exceptions.

- A. Where the Plan Commission finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, it may recommend to the Town Board variances or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variance or exception shall not have the effect of nullifying the intent and purpose of this Chapter. The Plan Commission shall not recommend 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 based upon the following conditions:
 - (1) The granting of the variance 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 variance is based are unique to the property for which the variance 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, if the strict letter of the regulations were carried out.
 - (4) The variance will not in any manner vary the provisions of other Town ordinances, the comprehensive plan, or any Town official map. (amended by ord. 2024-06)
- B. The Town Board shall not approve variances to the regulations of this Chapter unless it makes findings based upon the evidence presented to it in each specific case based upon conditions identified above.
- C. Any modification or variance granted shall be entered in the minutes of the Town Board, setting forth the reasons which, in the opinion of Board, justify the variance.
- D. In approving variances, the Town Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- E. A petition for any such variance shall be submitted in writing to the Town Clerk, by the subdivider, at the time when the preliminary plat or certified survey map is filed for consideration of the Plan Commission. The petition shall state fully the grounds for the application and the facts relied upon by the petitioner.

18-131 Enforcement; violations, and penalties.

- A. The Town Planner shall have primary responsibility for enforcing this Chapter. No building permit shall be issued for construction on any lot until the final plat for the subdivision has been duly recorded, or a certified survey map is recorded, and all conditions of approval are met.
- B. Any person who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit not less than \$25 nor more than \$2,500 and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or

continues shall constitute a separate offense. In addition, the remedies provided by Wis. Stat. §§ 236.30, 236.31, 236.32, and 236.335 shall be available to the Town.

- C. When a subdivision is created in violation of this Chapter, the Town may order an Assessor's plat to be made under Wis. Stat. § 70.27 at the expense of the subdivider or his/her agent.

18-132 Through 18-199 Reserved

ARTICLE XI: DEFINITIONS

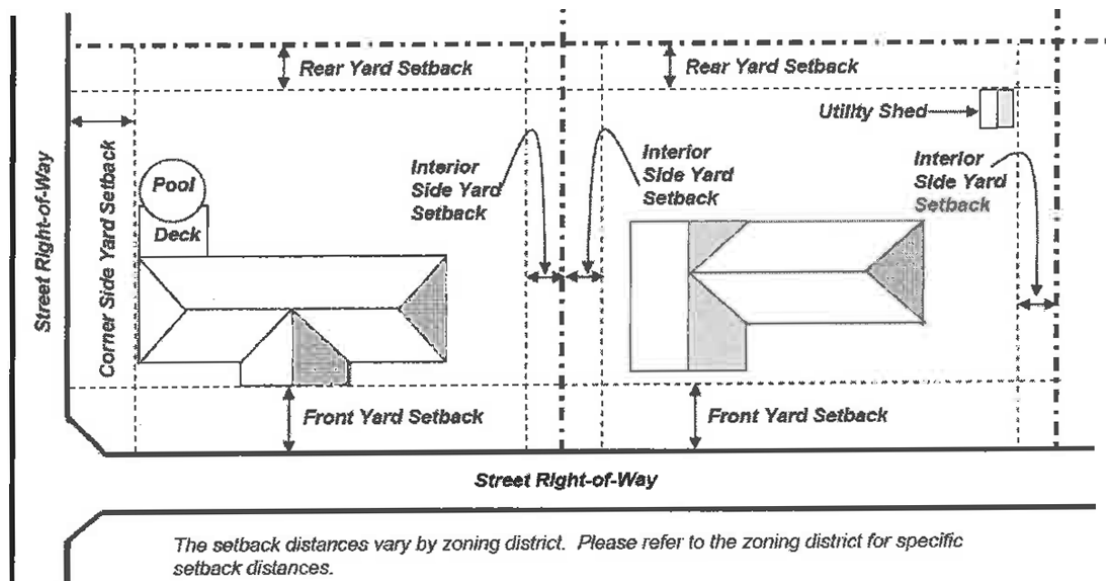
18-200 Meanings and Words and Phrases Defined.

A. Meanings. For the purpose of this Chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning.

- (1) Words used in the present tense in this Chapter include the future.
- (2) The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual.
- (3) The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive.
- (4) Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

B. Words and Phrases defined.

- (1) Alley. A public or private right-of-way that provides secondary access to abutting properties.
- (2) Arterial Street. A street that provides for the movement of relatively heavy traffic to, from, or within the Town. It has the secondary function of providing access to abutting land.
- (3) Block. A parcel, lot, or group of lots existing within well-defined and fixed boundaries bounded on at least one side by a street, bounded on the other sides by streets, natural or artificial barriers, or unplatted land and having an assigned number, letter, or other name through which it may be identified.
- (4) Buildable Area. The area of a lot remaining after the building setback requirements have been met and excluding the unbuildable areas as determined by this Chapter and the Town of Freedom Plan Commission. The buildable area must be contiguous and not separated by environmental features, streets, or other similar features.
- (5) Building. A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or property and having a more or less permanent location on the ground.
- (6) Building Setback Line. The distance from the boundaries of a lot within which building(s) shall not be erected.

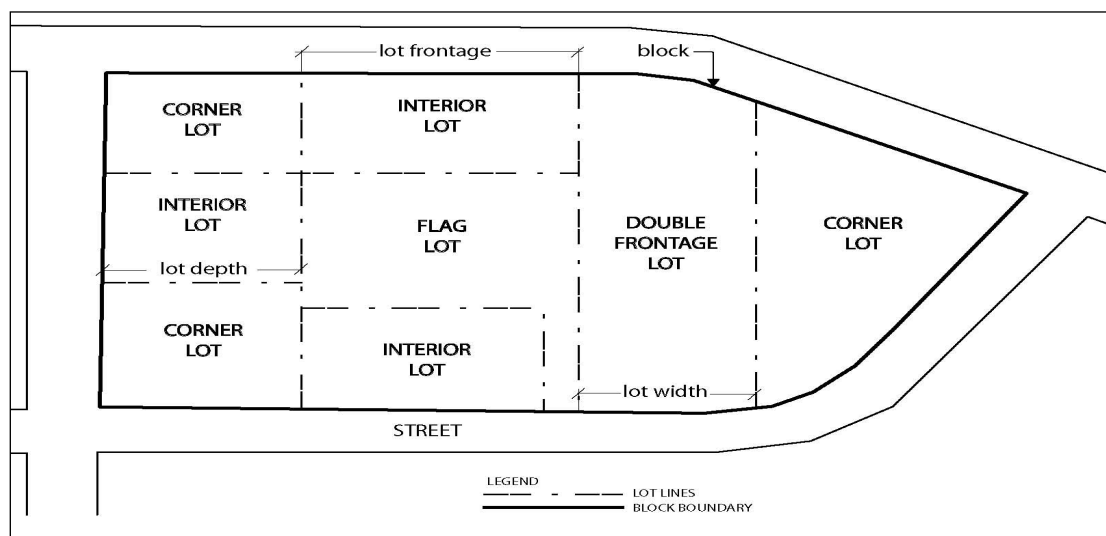


- (7) Certified Survey Map (also, CSM). A map, plan, or record of a minor subdivision meeting all the requirements of Wis. Stat. § 236.34, and of this Chapter.
- (8) Channel. A natural or artificial watercourse of perceptible extent with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that water which is flowing within the limits of a defined channel.
- (9) 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 generally provides access to abutting property.
- (10) Common Open Space. Undeveloped land within a conservation 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 lots. It shall be substantially free of structures, but may contain historic structures and archaeological sites including Indian mounds, and/or such recreational facilities for residents as indicated on the approved development plan.
- (11) Comprehensive Plan. The plan for guiding and shaping the growth and development of the Freedom community, including all of the component parts, as prepared by the Plan Commission, and adopted by the Town Board according to Wis. Stat. to § 66.1001.
- (12) 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.
- (13) Conditional Approval. Approval of a plat by the Town Plan Commission or Town Board subject to the plat meeting certain specified requirements as determined by the Town Plan Commission or Town Board.
- (14) Condominium. A community association combining individual unit ownership with shared use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Wis. Stat. ch. 703. A condominium is a legal form of ownership of real estate and not a specific building type or style.

- (15) Conservation Area, Primary. The primary conservation areas are those areas that are automatically set aside when determining open space for conservation development subdivisions and include, but are not necessarily limited to: all lands located within existing street rights-of-way; all lands located within existing utility and railway rights-of-way; all lands located within floodplain; all lands located within wetlands; all slopes of 12% or greater; and, those areas identified in Section 265-73.A(1) of this Chapter.
- (16) Conservation Area, Secondary. Those areas identified in, but not limited to, Section 265.73.B(1) of this Chapter.
- (17) Conservation Easement. The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state precluding future or additional development.
- (18) Conservation subdivision. A subdivision where open space is the central organizing element of the subdivision design and one 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 40% of the gross tract area as protected open space.
- (19) Contiguous. Lots are contiguous when at least one lot line of one lot touches a lot line of another lot; a corner-to-corner connection is not considered contiguous.
- (20) Crosswalk. A public right-of-way traversing a block or street for the purpose of providing pedestrian access.
- (21) Cul-de-sac. A short minor street having one end open to motor traffic and the other end terminated by a vehicular turnaround.
- (22) Days. Refer to calendar days, unless specifically indicated otherwise.
- (23) 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.
- (24) Detention Pond. A permanent artificial pond or pool used for the temporary storage of stormwater runoff and which provides for the controlled release of such waters.
- (25) Developer. A person that constructs or creates a land development.
- (26) Development. The act of constructing buildings or installing site improvements, such as grading, clearing, ditching, installing utilities, or any other activities prior to construction.
- (27) Development Agreement (also, Developers Agreement). An agreement entered into by and between a Subdivider and the Town, with respect to any approved land division, which provides, among other things, for the design, construction and installation of required public improvements, the payment for such public improvements, dedication of land or acceptance of the dedication of completed public improvements, restrictive covenants running with the land, or other matters relating to land division, to development and use of land included in the land division or to the administration and enforcement of the agreement.
- (28) Division of Land (also, Land Division). The division of a lot or parcel of land into two or more parcels.
- (29) Double Frontage Lot. A lot, other than a corner lot, which has frontage on two or more streets.
- (30) Dwelling Unit. The building, or group of rooms within a building, where one person or a group of persons resides as a family unit.

- (31) Easement. A grant by a property owner of the use of designated land by another for a specified purpose.
- (32) Environmentally Sensitive Area (also, ESA). Portions of the landscape including valuable natural resource features that should be protected from intensive development. Environmentally sensitive areas may include lakes, rivers, streams, wetlands, floodways, steep slopes, and other significant and unique natural resource features. Environmentally sensitive areas also include a setback or buffer from those features.
- (33) Erosion. The process by which soil particles are mobilized and transported by either artificial actions or natural agents such as wind, rain, frost action, or surface water flow.
- (34) Erosion Hazard Area. Those areas of the landscape in which human activities and development can accelerate erosion due to soils subject to severe erosion.
- (35) Final Plat. The map or plan of record of a subdivision and any accompanying material prepared in compliance with Wis. Stat. ch. 236, and the terms within this Chapter.
- (36) Flood. A temporary rise in stream flow or pond or lake water levels that results in water overtopping its banks and inundating normally dry areas adjacent to the stream, pond, or lake.
- (37) Floodplain. The land that has been or may be hereafter covered by floodwater, including but not limited to the regional flood.
- (38) Floodway. The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the floodwaters or flood flows of any river or stream, including but not limited to flood flows associated with the regional flood.
- (39) Frontage. The length of the front property line of the lot, lots or tract of land abutting the right-of-way of a public street road or highway.
- (40) Frontage Street. A minor street auxiliary to and located parallel and adjacent to an arterial street, highway, or other thoroughfare that provide access to abutting properties and separation from through traffic.
- (41) Grade. The slope of a road, street, or other public way, specified in percent.
- (42) Gross Tract Area. The entirety of the parcel proposed for subdivision, including all primary and secondary conservation areas.
- (43) 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 within the Subdivision or Certified Survey Map.
- (44) Impact fees. Cash and non-cash fees imposed upon a developer under this Chapter.
- (45) Improvement, Public. Any sanitary sewer, storm sewer, drainage ditch, stormwater management facility, water main, roadway, parkway, sidewalk, pedestrianway, planting strip, off-street parking area, or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.
- (46) Irrevocable Letter of Credit. A guarantee issued by a bank or other lending agency stating that a certain level of funds is available to the Town to pay for improvement costs specified in an approved development agreement.
- (47) Land Development. The construction or modification of improvements to real property that creates additional residential dwelling units within the Town or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Town.
- (48) Land Division. The act of creating two or more separately described parcels, at least one of which is 40 acres or less in size, from a single parcel of land by the owner thereof or their agent.

- (49) Local Street. A street designed for low-speed travel and generally low traffic volumes which provides land access from neighborhoods and minor activities to the collector and arterial systems.
- (50) Lot. A designated fractional part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this Chapter for a building site. For the purposes of this Chapter, a lot may also include the terms "parcel," "tract," or "building site" in determining the applicability of this Chapter to land divisions.
- (51) Lot, area. The total square footage lying within the peripheral boundaries of a parcel of land. In any zoning jurisdiction, the area of a lot specifically excludes:
 - (a) The right-of-way of a public or private street.
 - (b) Areas of navigable water.
- (52) Lot, corner. A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less measured on the lot side. (see Lot Type Illustration)
- (53) Lot, double frontage (also, Through Lot). A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall not be permitted unless the lot abuts an arterial highway. (See Lot Type Illustration)
- (54) Lot, flag. A lot, situated generally behind a lot or lots fronting on the street or road, with its widest point set back from the road, and having a relatively thin, long strip of land connected to the road to provide legal access and frontage. (see Lot Type Illustration)
- (55) Lot Lines. The peripheral boundaries of a lot or parcel of land as defined herein.
- (56) Lot Line Adjustment. The adjusting of common property line(s) or boundaries between adjacent lots, tracts, or parcels for the purpose of accommodating a transfer of land, rectifying a disputed property line location, or freeing such a boundary from any difference or discrepancies. The resulting adjustment shall not create any additional lots, tracts, or parcels, and all reconfigured lots, tracts, or parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes.
- (57) Lot of Record. A legal lot of record shall mean a lot legally created and recorded in the Brown County Register of Deeds Office.
- (58) Lot Type Illustration.



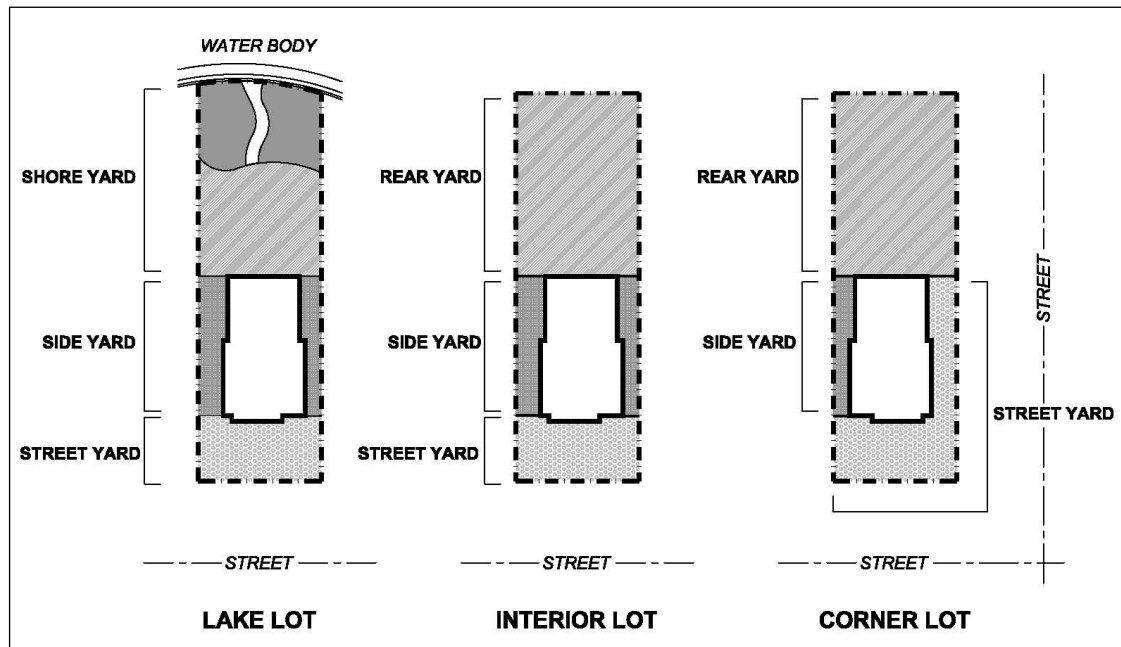
- (59) Lot Width. The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 25 feet of lot depth immediately in back of the front yard setback line.
- (60) Minor land division. The creation of one but not more than four parcels or building sites which divide land into a parcel or parcels of five acres or smaller in size. Minor land divisions shall be created by Certified Survey Maps. Not more than four parcels may be created by means of minor land division procedures within any five-year period from a lot, parcel or tract which existed on the effective date of this Chapter.
- (61) Mixed-Use (also, Mixed Use). The strategic placement of commercial, civic, multifamily, and open space uses within residential land use areas.
- (62) Municipality. All units with local self-government.
- (63) Nonprofit Conservation Organization. Any charitable corporation, charitable association, or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining, or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.
- (64) Official Map. The map indicating the location, width and/or extent of existing and proposed streets, highways, parkways, parks, waterways, and playgrounds, as adopted by the Town Board pursuant to Wis. Stat. § 62.23(6).
- (65) Open space. A natural or manmade landscaped area not occupied by any structures, buildings, or impervious surfaces.
- (66) Ordinary High Water Mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- (67) Outlot. A parcel of land so designated on a plat or certified survey map and which is any of the following:
 - (a) A parcel of land left over at the time of platting and which is intended to be divided further in the future.
 - (b) A platted parcel which does not meet the requirements of a lot at the time of platting.
 - (c) A platted parcel which is intended for open space or other use and held in common ownership or which is transferred to a public agency or utility.
- (68) Owner. Any person having proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the land under this Chapter.
- (69) Parcel. A continuous area of land described in a single description in a deed or a lot or outlots on a plat or certified survey map, separately owned or capable of being separately conveyed.
- (70) Parent Parcel. The existing parcel of record, as identified by individual tax parcel numbers, as of the effective date of this ordinance.
- (71) Performance Bond. A bond guaranteeing performance of a contract or obligation through possible forfeiture of bond if said contract or obligation is unfulfilled by the subdivider.
- (72) Plan Commission. An officially constituted Town of Freedom body under is. Stat. § 62.23, whose duties include administration of Town subdivision regulations.
- (73) Planned Unit Development. A development guided by a total design plan in which one or more of the subdivision regulations may be waived or varied to allow flexibility and

- creativity in site and building design and location, in accordance with general guidelines.
- (74) Plat. A map of a subdivision.
 - (75) Preliminary Plat. A map delineating the features of a proposed subdivision as described herein, submitted to the Town for preliminary consideration prior to the final plat.
 - (76) Property line. The legal boundaries of a parcel of property that may or may not coincide with platted lot lines or street right-of-way.
 - (77) Public Utility. A corporation, company, association, sanitary district, or municipality that may own or operate any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery, or furnishing of heat, electricity, gas, water, cable television, sewer, or any other service deemed to be in the public interest.
 - (78) Public way. Any public road, street highway, walkway, drainageway or part thereof.
 - (79) 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.).
 - (80) 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, hunting).
 - (81) Replat (also, Resubdivision). The process of changing the plat map, which changes the boundaries of a recorded plat or a part thereof.
 - (82) Restrictive Covenants. Written stipulations on the face of a plat or certified survey map regarding restrictions on the use or development of land that are binding on the property owner and subsequent owners of the property.
 - (83) Retention Pond. A permanent artificial pond or pool designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.
 - (84) Right-of-Way. A strip of land allowing or intending to allow the passage of people or goods and dedicated to the public or under the control of the public.
 - (85) Roadway. A surfaced curb to curb or paved portion of a street available for vehicular traffic movement and parking.
 - (86) Setback. The required distance a structure must be located from a lot line, easement, right-of-way, adjacent building, or other feature as indicated in this Chapter and in the zoning ordinance.
 - (87) Sewer Service Area. That area presently served and anticipated to be served by a sewage collection system, identified in the Town of Freedom Sewer Service Area Plan.
 - (88) Shoreland. The area within 1,000' of the ordinary high water mark of a navigable lake, pond, or flowage; or within 300' of the ordinary high water mark of a river or stream; or to the landward side of a floodplain, whichever distance is greater.
 - (89) Sidewalk. That portion of a street or crosswalk, paved or otherwise surfaced, intended for pedestrian use only.
 - (90) Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
 - (91) State. State of Wisconsin.
 - (92) Stormwater. The flow of surface water that results from precipitation.
 - (93) Stormwater Management Facility. Any technique, apparatus, or facility that controls or manages the path, storage, or rate of release of stormwater runoff. Such facilities may include storm sewers, drainage easements, retention or detention ponds, drainage channels, ditches, drainage swales, inlet or outlet structures, or other similar facilities.
 - (94) Street. Includes all accessways in common use such as streets, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts, and culs-de-sac, and

includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, and whether dedicated for public use or held in trust, under the terms of a reservation, but shall not include those accessways such as easements and rights-of-way intended for solely limited utility purposes such as for electric power lines, gas lines, telephone lines, waterlines, or drainage and sanitary sewers.

- (95) Street, Half. A street bordering one or more property lines of a tract of land in which the subdivider has allocated a part of the ultimate right-of-way width. Building permits shall not be issued for parcels with frontage only on half streets.
- (96) Structure. Anything constructed or erected, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground.
- (97) Subdivider. Any person, firm, partnership, corporation, association, estate, trust, or other legal entity requesting review or action on a subdivision, minor subdivision, or condominium.
- (98) Subdivision. Any division of a lot by the owner thereof, or his/her agent, for the purpose of sale, lease, or building development where:
 - (a) The act of division creates five or more parcels or building sites of 40 acres or less in area; or,
 - (b) Five or more parcels or building sites of 40 acres each or less in area are created by successive divisions within a period of five years.
- (99) Surveyor. Any land surveyor duly licensed in the State of Wisconsin.
- (100) Tax Parcel. An existing tract of land as defined by the governing jurisdictional body for the purpose of assessment and taxation.
- (101) Tax Parcel Number. An identification number assigned to real estate in Brown County for taxation purposes.
- (102) Tract. A contiguous area of land which exists or has existed in single ownership.
- (103) Utility Easement. An easement to place, replace, maintain, or move utility facilities, such as telephone or electric lines, water or sewer mains, gas pipelines, and cable television.
- (104) Variance. A departure from the terms of this Chapter as applied to a specific parcel of land which the Town Board may permit pursuant to this Chapter.
- (105) Town. The Town of Freedom, Brown County, Wisconsin.
- (106) Town Board. The Town of Freedom Town Board.
- (107) Waterways. Rivers, streams, creeks, ditches, drainage channels, watercourses, lakes, bays, ponds, impoundment reservoirs, retention and detention basins, marshes, and other surface water areas, regardless of whether the areas are natural or artificial.
- (108) Wetlands. An area on the landscape 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. A wetland delineation is established by, or approved by, the Wisconsin Department of Natural Resources and/or the U.S. Army Corps of Engineers.
- (109) Yard, Rear. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the Principal Structure. This yard shall be opposite the Primary Street Yard on a corner lot. (See Yard Type Illustration). (amended by ord. 2024-06)
- (110) Yard, Shore. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the Ordinary High Water Mark of a navigable body of water and a line parallel thereto through the nearest point of the Principal Structure. (See Yard Type Illustration). (amended by ord. 2024-06)

- (111) Yard, Side. A yard extending from the Street Yard to the Rear Yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the Principal Structure. (See Yard Type Illustration). (amended by ord. 2024-06)
- (112) Yard, Street. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the Principal Structure. Corner lots shall have 2 such yards. The Primary Street Yard on a double frontage lot or corner lot shall be that associated with the mailing address or fire number, as applicable. (See Yard Type Illustration). (amended by ord. 2024-06)
- (113) Yard Type Illustration. (amended by ord. 2024-06)



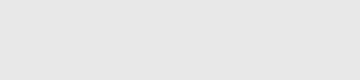
- (114) Zoning Ordinance. Outagamie County Chapter 54: Zoning.

2025 Building Permits

APP #	LAST NAME	FIRST NAME	PARCEL #	HOUSE #	STREET NAME	TYPE	EST. COST	TOTAL PAID	Park \$300	WI Seal Permit \$35	Engineering \$220	Admin \$50	Address \$100	ROW \$50	BUILDING INSPECTOR
FR-25-1	VANDEHEY		090027905	N4354	BELL CT	ELECTRICAL	\$5,000	\$150							SP
FR-25-2	Hinz	Daniel	090017501	N4392	French Rd	SOLAR	\$20,615	\$250							SP
FR-25-3	CCW Properties		090210800	W1944	Industrial Dr	ELECTRICAL	UK	\$250.00							SP
FR-25-4	Toyne	Don	090207800	N4344	Kylea Ct	FINISH LL	\$34,000	\$510							SP
FR-25-5	Leduc	Leann	090076500	W3092	Mathison Rd	HVAC	\$5,000	\$125							SF
FR-25-6	VanCamp	Gerald	090028502	W2029	Center Valley Rd	NEW HOME	\$650,000.00	\$4,040.00	\$300				\$100		SP
FR-25-7	Cotton		090065200	N3574	State HWY 55	ELECTRICAL	UK	\$125							SF
FR-25-8	Vanderloop	Tim	090094500	N2604	Cty HWY N	RAZE	UK	\$150							SP
FR-25-9	Wolff	Dylan	090009602	N4681	Cty Rd C	NEW HOME	\$400,000.00	\$2,265.00	\$300				\$100		SP
FR-25-10	J&S		090061922	LOT 20	Warren Trl	NEW HOME	\$320,000.00	\$2,265.00	\$300				\$100		SP
FR-25-11	Richeson	Shawn	090168300	N4295	Oak Ln	REMODEL/ADDITIO	\$93,000.00	\$1,200.00							SP
FR-25-12	J&S		090061933	LOT 31	Ethan Dr	NEW HOME	\$325,000.00	\$2,265.00	\$300				\$100		SF
FR-25-13	Residential Solutions		090061940	LOT 38	Gavin Dr	NEW HOME	\$600,000	\$4,440	\$300				\$100		SP
FR-25-14	Residential Solutions		090061970	LOT 68	Gavin Dr	NEW HOME	\$500,000	\$2,265	\$300				\$100		SP
FR-25-15	Keller	Chuck	090090502	W3130	Broadway Lot 104	HVAC		\$125							SP
FR-25-16	Great Value Homes		090090502	W3130	Broadway Lot 205	NEW TRAILER	\$90,000	\$300							SP
FR-25-17	Great Value Homes		090090502	W3130	Broadway Lot 61	NEW TRAILER	\$90,000	\$300							SP
FR-25-18	Matuszak	Mark	090205200	N4345	Panoramic Ave	REMODEL/ADDITIO	\$50,000	\$875							SP
FR-25-19	Pfrang	Trevor	090055906	W3332	Ash Lake Trl	PLUMBING	\$6,000	\$250							SP
FR-25-20	Hartjes	David				NEW HOME	\$475,000	\$2,265	\$300				\$100		SP
FR-25-21	Cismoski	John	090172400	N3921	Dublin Way	FENCE	UK	\$100							SP
FR-25-22	VanAsten	Adam	090032900	W1560	VanAsten Rd	POOL	\$70,000	\$300							SP
FR-25-23	Keller	Chuck	090055906	W3130	Broadway Lot 104	HVAC	\$6,000	\$125							SP
FR-25-24	Woods	Cole	090093400	W2299	Greiner Rd	ELECTRICAL	UK	\$125							SF
FR-25-25	Herbst	Jeff	090061973	N3668	Gavin Dr	FENCE	\$4,000	\$100							SF
FR-25-26	Verkuilen	Greg	090048402			NEW HOME	\$450,000	\$2,265	\$300				\$100		SP
FR-25-27	Bigge	Steve	090061915	W2321	Schmidt Rd	FENCE	UK	\$100							SP
FR-25-28	FASD		090038800	N4021	Cty RD E	Early Start	\$55,000,000	\$150.00							SP
FR-25-29	Buss	Randy	090651942	W2375	Ethan Dr	DECK	\$38,626	\$250							SP
FR-25-30	Mannebach	Patrick	090193500	W3526	Equestrian Trl	ELECTRICAL	\$3,000	\$125							SP
FR-25-31	Moua	Shoua	090010303	N4773	French Rd	HVAC	\$6,716	\$125							SF
FR-25-32	Wiesler	AJ	090028000	W1764	Elk Ln	EGRESS WINDOW		\$250							SP
FR-25-33	Schuh	Rebecca	090151600	N3919	McHugh Rd	FENCE	UK	\$100							SP
FR-25-34	Calmes	Greg	090049302		Schroder Rd	NEW HOME	\$685,000	\$4,440	\$300				\$100		SF
FR-25-35	Farvour	Zach	090101900	N4114	Coffey St	ELECTRICAL	UK	\$125							SP
FR-25-36	Buss Electric Inc		090038800	N4021	County Rd E	TEMP ELECTRICAL	\$800	\$125							SF
FR-25-37	Asimus	Cory	090166300	W2259	Chestnut Ln	GARAGE	\$45,000	\$400.00							SP
FR-25-38	VanHandel	Daniel	090056800		County Rd C	AG BUILDING	\$87,000	\$652.50							SP
FR-25-39	Eggert	Sharon	090040721	N3790	Wheatfield Ln	HVAC	\$4,000	\$125.00							SP
FR-25-40	Reinke	Steve	090095505	N2519	State HWY 55	ELECTRICAL	\$12,000	\$200							SP

FR-25-41	Weihing	Steve	090010000	N3403	Krueger Rd	ELECTRICAL	\$2,000	\$125.00							SP
FR-25-42	VanCamp	William	090026402	Parcel Only		RAZE	UK	\$150							SP
FR-25-43	Fifield	Richard	090124100	N4172	Gonnering	HVAC	\$4,992	\$125							SP
FR-25-44	Reiland	Gerald	090044500	N4075	Cty Rd C	ADDITION	\$70,000	\$650							SP
FR-25-45	Buss Electric Inc		090038800	N4021	County Rd E	ELECTRIC	\$8,000	\$125							SP
FR-25-46	Zwiers	Rick	090163200	W3168	Hilly Haven DR	GARAGE	\$60,000	\$525							SF
FR-25-47	Clearwater	Dan	090041110	N3826	Breese Way	GARAGE	\$75,000	\$650							SF
FR-25-48	Verkuilen	Andy	090017603	W3140	Garvey Rd	GARAGE	\$80,000	\$975							SP
FR-25-49	Roffers	Samuel	090024300	2131	Ludwig	FENCE	\$3,000	\$100							SP
FR-25-50	Evers	James	090022001	W2167	Center Valley Rd	HVAC	\$9,000	\$135							SP
FR-25-51	VanRooy	Ken	090098802	N2797	Maloney Rd	HVAC	\$14,000	\$200							SP
FR-25-52	Kortz	Chad	090061966	LOT 64	COUNTRY FIELDS	NEW HOME	\$400,000	\$2,265	\$300				\$100		SP
FR-25-53	Bernetzke	Jacob	090009501	W3102	Center Valley Rd	SHED	\$6,000	\$125							SP
FR-25-54	Schlegel	Christine	090090502	W3130	E Broadway Dr LO	DECK	UK	\$250							SP
FR-25-55	Spierings	Brent	090026704	W1715	Emmett Ln	GARAGE	UK	\$525.00							SF
FR-25-56	Neighborhood Acres		090032901	W1560	VanAsten Rd	GARAGE	\$50,000	\$650							SP
FR-25-57	Buss Electric Inc		090062500	N3602	County Rd N	ELECTRIC	\$9,500	\$200							SF
FR-25-58	Sticka	Amber	090201300	N4316	Serenity Ridge	GARAGE	\$30,000	\$650							SP
FR-25-59	Great Value Homes		090090502	W3130	E Broadway Dr LO	NEW TRAILER	\$90,000	\$300							SP
FR-25-60	Great Value Homes		090090502	W3130	E Broadway Dr LO	NEW TRAILER	\$90,000	\$300							SP
FR-25-61	Great Value Homes		090090502	W3130	E Broadway Dr LO	NEW TRAILER	\$90,000	\$300							SP
FR-25-62	Great Value Homes		090090502	W3130	E Broadway Dr LO	NEW TRAILER	\$90,000	\$300							SP
FR-25-63	Johnson	Heather	090039200	N3985	County RD E	POOL/ FENCE	UK	\$275							SP
FR-25-64	Reffke	Bruce	090016601	W3084	Garvey Rd	GENERATOR	\$15,176.78	\$200							RS
FR-25-65															
FR-25-66	Nagan	William	090169900	W2273	Blarney Ct	GENERATOR	UK	\$200							SP
FR-25-67	Elegant Homes		090061914	LOT 12	Schmidt Rd	NEW HOME	\$350,000	\$2,265	\$300				\$100		SP
FR-25-68	FREEDOM SCHOOLS		090038800	N4021	CTY RD E	ADDITION	\$50,400,000	\$71,716.14							SP
FR-25-69	Buss Electric Inc		090088500	N2740	French Rd	ELECTRICAL	\$3,000	\$250.00							SF
FR-25-70	Kilburg	Charlie	090061917	W2330	Warren Trl	FENCE	\$14,632.75	\$100							SP
FR-25-71	Bowers	Kristy	090027901	W1777	Elk Ln	ELECTRICAL	\$1,500.00	\$125.00							SP
FR-25-72	Townsend	Faith	090107500	N4173	Cty RD E	ADDITION	UK	\$625.00							SF
FR-25-73	Vosters	John	090064700	W1811	Golden Glow Rd	NEW HOME	\$320,000.00	\$2,445	\$300				\$100		SP
FR-25-74	Ashman	Derek	090097501	W1170	Lau Rd	HVAC	\$6,000	\$125.00							SP
FR-25-75	Henn	Dawn	090189100	W3013	Sunshine Rd	HVAC	\$7,000	\$125							SP
FR-25-76	St Peters Lutheran		090088500	N2740	N French Rd	ADDITION	\$174,000	\$3,480							SP
FR-25-77	VanZeeland	Alex	090061930	Lot 28	Ethan Dr	NEW HOME	\$500,000	\$2,445	\$300				\$100		SF
FR-25-78	Meyers	Jamie	090012200	W3606	Center Valley Rd	ADDITION	\$180,000	\$2,175							RS
FR-25-79	Seiter	Jason	090201200	N4312	Serenity Ridge	ADDITION	\$48,445	\$525							SP
FR-25-80	Elegant Homes		090061914	LOT 12	Schmidt Rd	ELECTRICAL	UK	\$125							SP
FR-25-81	Schmidt	Nick	090210700	W1970	Industrial Dr	ADDITION	\$182,829.00	\$1,200.00							SP
FR-25-82	VanHandel	Mary	090086100	W3514	Broadway Dr	HVAC/ BOILER	\$59,000	\$885							SP
FR-25-83	Kohl	Ron	090110100	W1919	Cty Rd S	HVAC	\$4,000	\$125							SP
FR-25-84	Great Value Homes		090090502	W3130	E Broadway Dr Lot	ELECTRICAL	\$1,400	\$125							RS

FR-25-85	Great Value Homes		090090502	W3130	E Broadway Dr Lot	ELECTRICAL	\$1,400	\$125						RS
FR-25-86	Great Value Homes		090090502	W3130	E Broadway Dr Lot	ELECTRICAL	\$1,400	\$125						RS
FR-25-87	Great Value Homes		090090502	W3130	E Broadway Dr Lot	ELECTRICAL	\$1,400	\$125						RS
FR-25-88	Great Value Homes		090090502	W3130	E Broadway Dr Lot	ELECTRICAL	\$1,400	\$125						RS
FR-25-89	Greiner	Michael	090107400	N4169	Cty RD E	GARAGE	\$21,500	\$337.50						SP
FR-25-90	Sellers	Craig	090123200	W1926	VandenBerg St	ELECTRICAL	UK	\$125						RS
FR-25-91														
FR-25-92														
							\$113,551,333	\$134,721						



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I. POTENTIAL MATTERS REQUIRING PLAN COMMISSION / TOWN BOARD ACTION

- A. Willer Concept CSM – CTH E and Center Valley Road

II. PENDING MATTERS REQUIRING PLAN COMMISSION / TOWN BOARD ACTION

- A. Schuh CSM – W2086 Center Valley Road
- B. Appleton-Vanvree CSM – Greiner Road and Maloney Road
- C. BelGioioso Zoning Change – N4056 Vine Road
- D. Freedom Sanitary District Well #3 – CTH E northeast of Center Valley Road
- E. Kirk Schuh Special Exception – landscaping business (awaiting submittal of application)

III. OTHER PLANNING & ZONING MATTERS

none

IV. PLANNING & ZONING RELATED LEGISLATION / COURT DECISIONS

- A. *Dwyer v. City of Monona*, 2025 WI App 40, 2025 WL 1410047 (May 15, 2025)

Zoning Board of Appeals upheld Building Inspector's denial of previously approved Building Permit due to inclusion of bathroom and plumbing not included in original submittal for proposed boathouse.

- B. *Biel v. City of Beaver Dam*, No. 22-CV-766, 2025 WL 1473785 (E.D.Wis. May 22, 2025)

City implemented floodway on private property as required by FEMA. Landowner sued in Federal Court arguing that floodway constituted a taking. City argued Federal Court did not yet have jurisdiction because matter was not yet ripe (i.e., Landowners did not go through available permitting, appeals, and variance requirements. Court ruled in favor of City.

- C. *Town of Vinland v. Loren's Auto Recycling, LLC*, No. 24AP343, 2025 WL 1576572 (Wis. Ct. App. June 4, 2025)

Landowner failed to comply with terms of Conditional Use Permit issued for salvage yard. Town revoked CUP and asked Circuit Court to order removal of all junked vehicles due to their classification as a nuisance. Circuit Court ruled in favor of Town ordering 1,500 vehicles to be removed. Court of Appeals affirmed Circuit Court's decision.

D. *WI Realtors Association, Inc. v. City of Neenah*, District II Court of Appeals.

City ordinance required short-term rentals to be owner's primary residence, in violation of Wis. Stat. § 66.1014(2) which allows any "dwelling unit" to be used as a short-term rental regardless of type or occupancy.

E. *Wildwood Estate, LLC v. Village of Summit*, District II Court of Appeals.

Village ordinance required a license and a permit for short-term rentals. Court ruled the ordinance was a zoning ordinance and, as such, the existing Wildwood Estate short-term rental was a legal, nonconforming use (i.e., a lawful use pre-dating adoption of the ordinance).

From: League of Wisconsin Municipalities league@lwm-info.org
Subject: Short-Term Rental Cases Have Long-Term Impact
Date: July 22, 2025 at 4:29 PM
To: Eric Larson elarson@ammr.net



The League's League-EL Case Alert July, 22 2025



Short-Term Rental Cases Have Long-Term Impact

On July 9, 2025, the District II Court of Appeals issued two significant opinions regarding municipal authority to regulate short-term rentals. In the first, [*WI Realtors Association, Inc. v. City of Neenah*](#), the court struck down the City of Neenah's ordinance requiring short-term rentals to be the owner's primary residence. In the second, [*Wildwood Estate, LLC v. Village of Summit*](#), the court held that the Village of Summit's short-term rental ordinance should have been adopted as a zoning ordinance.

In *City of Neenah*, 2024AP998, the city's ordinance required short-term rental owners to obtain a permit. The property also had to be the owner's primary residence. The Wisconsin Realtors Association challenged this ordinance, arguing it was preempted by Wis. Stat. § 66.1014(2). The court of appeals agreed.

Under Wis. Stat. § 66.1014(2), a municipality "may not enact or enforce an ordinance that prohibits the rental of a residential dwelling for 7 consecutive days or longer." With little discussion, the court concluded that Neenah's ordinance logically conflicts with the state statute because it excludes *some* residences from being used as short-term rentals. ¶ 14. Because the ordinance logically conflicts with the statute, the court concluded it is preempted. Municipalities that have adopted a similar ordinance, should consult with their municipal attorneys regarding next steps, as those ordinances are likely preempted as well.

In *Wildwood Estates*, 2024AP178, the Village of Summit had an ordinance requiring short-term rental owners to obtain a license and tenant permit for



each short-term rental, requiring each guest to sign a registry, and prohibiting rentals of 6 days or fewer. ¶ 4. Wildwood was conducting short-term rentals for less than seven nights prior to the ordinance and sued the village after the ordinance's enactment. Wildwood argued that the village's regulations were zoning ordinances, and that the village failed to enact them pursuant to the special statutory procedures for zoning ordinances. Wildwood also asserted it was entitled to a legal nonconforming use exemption because it was engaging in the regulated activity prior to the village's ordinance being adopted. ¶ 7. Again, the court of appeals ruled against the municipality.

There is no bright line rule for determining whether an ordinance is a zoning ordinance. Rather, a court must take a functional approach, comparing an ordinance to the characteristics of traditional zoning ordinances. Among the factors the court must look at are whether the ordinance divides a geographic area into zones or districts, whether it aims to control where a use takes place as opposed to how it takes place, and whether it makes fixed forward-looking determinations regarding use as opposed to case-by-case determinations.

The Village of Summit's ordinance lacked several of the characteristics of a zoning ordinance. Yet, the court of appeals concluded that it was a zoning ordinance, nonetheless. Even though the ordinance appeared to only regulate how rentals could occur and for how long, the court stated the ordinance was aimed at where rentals could take place and not how short-term rentals take place. ¶ 31. Additionally, the court found it very significant that enforcement duties were given to the city planner. ¶ 32-35. The fact that the ordinances were placed in business chapter of the village code was dismissed as "self-serving." ¶ 36. Since the ordinance was not enacted using the statutory procedures required for zoning ordinances – referral to the plan commission, class 2 notice and public hearing – the court voided the ordinance.

These cases represent a significant development in municipalities' legal authority to regulate short-term rentals. If your community has similar ordinances, you should consult your municipal attorney on the best way to proceed. The League will continue to monitor the cases to see if they are petitioned to the Supreme Court for review.





APA-WI Court Case Summaries

Opinions decided in May-June 2025 that affect planning in Wisconsin.

Wisconsin Court of Appeals

[**Dwyer v. City of Monona, 2025 WI App 40, 2025 WL 1410047 \(May 15, 2025\)**](#)

Topic

Zoning Ordinances and Partial Rescission of a Building Permit.

Summary

The landowner applied and was granted an initial permit to build a boathouse. Later, the City's building inspector partially rescinded the permit, eliminating plumbing to a planned bathroom in the boathouse. The bathroom and plumbing, the inspector claimed, violated the City's zoning ordinances prohibiting boathouse "facilities" used "for the purpose of habitation." The landowner sought review by the City's Zoning Board of Appeals, claiming the Board misinterpreted the zoning ordinance, and arguing that the bathroom-equipped boathouse would be limited to recreational uses and was not intended for overnight or extended stays. After the public hearing, the Board upheld the inspector's decision. The landowner sought review by the Circuit Court, which affirmed the Board's decision. The landowner appealed the review of the Board's decision, claiming the Board proceeded on an incorrect theory of the law, that the Board's decision was unreasonable, and that the evidence supported overturning the Board's decision. Because this was a review of the Board's decision, the landowner was required to prove that the Board's interpretation led to an absurd, unreasonable result.

The Court of Appeals affirmed the Circuit Court's decision. First, the Court noted that the inspector, and therefore, the Board, were required to consider whether, for the current or any future owner, the proposed building complied with all ordinances of the City, and having to wait for the building to be completed before being inspected would prevent the inspector from playing any meaningful role in enforcing the ordinance. Second, the Court considered the documents, record, and transcript from the public hearing. The Court concluded that the Board proceeded under the correct theory of law by considering that plumbing and a bathroom were prerequisites for a habitable building, but also would require heating and weather protection, thus making the boathouse suitable for habitation, and therefore in violation of the City ordinance. The Court went on to find that the Board's decision was supported by substantial evidence in the case, which included the plans and permit applications, and also found that the landowner failed to provide evidence to show the Board's determination was arbitrary or unreasonable.

Key Takeaway

This case provides a very good summary of the deference the Court of Appeals will give to a city zoning board's decision. The court will be highly deferential to the local municipality's decision so long as the entity making the determination follows the proper steps and elements outlined in its governing documents, keeps a record of the reasoning behind the decision, and the decision is supported by the evidence.

[Town of Vinland v. Loren's Auto Recycling, LLC, No. 24AP343, 2025 WL 1576572 \(Wis. Ct. App. June 4, 2025\)](#)

Topic

Conditional Use Permits and Public Nuisances

Summary

The landowner purchased a property with an existing, decades-old vehicle salvage yard business, expecting to be able to continue running the yard. The Town required a conditional use permit to operate a salvage yard and issued a provisional CUP to the landowner. The provisional CUP also identified several conditions the landowner needed to perform for the following year. By the end of the term, the landowner had not performed the required conditions in the provisional CUP, and the Town decided to terminate the CUP and not renew the salvage yard permit.

The Town then brought suit against the landowner, arguing that the yard violated the Town's ordinances because there were roughly "1,500 wrecked, damaged, and inoperable motor vehicles on the property" without proper environmental safeguards, a salvage yard permit, or a CUP. The Town also alleged that the business was in violation of public ordinances and asked the Court to order the landowner to remove the vehicles and to award the Town the cost of abatement against the landowner. Landowner, in reply, stated that he had ceased operating the salvage yard and, therefore, the public nuisance no longer existed. The circuit court ruled in favor of the Town, finding that the 1,500 vehicles constituted a public nuisance, ordering the landowner to remove the vehicles, and allowing the Town to recover costs for the abatement of the nuisance if the landowner did not comply. The landowner appealed.

The Court of Appeals affirmed the Circuit Court's decision. Reminding everyone that municipalities have "broad authority through their police powers to protect 'the health, safety, and welfare' of their residents, including the ability to define and take against public nuisances," the Court looked at the definition of public nuisance in the Town's ordinances. The Town has specifically declared public health nuisances to include "disassembled, dismantled, partially dismantled, junked, wrecked, or unlicensed motor vehicles ... in such state of physical or mechanical ruin as to be incapable of propulsion..." The landowner argued that, because he had ceased operating the salvage yard business, he was no longer committing a "wrongful act" causing the public nuisance. The appellate Court dismissed this argument because, as previously stated, the Town has the power to enact and enforce its public nuisance ordinance for

the “good order of the Town, for its commercial benefit and for the health, safety, welfare and convenience of the public,” so long as those ordinances are not “oppressive and unreasonable.”

Key Takeaway

Combined with *Dwyer v. City of Monona*, municipalities have broad discretion in drafting, interpreting, and enforcing ordinances to comply with state statutes, codes, or to maintain and protect the health, safety, and welfare of their populace, commercial interests, and their surrounding natural environment and resources. When drafting and proposing new ordinances, careful consideration should be given to identifying and restricting characteristics of undesirable uses that can then be focused on specific types of businesses that municipalities want to more closely regulate.

United States District Court, Eastern District of Wisconsin

[*Biel v. City of Beaver Dam*, No. 22-CV-766, 2025 WL 1473785 \(E.D.Wis. May 22, 2025\)](#)

Topic

Condemnation, Takings, and Administrative Processes for Permitting.

Summary

The City instituted a floodway on the landowner’s lot at the direction of the Federal Emergency Management Agency. The landowner brought suit in Federal Court, claiming that the lot is useless now because the floodway is intended to retain water in the event that the dam on Beaver Dam River is removed. The landowner further argues that no negotiations as to compensation for his land have taken place, nor was he notified of the taking.

The City moved to dismiss, claiming the Federal Court did not yet have jurisdiction. The claim was not “ripe” because the landowner had yet to “avail himself of the City’s permitting, appeal, and variance process enumerated in the City’s floodplain ordinance.” Questions of “ripeness” arise when a case presents uncertain events that may not occur as anticipated or may not occur at all. Stated another way, a case is not ripe when potential injuries are too speculative or rely on underdeveloped or future events. Here, the City argued, the landowner had not yet applied for a permit to build, or exhausted the administrative processes necessary for the City to make a final determination needed for the landowner to have a claim against the City.

The Court agreed with the City, noting that “a property owner should at least resort to the procedure for obtaining variances and obtain a conclusive determination by the [municipality] whether it would allow the proposed development, in order to ripen his takings claim.” The City’s floodplain ordinance provided for land use permitting and applications, zoning administration decisions, and appeals to the City Board before a final decision could be reached. All these steps must be taken before the issue would be ripe for the Court to have jurisdiction.

Key Takeaway

Biel highlights the benefit of having clear municipal approval and appeal procedures, particularly regarding complex or multi-jurisdictional items like floodplain ordinances, which have local, state, and federal components.

The APA-WI Court Case Summaries are brought to you by Brian Seidl, Attorney, and Samuel Schultz, Urban Planner, of Von Briesen, in collaboration with the APA-WI VP of Policy and Advocacy, Lewis Kuhlman. If you have questions or concerns, please contact Sam Schultz, samuel.schultz@vonbriesen.com, or Lewis Kuhlman, kuhlmanl@cityoflacrosse.org.