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**TOWN OF MENASHA  
MUNICIPAL CODE**

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CHAPTER 6

TOWN OF MENASHA  
LAND DIVISION ORDINANCE

6.01 INTRODUCTION

- 1) **Authority.** In accordance with the authority granted by Section 236.45 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes, the Town Board of Supervisors of the Town of Menasha, County of Winnebago, Wisconsin, does hereby ordain as follows:
- 2) **Title.** This ordinance shall be known as, referred to, or cited as, the "Town of Menasha Land Division Ordinance."
- 3) **Purpose.** This Ordinance is enacted for the following purposes:
  - a) To promote the public health, safety, comfort, convenience, prosperity and general welfare; to conserve, protect and enhance property and property value; and to secure the most appropriate use of land.
  - b) To promote orderly growth and development; to further the orderly layout and use of land; to afford adequate, safe, convenient means of traffic circulation for the public; to lessen congestion in the streets and highways; to provide for proper ingress and egress; to provide for adequate light and air; to protect vegetation; to lessen the impacts of noise from highways; to facilitate adequate but economical provisions for water, sewerage and other public improvements; and to safeguard the public against flood damage.
  - c) To prescribe reasonable rules and regulations governing the land division and platting of land, the preparation of plats, the location, width, and course of streets and highways, the installation of utilities, street pavements and other essential improvements; the provision of necessary public grounds for schools, parks, playgrounds and other public open spaces; and to promote proper monumenting of subdivided land and conveyancing by accurate legal description.
  - d) To establish procedures for submission, approval, and recording of plats; and to provide the means for enforcement and to provide penalties for violations.
- 4) **Abrogation and greater restrictions.** It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, ordinances, other than as stated in Section 6.01 7), rules, regulations, or permits previously adopted or issued pursuant to law.

However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

- 5) **Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to the 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 State Statutes.
- 6) **Severability.** If any section, portion, or provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is adjudged invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or applications.
- 7) **Repeal.** It is intended by this Ordinance to repeal the "Subdivision Control Ordinance for the Town of Menasha", as previously adopted, and create this Ordinance as titled in Section 6.01 2) of this Ordinance. All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.
- 8) **Effective Date.** This Ordinance shall be effective after adoption by the Town of Menasha Town Board of Supervisors and publication or posting as provided by law. Amendments hereto shall be made only after notice and public hearing.

6.02 DEFINITIONS

- 1) **Definitions.** The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. When not inconsistent with the context, words used in the present tense include the future, and words in the singular number include the plural number. The word "shall" is always mandatory.

*Abutting.* Means to border upon.

*Association.* All of a subdivision or condominium's unit owners acting as a group, either through a non-stock, non-profit corporation or an unincorporated association in accordance with its bylaws and declaration.

*Assurance.* A letter of credit or cash escrow deposited with the Town as approved by the Community Development Director for the purposes of guaranteeing the installation of required improvements, and giving the Town the ability to construct, cause to be constructed, repair or reconstruct required improvements not constructed or installed, or not properly constructed or installed.

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*Block.* A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.

*Building setback line.* A line parallel to a lot line and at a distance from the lot line to comply with the Zoning Ordinance's yard and setback requirements.

*Building sites.* A parcel of land occupied, or intended to be occupied by a structure as permitted under applicable Zoning Ordinance regulations.

*Certified Survey Map.* A map of a division of land prepared in accordance with Section 236.34 of the Wisconsin State Statutes and Section 6.07 of this Ordinance.

*Comprehensive plan.* The development plan, also called a master plan, adopted by the Town Board of Supervisors pursuant to Section 66.1001(3) of the Wisconsin State Statutes, including proposals for future land use, transportation, urban development, and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building ordinances and capital improvements programs shall also be considered a part of the comprehensive plan.

*Condominium.* Property subject to a condominium declaration established under Chapter 703 of the Wisconsin State Statutes and Section 6.09 of this Ordinance.

*Contiguous.* Lots are contiguous when at least one (1) lot line of one (1) lot touches a lot line of another lot.

*Corner lot.* A lot abutting on two (2) or more intersecting streets.

*County.* The County of Winnebago, Wisconsin.

*Development.* The act of building structures or installing improvements.

*Development 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.

*Double frontage lot.* An interior lot having road frontage on the front and on the rear of the lot.

*Dwelling Unit.* The building, or group of rooms within a building, where one person or a group of persons resides as a family unit.

*Easement.* A grant by a property owner for use of a parcel of land by the public or any person for any specific purpose or for purposes of access, constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, other transmission lines, storm sewer, storm drainage ways, gas lines, or other service utilities.

*Engineer.* A professional engineer licensed by the State of Wisconsin.

*Extraterritorial plat approval jurisdiction.* The unincorporated area within one and one-half (1-1/2) miles of a fourth class city or village and within three (3) miles of all other cities.

*Final Plat.* A map or plan of a subdivision and any accompanying material as described in Section 6.06 of this Ordinance.

*Impervious area or impervious surface.* These terms mean horizontal surface which has been compacted or covered with a layer or material so that it is highly resistant to infiltration by rain water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as streets, roofs, sidewalks, parking lots and other similar surfaces.

*Improvement.* Any sanitary sewer, storm sewer, open channel, water main, roadway, parkway, public access, curb and gutter, sidewalk, pedestrian way, planting strip, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

*Land Division.* For the purpose of this Ordinance shall include subdivisions, condominiums and Minor Land Divisions.

*Lot.* A designated parcel or area of land established by plat, subdivision, or as otherwise permitted by law.

*Lot area.* The total square footage within the boundaries of a lot, excluding any public rights-of-way.

*Lot line.* The peripheral boundaries of a parcel of land.

*Minor land division.* The creation of one (1) but not more than four (4) parcels or building sites which divide land into a parcel or parcels of one and one-half (1-1/2) acres or smaller in size. Minor land divisions shall be created by Certified Survey Maps. Not more than four (4) parcels may be created by means of minor land division procedures within any five (5) year period from a lot, outlot, parcel or tract which existed on the effective date of this Ordinance.

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*Obstruction.* Means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, opaque fence, wire fence, rock gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, drainage way, or regulatory flood-hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by batching or collecting debris carried by such water. [Added 3/23/09]

*Official map.* A map adopted pursuant to Section 62.23 of the Wisconsin State Statutes for the precise designation of the right-of-way line and site boundaries of streets, highways, parkways, parks, and playgrounds, both existing and proposed.

*Open space.* A natural or manmade landscaped area not occupied by any structures, buildings, or impervious surfaces.

*Owner.* Any person having proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the land under this ordinance.

*Parcel.* A designated lot or area of land established by plat, minor land division or as otherwise permitted by law.

*Pedestrian way.* A right-of-way, however designated, across or within a block, for use by pedestrian traffic.

*Plan Commission.* The Plan Commission of the Town of Menasha, Wisconsin.

*Preliminary Plat.* A map showing the salient features of a proposed subdivision submitted to the Plan Commission for purposes of preliminary consideration as described in Section 6.05 of this Ordinance.

*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.

*Plat.* A map, graphics, or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record title. The plat is a recorded, legal document and must conform to all Wisconsin State Statutes.

*Replat.* The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, Certified Survey Map, or part thereof. The legal dividing of a large block, lot, or outlot within a recorded subdivision plat or Certified Survey Map without changing exterior boundaries of said block, lot, or outlot is not a replat.

*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 ordinance.

*Sewer service area.* The area expected to be served by public sanitary sewer and water utility as mapped by East Central Regional Planning Commission.

*Street.* A dedicated right-of-way affording primary access by pedestrians or vehicles to abutting property.

- a) *Alley.* A local way, intended mainly to provide secondary access for vehicular traffic to abutting properties.
- b) *Arterial street.* A street designated for large volumes of traffic.
- c) *Cul-de-sac.* A short local street having one (1) end open to traffic and being permanently terminated by a vehicle turnaround.
- d) *Collector street or feeder street.* A street intended to carry traffic from local streets to an arterial street and to provide circulation within neighborhood areas.
- e) *Dead-end street.* Any local street, other than a cul-de-sac, which has only one (1) outlet.
- f) *Limited access street.* A street to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.
- g) *Local street or minor street.* A street designated primarily to provide direct access to abutting properties, usually residential.
- h) *Marginal access street or service road.* A local street parallel and adjacent to a street, which provides access to abutting properties and protection from through traffic.

*Structure.* Means any erection or construction, such as but not limited to buildings, towers, masts, booms, signs, decorations, carports, machinery and equipment, and fences. [Added 3/23/09]

*Subdivider.* Any person, firm, or corporation, or agent thereof, dividing, or proposing to divide, land resulting in a subdivision, condominium, minor land division (Certified Survey Map), or replat.

*Subdivision.* The division of a lot, parcel, or tract of land by the owners thereof, or their agents for the purpose of sale or of building development, where:

- a) The act of division creates five (5) or more parcels or building sites of 1-½ acres each or less in area; or
- b) The act of division creates five (5) or more parcels or building sites of 1-½ acres each or less in area are created by successive divisions within a period of five (5) years.

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*Surveyor.* A land surveyor registered by the State of Wisconsin.

*Town.* The Town of Menasha, Wisconsin.

*Town Board.* The Town Board of Supervisors of the Town of Menasha, Wisconsin.

*Town Clerk.* The Clerk of the Town of Menasha, Wisconsin.

*Unit, Condominium.* A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors in a building.

- d) The rules of the Wisconsin Department of Natural Resources contained in the Wisconsin Administration Code for Floodplain Management Program;
- e) Comprehensive plans or components of such plans prepared by state, regional, county, or municipal agencies duly adopted by the Plan Commission or Town Board of Supervisors;
- f) Lands shall lie within the Sewer Service Area of the municipality; and
- g) All applicable local and county regulations including but not limited to zoning, sanitary, building, and any official mapping ordinances.

**6.03 GENERAL PROVISIONS**

1) **Jurisdiction.** Jurisdiction of these regulations shall include all lands and waters within the Town of Menasha. The provisions of this Ordinance, as they apply to land divisions of tracts of land, shall not apply to:

- a) Transfers on interests in land by will or pursuant to court order;
- b) Leases for a term not to exceed ten (10) years, mortgages, or easements;
- c) The sale or exchange of parcels of land between owners of adjoining lots are not thereby created and the lots resulting are not reduced below the minimum sizes and all lots meet all specification required by this Ordinance or other applicable laws or ordinances.

2) **Compliance.** No person, firm, corporation, limited liability company, partnerships, or any other business organization shall divide any land within the jurisdictional limits of these regulations which results in a subdivision, condominium, minor land division, or a replat as defined herein; no such subdivision, minor land division, or replat, as defined herein shall be entitled to recording and no street shall be laid or public improvement made to land without compliance with all requirements of this Ordinance and the following:

- a) The provisions of Chapter 236 of the Wisconsin State Statutes;
- b) The rules of the Wisconsin Department of Commerce – Safety and Buildings Division;
- c) The rules of the Wisconsin State 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 connecting street;

3) **Dedication and reservation of lands.** Whenever a tract of land to be divided or developed within the jurisdiction of this Ordinance encompasses all or any part of a street, highway, drainage way, floodplain, or other public way which has been designated on a duly adopted Town or regional comprehensive plan or is in any way determined to be such by the Plan Commission or Town Board, said public way shall be dedicated or reserved by the owner in the locations and dimensions indicated on said plan or component and as set forth in this Ordinance.

4) **Survey monuments.** Before final approval of any land division within the Town, the owner shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Town Board. The Town Board may waive the placing of monuments, required under Sec. 236.15(b) (c) and (d) Wisconsin State Statutes for a reasonable time, not to exceed one (1) year, on the condition that the Subdivider execute a letter of credit or cash escrow to ensure the placing of such monuments required by statute.

5) **Land suitability.** No land shall be subdivided for residential, commercial, industrial, or institutional use which is determined to be unsuitable for the proposed use by the Plan Commission or Town Board for reasons of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision, minor land division or of the Town. In addition:

- a) Floodlands. Subdivided lots shall have at least fifty (50%) percent of the minimum required lot area, based upon the respective zoning district, at least two (2) feet above the elevation of the 100-year reoccurrence interval flood.
- b) Grading. Subdivided lots shall have at least fifty (50%) percent of the minimum required lot area, based upon the respective zoning district, in slopes of less than twelve (12%) percent. Lands having a slope of twenty (20%) percent or greater

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shall be maintained in permanent open space use, unless the following items are submitted to the Town of Menasha Department of Community Development and the Town's Engineer for review and approval prior to the issuance of a building permit: The application for a building permit shall be accompanied by a Drainage and Grading Plan, an Erosion Control Plan, a Plot Plan, and a Building Foundation Design Plan prepared by a licensed professional civil engineer or structural engineer registered in the State of Wisconsin, trained and experienced in the practice of geotechnical engineering. The engineer shall provide the design and supervision such that, in the engineer's opinion, the development does not and will not compromise in any way the stability of the soil on site or soil on lands which are adjacent, and will not cause or contribute to such soils becoming susceptible to land slip, land slide, rock fall, mud flow, debris flow, erosion, slumping, settling or other such occurrence.

- 1) Any subdivided lot containing slopes of twenty (20%) percent or greater shall be identified on the face of the Final Plat or Certified Survey Map as being subject to the requirements and restrictions described above.
- c) Poor Drainage. Land subject to ponding, poor permeability or poor drainage, or for other causes as determined by the Plan Commission, or its designated agent, and if said land is not zoned as a conservancy or wetland-floodplain district on an applicable zoning district map, in which buildings are prohibited, it shall be subject to the following requirements:
- 1) If said land is designated as park, parkway, other open-space, or other public use on an official map of the Town of Menasha, the developer shall dedicate said land to the Town or County, but in any case must reserve said land for not less than two (2) years for acquisition by the Town or County.
  - 2) If said land is not designated as a park, parkway, or other public use on an official map, then the developer shall cause said land to be carried in a private easement in the individual deeds affected thereby, and no permit shall be issued for a building therein.
  - 3) In lieu of the requirements set forth in Section 6.03 5) a), the developer may, at their expense, prepare a development proposal for the problem area. It shall be submitted for the Plan Commission's approval and shall be accompanied by a site plan and adequate engineering data to ensure that the public health, safety and welfare will not be violated if approved, and to provide a surety bond to the approving

municipality to ensure that such will be done at a specified time if approved.

- d) Floodable Conditions/Drainage Ways. If floodplains have been determined and are delineated on an applicable zoning district map, or as determined by the Plan Commission from sources available to it, the subject platting shall be designated accordingly so that all building sites have sufficient area for the efficient operation of a private disposal system and so that the lowest floor level of a building shall be two (2) feet above the normal high water line. In designing plats, drainage easements shall be shown on the plan where conditions warrant and, as determined by the Plan Commission, or as determined by sources available to it, and building permits shall not be issued herein.
- e) Adverse Soil and Rock Formation. Soil suitability rating for a proposed subdivision shall be determined by the Plan Commission from sources available to it. The Plan Commission shall determine the minimum lot size required if public sewer is not available even though the minimum lot size allowed under the zoning is less than the soil rating might require. In order to determine the precise location of soil boundaries, on-site investigation by soil scientists may be necessary but in areas where no public sewer is available, this investigation is mandatory and may be made by a professional surveyor, engineer or soil scientist at the expense of the developer, and according to procedures established by the Wisconsin Department of Commerce. Where soil interpretations determine that a tract of land is unsuitable for development under existing conditions, the developer may submit a proposal for development indicating how, through site and engineering design, the soil problems can be overcome. The proposal shall include a site plan and adequate engineering data before approval of the development can be granted by the Plan Commission. If this plan is approved, the developer shall provide a surety bond to the approving municipality to ensure that such will be done at a specified time.
- f) Lands made, altered or filled with non-earth materials within the preceding twenty (20) years shall not be divided into building sites which are to be served by soil absorption sewage disposal systems.
- g) Lands made, altered or filled with earth within the preceding seven (7) years shall not be divided into building sites which are to be served by on-site soil absorption sewage disposal systems.
- h) Lands having bedrock within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.

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- i) Lands having groundwater within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage disposal systems.
  - j) Lands drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.
  - k) The Plan Commission, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential, commercial, industrial, or institutional use and afford the Subdivider an opportunity to present evidence regarding such unsuitability if he or she so desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.
- 6) **Existing flora.** The Subdivider shall make every effort to protect and retain all healthy trees and vegetation within a subdivision or minor land division to the mutual agreement of the Town and Developer. Any trees identified for protection and preservation during construction shall be done so in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.
- 7) **Variance.** *[Amended 3/23/09]*
- a) Application for a variance shall be made to the Department of Community Development and Town Clerk who shall provide notice of time and place of hearing by publication of a Class 1 notice, under Ch. 985 Wis. Stats.
  - b) A copy of such notice shall be mailed to all property owners within three hundred (300) feet of the subject site. Notice of hearing shall be mailed at least 14 days prior to hearing date. The applicant shall be responsible for payment of a hearing fee as set forth in Appendix B Fee Schedule, reference this code section.
  - c) When the Plan Commission or Town Board finds that extraordinary hardship or injustice will result from strict compliance with this Ordinance, it may vary the terms thereof to the extent deemed necessary and proper to grant relief, provided that the modification meets the following three (3) standards:
    - 1) The variance is due to physical features of the site or its location.
    - 2) The variance is the least deviation from this Ordinance which will mitigate the hardship.
    - 3) The variance is not detrimental to the public interest and is in keeping with the general spirit and intent of this Ordinance.
- d) Any variance recommendation shall include, at minimum, that the variance will not violate the purpose of this Ordinance or provisions of Chapter 236 Wisconsin Statutes.
- 8) **Modification of regulations.** When the Plan Commission or Town Board finds that extraordinary hardship or injustice will result from strict compliance with this Ordinance, it may vary the terms thereof to the extent deemed necessary and proper to grant relief, provided that the modification meets the following three (3) standards:
- a) The modification is due to physical features of the site or its location.
  - b) The modification is the least deviation from this ordinance which will mitigate the hardship.
  - c) The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this Ordinance.
- 9) **Enforcement, penalties and remedies.**
- a) Violation. Construction of activities contrary to the approved Subdivision, minor land division or replat, or in the absence of an approved Subdivision, minor land division or replat, shall be a violation of this Ordinance.
  - b) Penalty. Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, pay forfeiture as set forth in Appendix C Fines and Penalties, reference this code section, plus the cost 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 thirty (30) days. Each violation and each day a violation exists or continues shall constitute a separate offence. In addition, the remedies authorized by Sections 236.30, 236.31 and 236.32 of the Wisconsin State Statutes shall be available to the Town.
  - c) Issuance of building permits. The Town shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, condominium, minor land division, or replat, or originally submitted to the Town until the Final Plat or Certified Survey Map has been recorded and until all improvements required by the Town have been installed.

**6.04 PLATS GENERALLY**

1) **Pre-platting Requirements.**

- a) Preplatting conference. Prior to the filing of an application for the approval of a Preliminary Plat, Condominium Plat, or minor land division (Certified Survey Map) within the Town, the

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Subdivider shall consult with the Department of Community Development in order to obtain their advice and assistance with the following factors:

- 1) Zoning regulations;
  - 2) Future Land Use map;
  - 3) Erosion control and stormwater management practices;
  - 4) The suitability of the site for development; and
  - 5) The availability of public facilities (sewer, schools, parks, water, etc.) and public services (police, fire, etc.).
- b) This consultation is intended to inform the Subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components and duly adopted plan implementation devices of the Town and to otherwise assist the Subdivider in planning the development. In so doing, the Subdivider will gain a better understanding of the subsequent required procedures.
- 2) **Required information.** The following information shall be submitted to the Town at the pre-application stage:
- a) A sketch plan that shows:
    - 1) The title, scale, north point, and date;
    - 2) Name, address, and phone number of the Subdivider or agent;
    - 3) The boundaries of the property to be developed;
    - 4) Total acreage of the land division, the number of lots/units proposed, the square footage, width and depth of the typical lot;
    - 5) Natural characteristics such as drainage, wetlands, steep slopes, hills, ridges, floodplains, environmentally sensitive lands, and wooded areas;
    - 6) Development characteristics such as surrounding streets, existing structures, and available utilities;
    - 7) The proposed layout of streets, blocks, and lots;
    - 8) Dedications or reservations required by these regulations;
    - 9) The proposed location of commercial areas, parks, and other nonresidential areas;
    - 10) Existing easements and covenants affecting the property; and
    - 11) Where site conditions permit, any tract subdivided into parcels containing one (1) or more acres shall be arranged to allow future re-subdivision of any parcels into smaller lots.

**6.05 PRELIMINARY PLAT**

**1) Submission of Preliminary Plat.**

- a) **Submission.** Before submitting a Final Plat for approval, the Subdivider shall submit a Preliminary Plat prepared by a registered land surveyor, a Preliminary Drainage Plan, and a Feasibility Plan both prepared by a licensed engineer, a letter of application, and the necessary fees at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. The Preliminary Plat, Preliminary Drainage Plan, and Feasibility Plan shall be prepared in accordance with this Ordinance, and the Preliminary Plat shall comply with the procedures for approval of plats of Chapter 236 Wisconsin State Statutes, this Section and Section 6.13.
- b) **Referral of Preliminary Plat to Objecting Agencies.** The Subdivider shall, pursuant to Section 236.12 of the Wisconsin State Statutes, submit the original drawing of the Preliminary Plat directly to the Objecting Agencies and one (1) copy to East Central Regional Planning Commission. It shall be the responsibility of the Subdivider to submit the additional copies required by this Ordinance.
- c) **Referral of Preliminary Plat to Town Departments and Regional Agencies.** The Subdivider shall file sixteen (16) copies of the Preliminary Plat and one (1) copy on ledger size paper, plus a digital copy of the plat file in AutoCAD or compatible form by Electronic Mail or Compact Disc, fees as set forth in the Appendix B Fee Schedule, reference this code section, and the necessary applications with the Town Clerk. The Town Clerk shall retain one (1) copy of the Preliminary Plat and forward the other fifteen (15) copies and ledger copy, plus the Compact Disc to the following Departments and Regional Agencies:
  - 1) Two (2) copies and ledger copy, plus the Compact Disc, application, and necessary fees to the Department of Community Development;
  - 2) One (1) copy to the Park Department;
  - 3) Five (5) copies to the Town Board; and
  - 4) Seven (7) copies to the Plan Commission.
- d) **Referral of Preliminary Drainage Plan and Feasibility Plan to Town Departments.** The Subdivider shall file five (5) copies of the Preliminary Drainage Plan and one (1) copy on ledger size paper, five (5) copies of the Feasibility Plan and one (1) copy on ledger size paper, plus a digital copy of the plan files in AutoCAD or compatible form by Electronic Mail or Compact Disc, and fees as set forth in the Appendix B Fee Schedule, reference this code section, with the Town Clerk. The Town Clerk shall retain one (1) copy of the Preliminary Drainage Plan and Feasibility Plan and forward the other four (4) copies plus ledger copy to the following Departments:

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- 1) One (1) copy and ledger copy of each of the plans, fees, plus the Compact Disc to the Department of Community Development;
  - 2) One (1) copy of each of the plans to the Street Department;
  - 3) One (1) copy of each of the plans to the Utility Department; and
  - 4) One (1) copy of each of the plans to the Town Engineer.
- 2) **Preliminary Plat Review and Approval.**
- a) Notification. The Department of Community Development shall schedule a public hearing before the Plan Commission when a Final Plat within the Town is filed and shall cause notices of the proposed Final Plat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Final Plat and to the owners of all properties within three hundred (300) feet of the exterior boundaries of the proposed Final Plat at least fourteen (14) days prior to the Plan Commission meeting at which action is desired. *[Added 3/23/09]*
  - b) Review and Decision by Park Commission. The Park Commission shall, within thirty (30) days of the date of filing of a Preliminary Plat with the Town Clerk, make a recommendation to the Plan Commission to accept parkland dedication or fees in lieu of parkland dedication as regulated in Section 6.12, except the following:
    - 1) Parkland dedication or fees in lieu of parkland dedication for land division of ten (10) dwelling units, or less, shall be the discretion of the Director of Community Development upon consultation with the Director of Parks and Recreation.
  - c) Review and Decision by Plan Commission. The Plan Commission shall, within sixty (60) days of the date of the filing of a Preliminary Plat with the Town Clerk, recommend approval, conditional approval, or rejection of such plat to the Town Board unless the time is extended by agreement in writing between the Town and the Owner. The Subdivider shall be notified in writing by the Department of Community Development of approval, any conditions of approval, or the reasons for rejection.
  - d) Review and Decision by Town Board. After receipt of the Plan Commission's recommendation, the Town Board shall, within ninety (90) days of the date of the filing of a Preliminary Plat with the Town Clerk, approve, conditionally approve, or reject such plat unless the time is extended by agreement in writing between the Town and the Owner. The Subdivider shall be notified in writing by the Town Clerk of approval, any conditions of approval, or the reasons for rejection.
  - e) Failure to act. Failure of the Town Board to act within ninety (90) days, or extension thereof, constitutes an approval of the Preliminary Plat, unless other authorized agencies object to the Preliminary Plat.
  - f) Effect of approvals. Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat, or the Final Plat of Phase 1 of the Preliminary Plat, is submitted within six (6) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, and all conditions imposed as part of the Preliminary Plat approval have been satisfied, the Final Plat shall be entitled to approval with respect to such layout. Final Plats of subsequent phases of the Preliminary Plat submitted within twenty-four (24) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, and all conditions imposed as part of the Preliminary Plat approval have been satisfied, the Final Plat of subsequent phases of the Preliminary Plat shall be entitled to approval with respect to the Preliminary Plat as indicated in Sec. 236.11(1) (b) of the Wisconsin Statutes. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Plan Commission and Town Board at the time of its submission.
  - g) Preliminary Plat Amendment. Should the Subdivider desire to amend the Preliminary Plat as approved, the Subdivider may resubmit the amended plat which shall follow the procedure for Section 6.05, Preliminary Plats, except for the fee, unless the amendment is, in the opinion of the Community Development Director, of such scope as to constitute a new plat, in which case it shall be refilled as a new Preliminary Plat.
- 3) **Technical Requirements for Preliminary Plats.**
- a) General. A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor, shall comply in all respects with the requirements of Chapter 236 of the Wisconsin State Statutes, shall comply with the design standards set forth in Section 6.10 of this Ordinance, shall be provided digitally by Electronic Mail or on Compact Disc in an AutoCAD compatible format, shall be prepared on reproducible paper of good quality at a scale of not more than one hundred (100) feet to the inch, shall be provided on reproducible paper of good quality and at a scale suitable to a ledger paper size, and the Preliminary Plat shall show correctly on its face the following information:

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- 1) Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously recorded plat, unless the plat is an addition by the same owner to a previously recorded plat and is so stated on the plat;
  - 2) "Preliminary Plat" shall be clearly marked on the plat;
  - 3) Property location of the proposed subdivision by government lot, quarter section, township, range, county, and state;
  - 4) Date, scale, and north arrow;
  - 5) Names, addresses, and telephone numbers of the owner, Subdivider, and land surveyor preparing the plat;
  - 6) Entire area contiguous to the proposed plat owned or controlled by the Subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Community Development Director may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undo hardship would result from strict application thereof; and
  - 7) General location sketch showing the location of the subdivision within the U.S. Public Land Survey section oriented on the sheet in the same direction as the main drawing.
- b) Plat Data. All Preliminary Plats shall show the following:
- 1) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
  - 2) Locations of all existing property boundary lines, structures including the use and setback dimensions to existing and proposed property lines, driveways, lakes, streams and water courses, marshes, wetlands, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto. Delineation of all wetlands, shoreland/wetlands, isolated natural areas and primary environmental corridors shall be based on field staking by an agency or firm certified to make such delineation by the Federal Government or the Wisconsin Department of Natural Resources.
  - 3) Location, right-of-way width, and names of all existing and proposed streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
  - 4) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting platted and unplatted lands.
  - 5) Reference to an established bench mark on USGS datum.
  - 6) Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations. All elevations shall be based on the verified datum plan of the USGS.
  - 7) Location, size, and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of public and private manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, and invert elevations. All elevations shall be based on the verified datum plan of the USGS.
  - 8) All lands reserved for future public dedication or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision, provisions and plans for its use and maintenance shall be submitted with the plat. A note shall be placed on the face of the plat noting ownership and maintenance of all common use areas and that deed restrictions are on file at the County Register of Deeds' office.
  - 9) Special restrictions required by the Town and any other agency relating to access control along public ways, the provision of planting strips, access restrictions, reservation of wetlands and environmental corridors, more restrictive yard requirements, or special restrictions for environmentally significant lands.
  - 10) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.

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- 11) Existing zoning on and adjacent to the proposed subdivision and minimum lot size requirements shall be shown.
  - 12) Building setback lines.
  - 13) Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10%) percent, and not more than five (5) feet where the slope of the ground surface is ten (10%) percent or more. All elevations shall be based on the verified datum plan of the USGS.
  - 14) Normal and high-water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom, all based on the verified datum plan of the USGS.
  - 15) Floodland and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood.
  - 16) Location and results of soil boring tests within the exterior boundaries of the plat conducted in accordance with chapter Comm 85 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service. The results of such tests shall be submitted along with the Preliminary Plat.
  - 17) Location and results of percolation tests within the exterior boundaries of the plat conducted in accordance with chapter Comm 83 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service. The results of such tests shall be submitted along with the Preliminary Plat.
  - 18) Approximate dimensions of all lots together with proposed lot and block numbers assigned in consecutive order. The area in square feet of each lot shall be provided.
  - 19) Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring platting.
  - 20) Approximate radii of all curves.
  - 21) Any proposed lake and stream access with a drawing clearly indicating the location of the proposed subdivision in relation to access.
  - 22) Any proposed lake and stream improvement or relocations.
  - 23) Meander lines if a subdivision borders a lake or stream shore, the distances and bearings of a meander line shall be shown.
  - 24) Tabulation of gross area, street area, other dedicated and reserved area, net subdivided area, number of lots, average lot size, typical lot dimensions and lineal feet of streets.
  - 25) A draft of all types of restrictions/covenants placed on the land.
  - 26) Where the Plan Commission or Community Development Director or Town Engineer finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the Subdivider.
- 4) **Technical Requirements for Preliminary Drainage Plans.**
- a) General. A Preliminary Drainage Plan shall be required for all land divisions prepared by a registered professional engineer licensed by and in the State of Wisconsin and shall be based upon the Preliminary Plat of the subdivision. It shall comply with the design standards set forth in Section 6.10 of this Ordinance and be prepared and submitted on reproducible paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
    - 1) The words "Preliminary Drainage Plan" clearly indicated on the plan;
    - 2) The title or name under which the proposed subdivision is to be recorded. Such title shall exactly match that of the Preliminary Plat, or phase thereof, to be recorded;
    - 3) Property location of the proposed subdivision by government lot, quarter section, township, range, county and state;
    - 4) Date, written scale, graphic scale and north arrow;
    - 5) A legend identifying any symbols and conventions appearing on the plan;
    - 6) Names, addresses and telephone numbers of the owner, Subdivider and party preparing the drainage plan;

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- 7) The immediate area contiguous to the proposed plat shall be included on the drainage plan even though only a portion of said area is proposed for immediate development. The Community Development Director may waive this requirement where it is unnecessary to fulfill the purposes and intent of this ordinance and undo hardship would result from strict application thereof; and
  - 8) General location sketch showing the location of the subdivision within the U.S. Public Land Survey section oriented on the sheet in the same direction as the main drawing.
- b) Drainage plan data. All Preliminary Drainage Plans shall meet the requirements of the Construction Site Erosion Control Ordinance, Chapter 32 of the Municipal Code & Post-Construction Storm Water Management Ordinance, Chapter 33 of the Municipal Code, in addition to the following: *[Amended 3/23/09]*
- 1) Location, right-of-way width and names of all streets or other public rights-of-way such as alleys or easements and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto;
  - 2) Locations of all lot and property boundary lines, including block numbers, lot numbers and lengths of the front, rear and side lot lines for all lots falling within the proposed land division;
  - 3) Location and names of any adjacent land divisions, and owners of record of abutting platted and unplatted lands;
  - 4) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto;
  - 5) Existing zoning on and adjacent to the proposed land division;
  - 6) Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10%) percent, and not more than five (5) feet where the slope of the ground surface is ten (10%) percent or more. All elevations shall be based on the verified datum plan of the USGS;
  - 7) Normal and high-water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet there from, all based on the verified datum plan of the USGS;
- 8) Location of all storm drainage easements, yard drains, drainage structures, lakes, streams and water courses, marshes, wetlands, wooded areas and other significant features within the tract being subdivided or immediately adjacent thereto. Delineation of all wetlands, shoreland/wetlands, isolated natural areas and primary environmental corridors shall be based on field staking by an agency or firm certified to make such delineation by the Federal Government or the Wisconsin Department of Natural Resources;
  - 9) Proposed location and typical cross section for all proposed swales collecting and transporting storm runoff.
  - 10) Proposed locations, descriptions, cross sections and elevations of any berms, trails or other surface features which could impede or affect the conveyance of surface water through or within the land division; and
  - 11) Where the Community Development Director or the Town Engineer finds that additional information is required relative to a particular problem presented by a proposed development in order to review the drainage plan, they shall have the authority to request in writing such information from the Subdivider.
- 5) **Technical Requirements for Feasibility Plan.**
- a) General. Town of Menasha design procedures shall be used in preparation of the Feasibility Plan. The Feasibility Plan shall show the following information:
    - 1) The words "Feasibility Plan" clearly indicated on the plan.
    - 2) Date, scale, and north arrow.
    - 3) Existing and proposed street names, lot boundaries, and lot numbers.
    - 4) Proposed street right-of-ways and finished-grade pavement slopes and grades.
    - 5) Existing ponds, streams, rivers, lakes, flowages, wetlands, and floodplain areas.
    - 6) Identify all existing drainage courses passing through proposed subdivision.
    - 7) Normal and high-water elevations of all existing ponds, streams, rivers, lakes, flowages, and wetlands located within the exterior boundaries of the plat or located within one hundred (100) feet there from.
    - 8) Location of existing and proposed storm sewer mains, manholes, inlets, yard drains, and culvert structures.

- 9) Location of existing and proposed sanitary sewer mains and interceptors, lift stations, and manholes.
- 10) Proposed storm and sanitary sewer sub basins, flow direction labels, and estimated flow quantities contributing to system.
- 11) Estimated size, length, and slope for all proposed storm and sanitary sewer mains and interceptors.
- 12) Identify proposed storm and sanitary pipe flowline and rim elevations at proposed manholes.
- 13) Location of existing and proposed water mains, hydrants, and valves. Estimated size and length of all proposed water mains.
- 14) Preliminary calculations supporting storm and sanitary sewer pipe diameter sizes and slopes on Feasibility Plan.
- 15) All geometric data shall be in accordance with current Town of Menasha design standards.

- fees to the Department of Community Development;
- 2) One (1) copy to the Park Department;
- 3) Five (5) copies to the Town Board; and
- 4) Seven (7) copies to the Plan Commission.

- d) Referral of Final Drainage Plan to Town Departments. The Subdivider shall file five (5) copies and one (1) ledger copy, plus a digital copy of the plan file in AutoCAD or compatible form by Electronic Mail or Compact Disc of the Final Drainage Plan with the Town Clerk. The Town Clerk shall retain one (1) copy of the Final Drainage Plan and forward the other four (4) copies and ledger copy, plus the Compact Disc to the following Departments:

- 1) One (1) copy and ledger copy of the plan, plus the Compact Disc to the Department of Community Development;
- 2) One (1) copy of the plan to the Street Department;
- 3) One (1) copy of the plan to the Utility Department; and
- 4) One (1) copy of the plan to the Town Engineer.

**6.06 FINAL PLAT**

**1) Submission of Final Plat.**

- a) Submission. The Subdivider shall submit a Final Plat prepared by a registered land surveyor, a Final Drainage Plan prepared by a licensed engineer, a letter of application and the necessary fees at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. The Final Plat and Final Drainage Plan shall be prepared in accordance with this Ordinance and the Final Plat shall comply with the procedures for approval of plats in Chapter 236 of the Wisconsin State Statutes.
- b) Referral of Final Plat to Objecting Agencies. The Subdivider shall, pursuant to Section 236.12 of the Wisconsin State Statutes, submit the original drawing of the Final Plat directly to the Objecting Agencies and one (1) copy to East Central Regional Planning Commission. It shall be the responsibility of the Subdivider to submit the additional copies required by this Ordinance.
- c) Referral of Final Plat to Town Departments and Regional Agencies. The Subdivider shall file sixteen (16) copies of the Final Plat and one (1) copy on ledger size paper, plus a digital copy of the plat file in AutoCAD or compatible form by Electronic Mail or Compact Disc, fees as set forth in Appendix B Fee Schedule, reference this code section, and the necessary applications with the Town Clerk. The Town Clerk shall retain one (1) copy of the Final Plat and forward the other fifteen (15) copies and ledger copy, plus the Compact Disc to the following Departments and Regional Agencies:
  - 1) Two (2) copies and ledger copy, plus the Compact Disc, application, and necessary

**2) Final Plat Review and Approval.**

- a) Notification. The Department of Community Development shall schedule a public hearing before the Plan Commission when a Final Plat within the Town is filed and shall cause notices of the proposed Final Plat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Final Plat and to the owners of all properties within three hundred (300) feet of the exterior boundaries of the proposed Final Plat at least fourteen (14) days prior to the Plan Commission meeting at which action is desired. *[Added 3/23/09]*
- b) Review and Decision by Plan Commission.
  - 1) The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Ordinance and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it.
  - 2) The Plan Commission shall, within thirty (30) days of the date of the filing of a Final Plat with the Town Clerk, recommend approval, conditional approval, or rejection of such plat to the Town Board unless the time is extended by agreement in writing between the Town and the Owner. The Subdivider shall be notified in writing by the Department of Community Development of

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approval, conditional approval, or the reasons for rejection.

c) Review and Decision by Town Board.

1) After receipt of the Plan Commission's recommendation, the Town Board shall, within sixty (60) days of the date of the filing of a Final Plat with the Town Clerk, approve, conditionally approve, or reject such plat unless the time is extended by agreement in writing between the Town and the Owner. Any conditions indicated on a conditional approval shall be completed prior to the affixing of Town signatures on the Final Plat. The Subdivider shall be notified in writing by the Town Clerk of approval, conditional approval, or the reasons for rejection.

2) If the Subdivider fails to submit the Final Plat or Final Plat of a phase of the Preliminary Plat within six (6) months of the approval of the Preliminary Plat by the Town Board, the Town Board may refuse the Final Plat and the Subdivider may be required to recommence the entire procedure for Preliminary Plat approval. If the Subdivider fails to submit a Final Plat of subsequent phases of the Preliminary Plat within twenty-four (24) months of the approval of the Preliminary Plat by the Town Board, the Town Board may refuse the Final Plat and the Subdivider may be required to recommence the entire procedure for Preliminary Plat approval.

d) Failure to Act. Failure of the Town Board to act within sixty (60) days, the Plat shall be deemed approved, provided the time having not been extended and no unsatisfied objections having been filed, and all fees required from the Subdivider having been paid.

e) Partial Platting. If permitted by the Town Board, the approved Preliminary Plat may be platted in phases with each phase encompassing only that portion of the approved Preliminary Plat which the Subdivider proposes to record at one (1) time; however, it is required that each phase be Final Platted pursuant to Section 6.06 herein and be designated as a phase of the approved Preliminary Plat. The subsequent phases of the Final Plat shall be filed in accordance with the schedule set forth in the Developer's Agreement as adopted or amended by the Town Board.

3) **Technical Requirements for Final Plats.**

a) General. A Final Plat shall be prepared by a land surveyor registered in the State of Wisconsin, shall be required for all subdivisions, shall comply in all respects with the requirements of Chapter 236 of the Wisconsin State Statutes, shall

comply with the design standards set forth in Section 6.10 of this Ordinance, shall be provided digitally by Electronic Mail, on Compact Disc in an AutoCAD readable format, shall be prepared on reproducible paper of good quality at a scale of not more than one hundred (100) feet to the inch, shall be provided on reproducible paper of good quality at a scale suitable to a ledger paper size, and the Final Plat shall show correctly on its face, in addition to the information required by Sections 236.20 of the Wisconsin State Statutes, the following:

1) Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously recorded plat, unless the plat is an addition by the same owner to a previously recorded plat and is so stated on the plat;

2) Property location of the proposed subdivision by government lot, quarter section, township, range, county, and state;

3) Date, scale, and north arrow;

4) Names, addresses, and telephone numbers of the owner, Subdivider, and land surveyor preparing the plat; and

5) General location sketch showing the location of the subdivision within the U.S. Public Land Survey section oriented on the sheet in the same direction as the main drawing.

b) Plat Data. All Final Plats shall show the following:

1) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.

2) Locations of all existing property boundary lines, structures, including the use and setback dimensions to existing and/or proposed property lines, drives, lakes, streams and water courses, marshes, wetlands, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto. Delineation of all wetlands, shoreland/wetlands, isolated natural areas and primary environmental corridors shall be based on field staking by an agency or firm certified to make such delineation by the Federal Government or the Wisconsin Department of Natural Resources.

3) Exact street width along the line of any obliquely intersecting street.

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- 4) Railroad rights-of-way within and abutting the plat.
- 5) Exact length, width, bearing, and purpose of utility and/or drainage easements.
- 6) All lands reserved for future public dedication or reserved for the common use of property owners within the Plat. If property reserved for common use is located within the subdivision, provisions and plans for its use and maintenance shall be submitted with the plat. A note shall be placed on the face of the plat noting ownership and maintenance of all common use areas and that deed restrictions are on file at the County Register of Deeds' office.
- 7) A note on the face of the plat noting ownership and maintenance obligations of all drainage swales, easements, retention and detention ponds or other facilities shall be required.
- 8) Special restrictions required by the Town and any other agency relating to access control along public ways, the provision of planting strips, access restrictions, reservation of wetlands and environmental corridors, more restrictive yard requirements, or special restrictions for environmentally significant lands.
- 9) Setback or building lines as listed in the Zoning Ordinance.
- 10) Reference to an established bench mark on USGS datum.
- 11) Normal and high-water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet there from, all based on the verified datum plan of the USGS.
- 12) Floodland and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood.
- 13) Abutting street lines of adjoining plats shown in their proper location by dotted lines. The width of these streets shall be given and the names of adjoining streets underscored by a dotted line.
- 14) The lines of adjoining subdivisions or parcels shall be shown in dotted lines and the names of subdivision or owners of parcels underscored by a dotted line.
- 15) All monuments erected, corners and other points.
- 16) The exterior boundaries of the land surveyed with exact length and bearings. When such lines are between a curve and its tangent, the line shown shall be that between the tangent and the main chord of the curve. When between curves of different radii, the line shown shall be that between the main chords.
- 17) The boundary lines delineating all blocks with exact lengths and bearings. When such lines are between a curve and its tangent, the line shown shall be that between the tangent and the main chord of the curve. When between curves of different radii, the line shown shall be that between the main chords. All blocks shall be numbered consecutively. The blocks in numbered additions shall be numbered consecutively through the several additions.
- 18) Lot lines and their exact lengths and bearings, except that when the lines in any tier of lots are parallel, it shall be sufficient to mark the bearings of the outer lines in one (1) tier thereof. All lots in each block shall be consecutively numbered and lot square footage shall be shown.
- 19) Exact length, width, and bearing of all proposed alleys, public ways, railroad, and utility rights-of-way, and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- 20) The boundary lines with exact lengths and bearings and widths of all streets, and street centerlines. When a street is on a circular curve, the main chord of the centerline shall be drawn as a dotted line in its proper place and the following shall be noted either on it or in an adjoining table: the bearing and length, the radius of the circle of which the curve is a part, and the central angle subtended. The lot lines on the street sides may be shown in the same manner or by bearings and distances. When a circular curve of thirty (30) foot radius or less is used to round off the intersection between two (2) straight lines, it shall be tangent to both straight lines. It shall be sufficient to show on the plat the radius of the curve and the tangent distance from the points of curvature to the point of intersection of the straight lines. The name of each street in the plat shall be printed thereon in prominent letters.

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- 21) Meander lines if a subdivision borders a lake or stream shore, the distances and bearings of a meander line shall be shown. The meander lines shall not be established less than twenty (20) feet back from the ordinary high water mark of the lake or from the bank of the stream.
  - 22) Location, including exact dimension, bearing, and size, of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use, or which are to be used for group housing, retail centers, church sites or other non-public uses not requiring platting.
  - 23) Any proposed lake or stream alterations, modifications, improvements, or relocations.
  - 24) When vision corners are required, they shall be dedicated and not by easement.
  - 25) Where the Plan Commission, Community Development Director or Town Engineer finds that additional information is required relative to a particular problem presented by the proposed subdivision in review of the Final Plat, they shall have the authority to request in writing such information from the Subdivider.
- c) Property Owners Association. The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.
  - d) Surveying and Monumenting. All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wisconsin State Statutes. In addition, metal fence posts shall be placed next to all monuments within the plat.
  - e) Wisconsin Coordinate System. All Final Plats shall comply in all respects with the requirements of Chapter 236.18 of the Wisconsin State Statutes, referenced to the Winnebago County Coordinate System NAD83, 1991 corrected, south zone 4803.
  - f) Certificates. All Final Plats shall provide all the certificates required by Section 236.21, Wisconsin State Statutes, and in addition, the surveyor shall certify that he or she has fully complied with all the provisions of this ordinance, as follows:
    - 1) Surveyor's certificate of compliance with statute.
    - 2) A clear and concise description of the land surveyed, divided and mapped. Owner's certificate.
    - 3) Certificate of taxes paid.
    - 4) Approval certification of the various approving authorities.
    - 5) Town Clerk's certification that the Plat has been submitted as required by law.
- g) Recordation. The Final Plat shall only be recorded with the County Register of Deeds after the certificates of the Wisconsin Department of Administration, of the Town Board, of the surveyor, and those certificates required by Section 236.21 of the Wisconsin State Statutes are placed on the plat. The plat shall be recorded within six (6) months of its approval by the Town Board. Failure to record said Final Plat within six (6) months of its approval by the Town Board requires the Subdivider to have to recommence the entire procedure for Final Plat approval.
  - h) Filing of True Copy of Plat. The Subdivider shall file five (5) copies of the recorded Final Plat on reproducible paper, plus one (1) digital copy of the Final Plat file in AutoCAD or compatible form on Compact Disc with the Town Clerk. The Town Clerk shall retain one (1) copy of the Final Plat and forward the other four (4) copies, plus the Compact Disc to the following Departments:
    - 1) One (1) copy, plus the Compact Disc to the Department of Community Development.
    - 2) One (1) copy to the Street Department.
    - 3) One (1) copy to the Utility District.
    - 4) One (1) copy to the Assessor's Office.
  - i) House Numbers Assigned. The Director of Community Development shall place upon a copy of the Final Plat on each lot shown on said plat the correct legal house number assigned at that lot in conformity with the grid system in effect in the Town.
- 4) **Technical Requirements for Final Drainage Plans.**
- a) General. A Final Drainage Plan shall be required for all subdivisions and shall be based upon the Final Plat of the subdivision. It shall comply with the design standards set forth in Section 6.10 of this Ordinance, shall be provided digitally by Electronic Mail, on Compact Disc in an AutoCAD readable format, shall be prepared on reproducible paper of good quality at a scale of not more than one hundred (100) feet to the inch, shall be provided on reproducible paper of good quality at a scale suitable to a ledger paper size, and shall show correctly on its face the following information:
    - 1) The words "Final Drainage Plan" clearly indicated on the plan;
    - 2) The title or name under which the proposed subdivision is to be recorded. Such title shall exactly match that of the Final Plat, or phase thereof, to be recorded;

- 3) Property location of the proposed subdivision by government lot, quarter section, township, range, county and state;
  - 4) Date, written scale, graphic scale and north arrow;
  - 5) A legend identifying any symbols and conventions appearing on the plan;
  - 6) Names, addresses and telephone numbers of the owner, Subdivider and party preparing the drainage plan;
  - 7) General location sketch showing the location of the subdivision within the U.S. Public Land Survey section oriented on the sheet in the same direction as the main drawing.
- b) Drainage Plan Data. All Final Drainage Plans shall meet the requirements of the Construction Site Erosion Control Ordinance, Chapter 32 of the Municipal Code & Post-Construction Storm Water Management Ordinance, Chapter 33 of the Municipal Code, in addition, where the Department of Community Development or Town Engineer finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the drainage plan, it shall have the authority to request in writing such information from the Subdivider. *[Amended 3/23/09]*
- c) Drainage Plan Data. All Final Drainage Plans shall meet the requirements of the Erosion Control and Stormwater Management Ordinance, Chapter 31 of the Municipal Code, in addition, where the Department of Community Development or Town Engineer finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the drainage plan, it shall have the authority to request in writing such information from the Subdivider.
- 1) The Subdivider shall include in the deed restrictions/covenants that permanent lawns be established in conformance with the lot drainage plan elevation within one (1) year of initial occupancy of any house.
- d) Filing of True Copy of Drainage Plan. The Subdivider shall file five (5) copies of the recorded Drainage Plan on reproducible paper, plus one (1) digital copy of the Drainage Plan file in AutoCAD or compatible form on Compact Disc with the Town Clerk. The Town Clerk shall retain one (1) copy of the Drainage Plan and forward the other four (4) copies, plus the Compact Disc to the following Departments:
- e)
- 1) One (1) copy, plus the Compact Disc to the Community Development Department.
  - 2) One (1) copy to the Street Department.
  - 3) One (1) copy to the Utility District.
  - 4) One (1) copy to the Assessor's Office.

**6.07 MINOR LAND DIVISION (CERTIFIED SURVEY MAP)**

- 1) **Submission of Minor Land Division (Certified Survey Map).**
  - a) General. When the Subdivider is proposing to combine two (2) or more parcels or when the Subdivider is proposing to divide a block, lot or outlot into not more than four (4) parcels or building sites, the Subdivider may subdivide by use of a Certified Survey Map (CSM).
  - b) Submission. The Subdivider shall submit a Certified Survey Map (CSM) prepared by a registered land surveyor, a drainage plan prepared by a licensed engineer, a letter of application and fees as set forth in the Appendix B Fee Schedule, reference this code section, at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. The Certified Survey Map and drainage plan shall be prepared and approved in accordance with this Ordinance and Chapter 236 of the Wisconsin State Statutes. In addition, a Certified Survey Map that crosses the exterior boundary of a recorded plat or assessor's plat shall comply with procedures for approval of Section 6.06 of this Ordinance. The Director of Community Development may waive the drainage plan requirement on a case by case basis.
  - c) Referral to Town Departments. The Subdivider shall file three (3) copies of the Certified Survey Map, a digital copy of the Certified Survey Map file in AutoCAD or compatible form by Electronic Mail or Compact Disc, fees as set forth in the Appendix B Fee Schedule, reference this code section., and the necessary applications with the Town Clerk. The Town Clerk shall retain one (1) copy of the Certified Survey Map and forward the other two (2) copies, plus the Compact Disc, applications, and fees to the Department of Community Development.
  - d) Referral of Drainage Plan to Town Departments. The Subdivider shall file three (3) copies of the final drainage plan and fees as set forth in the Appendix B Fee Schedule, reference this code section, with the Town Clerk. The Town Clerk shall retain one (1) copy of the Drainage Plan and forward the other two (2) copies to the following Departments:
    - 1) One (1) copy to the Department of Community Development; and
    - 2) One (1) copy to the Town Engineer.

2) **Minor Land Division (Certified Survey Map) Review and Approval.**

a) Parkland Dedication, Reservations, and Improvements. Parkland dedication or fees in lieu of parkland dedication, according to Section 6.12, for Minor Land Divisions shall be the discretion of the Director of Community Development upon consultation with the Director of Parks and Recreation.

1) Fees in lieu of parkland dedication shall be paid prior to the Town affixing signatures on the Certified Survey Map.

b) Review and Decision by Plan Commission. The Plan Commission shall, within sixty (60) days of the date of the filing of a Certified Survey Map with the Town Clerk, recommend approval, conditional approval, or rejection of such Certified Survey Map to the Town Board unless the time is extended by agreement in writing between the Town and the Owner. The Subdivider shall be notified in writing by the Department of Community Development of any conditions of approval or the reasons for rejection.

c) Review and Decision by Town Board. After receipt of the Plan Commission's recommendation, the Town Board shall, within ninety (90) days of the date of the filing of a Certified Survey Map with the Town Clerk, approve, approve conditionally or reject such Certified Survey Map unless the time is extended by agreement in writing between the Town and the Owner. Any conditions indicated on a conditional approval shall be completed prior to the affixing of Town signatures on the Certified Survey Map. The Subdivider shall be notified in writing by the Town Clerk of approval, any conditions of approval or the reasons for rejection.

3) **Technical Requirements for Minor Land Divisions (Certified Survey Map).**

a) General. A Certified Survey Map prepared by a registered land surveyor shall be required for all minor land divisions, shall comply in all respects with the requirements of Chapter 236 of the Wisconsin State Statutes, shall comply with the design standards set forth in Section 6.10 of this Ordinance, shall be provided digitally by Electronic Mail or Compact Disc in an AutoCAD or compatible format, and shall be prepared on reproducible paper of good quality at a scale not more than five hundred (500) feet to the inch. The Certified Survey Map shall show correctly on its face, in addition to the information required by Sections 236.15(1), 236.21 and 236.34 of the Wisconsin State Statutes, the following:

- 1) Date, scale, and north arrow;
- 2) Names, addresses and telephone numbers of the owner, Subdivider and registered land surveyor preparing the Certified Survey Map;
- 3) Entire area contiguous to the proposed Certified Survey Map owned or controlled by the Subdivider shall be included on the Certified Survey Map even though only a portion of said area is proposed for immediate development. The Director of Community Development may waive this requirement where it is unnecessary to fulfill the purposes and intent of this ordinance and undo hardship would result from strict application thereof;
- 4) A statement that conforms substantially to the following:
  - (a) This Certified Survey Map is a (portion or all) of tax parcel number(s) \_\_\_\_.
  - (b) The property owner(s) of record is/are \_\_\_\_.
  - (c) This Certified Survey Map is contained wholly within the property described in the following recorded instrument(s) \_\_\_\_.
- 5) All new lots being created shall be drawn to full scale without break lines. Multiple pages may be used to illustrate each lot. If multiple pages are used to illustrate lots, the cover page of the Certified Survey Map shall still show the entire exterior boundary of the proposed Certified Survey Map at whatever scale is necessary.
- 6) Exact length and bearing of the exterior boundaries of the proposed minor subdivision referenced to a corner established in the U.S. Public Land Survey;
- 7) Total acreage encompassed by the exterior boundaries of the proposed minor land division;
- 8) Locations of all existing property boundary lines, structures, including the use and setback dimensions to existing and/or proposed property lines, drives, lakes, streams and water courses, marshes, wetlands, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto. Delineation of all wetlands, shoreland/wetlands shall be based on field staking by an agency or firm certified to make such delineation by the Federal Government or the Wisconsin Department of Natural Resources. Delineation of other features including rock outcrops, wood areas,

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- isolated natural areas and primary environmental corridors is required but may be shown on a separate existing natural features page attached to the Certified Survey Map.
- 9) Location, right-of-way width and names of all existing and proposed streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the Certified Survey Map or immediately adjacent thereto.
  - 10) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting platted and unplatted lands.
  - 11) All lands reserved for future public acquisition or reserved for the common use of property owners within the Certified Survey Map. If property reserved for common use is located within the minor land division, provisions and plans for its use and maintenance shall be submitted with the Certified Survey Map. A note shall be placed on the face of the plat noting ownership and maintenance of all common use areas and that deed restrictions are on file at the County Register of Deeds' office.
  - 12) Recorded easements shown on the Certified Survey Map shall list the document number in the easement area shown on the map. If the easement is proposed with the Certified Survey Map, an accompanying statement shall be shown on the Certified Survey Map.
  - 13) Type, width and location of any existing street pavements within the exterior boundaries of the Certified Survey Map or immediately adjacent thereto.
  - 14) Normal and high-water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the Certified Survey Map or located within one hundred (100) feet there from. All elevations shall be based on the verified datum plan of the USGS.
  - 15) Floodland and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood.
  - 16) Square footage of each lot shall be provided.
  - 17) Existing zoning on and adjacent to the proposed subdivision.
  - 18) Meander lines if a subdivision borders a lake or stream shore, the distances and bearings of a meander line shall be shown. The meander lines shall not be established less than twenty (20) feet back from the ordinary high water mark of the lake or from the bank of the stream.
  - 19) A note on the Certified Survey Map noting ownership and maintenance obligations of all drainage swales, easements, retention and detention ponds or other facilities shall be required.
  - 20) Special restrictions required by the Town and any other agency relating to access control along public ways, the provision of planting strips, access restrictions, reservation of wetlands and environmental corridors, more restrictive yard requirements, or special restrictions for environmentally significant lands.
  - 21) The boundary lines with exact lengths and bearings and widths of all streets, and street centerlines. When a street is on a circular curve, the main chord of the centerline shall be drawn as a dotted line in its proper place and the following shall be noted either on it or in an adjoining table: the bearing and length, the radius of the circle of which the curve is a part, and the central angle subtended. The lot lines on the street sides may be shown in the same manner or by bearings and distances. When a circular curve of thirty (30) foot radius or less is used to round off the intersection between two (2) straight lines, it shall be tangent to both straight lines. It shall be sufficient to show on the Certified Survey Map the radius of the curve and the tangent distance from the points of curvature to the point of intersection of the straight lines.
  - 22) The name of each street, either existing or proposed, in the Certified Survey Map shall be printed thereon in prominent letters.
  - 23) A statement of restricted access shall be shown on the face of the Certified Survey Map if the parcels being subdivided abut a restricted access street.
  - 24) When vision corners are required, they shall be dedicated and not by easement.
  - 25) Where the Department of Community Development or Town Engineer finds that it requires additional information relative to a particular problem presented by the proposed minor land division in review of the Certified Survey Map, it shall have the authority to request in writing such information from the Subdivider.

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- b) Monumenting. All Certified Survey Maps shall be monumented in accordance with Wisconsin State Statutes 236.34(1)(b). In addition, metal fence posts shall be placed next to all monuments within a Certified Survey Map in an undeveloped area.
  - c) Certificates. The Surveyor shall certify on the Certified Survey Map that he or she has fully complied with all the provisions of this Ordinance and Chapter 236 of the Wisconsin State Statutes. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the Certified Survey Map upon review of all taxes having been paid. In addition, dedication of streets and other public areas shall require the owner's certificates and mortgagee's certificates in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin State Statutes.
  - d) Recordation. The Subdivider shall record the Certified Survey Map with the County Register of Deeds within six (6) months of its approval by the Town Board. Failure to record the Certified Survey Map within six (6) months of its approval by the Town Board requires the Subdivider to have to recommence the entire procedure for Certified Survey Map approval.
  - e) Filing of True Copy of Certified Survey Map. The Subdivider shall file five (5) copies of the recorded Certified Survey Map and drainage plan on reproducible paper with the Town Clerk. The Town Clerk shall retain one (1) copy and forward the other four (4) copies to the following Departments:
    - 1) One (1) copy to the Department of Community Development;
    - 2) One (1) copy to the Streets Department;
    - 3) One (1) copy to the Utility District; and
    - 4) One (1) copy to the Assessor's Office.
  - f) House numbers assigned. The Director of Community Development shall place upon a copy of the Certified Survey Map on each lot shown on said Certified Survey Map the correct legal house number assigned to that lot in conformity with the grid system in effect in the Town.
- 4) **Technical Requirements for Drainage Plans for Minor Land Divisions (Certified Survey Map).**
- a) General. A Drainage Plan shall be required for all Certified Survey Maps unless this requirement is waived by the Department of Community Development. It shall comply with the design standards set forth in Section 6.10 of this Ordinance and shall be prepared and submitted on reproducible paper of good quality at a scale of not more than two hundred (200) feet to the inch and shall be provided digitally by Electronic

Mail or Compact Disc in an AutoCAD compatible format and shall show correctly on its face the following information:

- 1) The words "Drainage Plan" clearly indicated on the map;
  - 2) The Certified Survey Map name associated with the drainage plan;
  - 3) Property location of the proposed map by government lot, quarter section, township, range, county and state;
  - 4) Date, written scale, graphic scale and north point;
  - 5) A legend identifying any symbols and conventions appearing on the plan;
  - 6) Names, addresses, and telephone number of the owner, Subdivider and party preparing the drainage plan;
  - 7) The immediate area contiguous to the proposed Certified Survey Map shall be included on the Drainage Plan even though only a portion of said area is proposed for immediate development. The Director of Community Development or the Town Engineer may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undo hardship would result from strict application thereof.
- b) Drainage Plan Data. All Drainage Plans shall meet the requirements of the Erosion Control and Stormwater Management Ordinance, Chapter 31 of the Municipal Code, in addition to the following:
- 1) Where the Department Community of Development or Town Engineer finds that it requires additional information relative to a particular problem presented by a proposed Certified Survey Map in order to review the Drainage Plan, it shall have the authority to request in writing such information from the Subdivider.

**6.08 REPLAT**

1) **Replat.**

- a) **Replat.** Except as provided in Sec. 70.27(1) of the Wisconsin State Statutes, when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the Subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The Subdivider, or person wishing to replat, shall then proceed as specified for Section 6.05 and Section 6.06 of this Ordinance.
- b) The Town Clerk shall schedule a public hearing before the Plan Commission when a Preliminary Plat of a replat of lands within the Town is filed

and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within three hundred (300) feet of the exterior boundaries of the proposed replat.

**2) Assessor's Plat.**

- a) Assessor's Plat. An Assessor's Plat made under Section 70.27 of the Wisconsin State Statutes may be ordered by the Town Board at the expense of the subdivider when a subdivision is created by successive divisions.

- g) Chapter 703 of the Wisconsin State Statutes shall apply to all condominium developments.
- h) In the application of these standards, condominium development projects shall be subject to no more restrictive rules than are non-condominium projects that are physically equivalent.

**3) Fees.**

- a) Condominium developments shall pay a fee as set forth in the Appendix B Fee Schedule, reference this code section, at the time of plat submittal.

**6.09 CONDOMINIUM DEVELOPMENTS**

**1) Applicability.**

- a) This Section applies to condominium development projects where the development has two or more units on any parcel for residential or non-residential use.
- b) This Section shall not apply to condominium conversions of existing structures for non-residential use purposes or to conversions for residential use where no additional dwelling units are being created. In such cases, condominium developments shall be subject to Community Development staff review.

**2) Condominium Development Standards.**

- a) Sections 6.01 through 6.05 of the Municipal Code shall apply to all condominium developments.
- b) Section 6.05 2) a) of the Municipal Code shall apply to all condominium developments.
- c) Section 6.06 of the Municipal Code shall apply to all condominium developments, except the following:
  - 1) Section 6.06 3) b) 18) regarding lot lines.
- d) Section 6.10 of the Municipal Code shall apply to all condominium developments, except the following:
  - 1) 6.10 1) b) 1) regarding provisions of Chapter 236 of the Wisconsin State Statutes; and
  - 2) 6.10 1) d) regarding lots.
- e) Section 6.11 through 6.13 of the Municipal Code shall apply to all condominium developments.
- f) Section 6.11 through 6.13 of the Municipal Code shall apply to all condominium developments.

**6.10 STANDARDS AND IMPROVEMENTS**

**1) Design Standards.**

- a) Location of Site.
  - 1) General plan. All division of land shall conform to the comprehensive plan, the Zoning Ordinance, the official map, this Ordinance and all other pertinent ordinances, regulations, resolutions or plans which are adopted by the Town.
  - 2) Objectionable areas. Land subject to hazards of life, health, or property as may arise from fire, floods, disease, noise, or considered to be uninhabitable for other reasons, may not be subdivided for building purposes unless the hazard has been eliminated or the plans show adequate safeguards correcting the hazards.
  - 3) Nearby development. A subdivision shall be coordinated with existing nearby development or neighborhoods so that the area as a whole shall be developed harmoniously in a coordinated manner.
- b) Compliance with State Standards. All subdivisions shall conform to:
  - 1) The provisions of Chapter 236 of the Wisconsin State Statutes, except that this Ordinance shall prevail where it imposes higher standards.
  - 2) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wisconsin Administrative Code relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts on a state trunk highway or connecting street.
- c) Streets.

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- 1) General considerations. All proposed streets shall be dedicated to the public and shall be designed and located in relation to:
    - (a) Existing and planned streets;
    - (b) Topographic considerations, drainage and other natural features, to produce usable lots and streets of reasonable gradient;
    - (c) The public convenience and safety;
    - (d) The future circulation needs of nearby lands;
    - (e) The proposed uses of land to be served; and
    - (f) Abutting properties for future subdivision interconnectivity between developments.
  - 2) Streets to conform to town plans. Street layouts, widths, grades and locations shall conform to the official map, the comprehensive plan, and Town standards and specifications.
  - 3) Arrangement.
    - (a) Arterial streets. Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community retail areas, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
    - (b) Collector streets. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system.
    - (c) Local streets. Local streets shall be arranged to conform to the topography, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide for safe and convenient access to abutting property.
    - (d) Marginal access streets. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Plan Commission may require a marginal access 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.
  - (e) Dead-end streets. Dead-end streets shall not be permitted.
  - (f) Cul-de-sacs. Streets designed to have one (1) end permanently closed shall not exceed five hundred (500) feet in length from centerline of intersecting street to center of turnaround, except in topographical and unusual situations, and shall terminate with a turnaround of not less than one hundred and twenty (120) feet in diameter of right-of-way and a roadway turnaround of ninety-six (96) feet in diameter.
    - (1) A temporary cul-de-sac shall be placed at the end of a street that is intended to be extended and is longer than 150-feet per Chapter 5.09 (4)(a) of the Municipal Code.
      - (i) A provision shall be made for reversion of the excess temporary turnaround right-of-way to the adjoining properties when the street is extended.
  - (g) Reserve strips. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the Town under conditions approved by the Plan Commission.
  - (h) Half streets. Half streets shall not be permitted except:
    - (1) To complete a street, the other half of which is already dedicated and accepted; or
    - (1) To conform to the major thoroughfare plan or official map.
- 4) Width. The right-of-way of all streets shall be of the width specified on the official map or comprehensive plan, or as determined by the Director of Community Development and Street Superintendent; generally they shall be not less than the width specified as follows:
  - (a) 80-100 feet for arterial streets;
  - (b) 66-80 feet for collectors streets;
  - (c) 54-60 feet for local streets;
  - (d) 54-60 feet for cul-de-sacs;
  - (e) 30-60 feet for marginal access streets; and

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- (f) 30 feet for an alley.
- 5) Grades. Streets shall have a minimum centerline grade of 0.60% and maximum grades shall not exceed 8% for arterial and collector streets and 10% for minor streets, or as determined by the Community Development Director and Street Superintendent.
  - (a) All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for major streets, and one half (1/2) this minimum for all other streets.
- 6) Curves. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets. The minimum radii or curvature on the centerline shall be as follows:
  - (a) 300 feet for arterial streets;
  - (b) 200 feet for collector streets; and
  - (c) 100 feet for minor streets.
- 7) Street names. New street names shall not duplicate in fact or sound substantially similar to the names of existing streets in the Town, but streets that are continuations of others already in existence and named shall bear the name of the existing street, except if the continuation changes alignment approximating ninety (90) degrees from its original direction, when a new name may be required by the Town. Street names shall be approved by the Department of Community Development.
- 8) Intersections.
  - (a) Streets shall intersect at right angles. Not more than two (2) streets shall intersect at one (1) point unless approved by the Plan Commission and Town Board.
  - (b) Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided. Where streets intersect arterials, their alignment shall be continuous.
  - (c) The distance between intersections of local or collector streets with arterial streets shall not be less than 800 feet, unless approved by the Plan Commission and Town Board.
  - (d) The minimum turning radius at an intersection shall not be less than 25 feet.
- (e) Intersection approach areas should not exceed a grade of 2% on all approaching streets for a distance of 50 feet from the intersecting points of the right-of-way lines.
- (f) Vision triangles. Proper sight line triangles shall be maintained at all street intersections, in which no building, fencing or structure is permitted, nor plantings higher than three (3) feet. Measured along the centerline, there shall be a clear sight triangle with sides as follows:
  - (1) 250 feet for state and federal highways;
  - (2) 150 feet for arterial streets;
  - (3) 75 feet for collector streets; and
  - (4) 50 feet for local streets.
- (g) Traffic Calming Devices. The location of traffic calming devices, such as but not limited to traffic circles, speed humps, raised intersection, etc., shall be approved by the Plan Commission and Town Board.
- 9) Special Streets. Where parkways or special types of streets are involved, the Plan Commission may apply special standards to be followed in their design.
- 10) Marginal Access Streets. Where a marginal access street has been provided, the Plan Commission may require that such a street be located at a distance from the major street or easement suitable for the appropriate use of the intervening land for:
  - (a) Park purposes.
  - (b) Motor vehicle parking, business or industry, in appropriate zones.
  - (c) Other provisions for the adequate protection of residential properties and the separation of through and local traffic. Such distances shall be determined with due regard for the requirements of approach grades and future grade separation.
- 11) Limited access highways. Where a tract, lot or parcel of land abuts a State or County limited access highway, access shall meet all requirements of the controlling authority. *[Added 3/23/09]*
- d) Lots.
  - 1) Generally. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of

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development and use contemplated. In addition, lots shall conform to the following:

- (a) Lots shall generally be rectangular in shape with the short distance abutting the street. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall generally be considered a desirable ratio of depth to width. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use.
  - (b) Lot lines shall follow municipal boundary lines, rather than cross them.
- 2) Dimensions.
- (a) Widths and areas of lots shall meet the requirements of the Zoning Ordinance.
  - (b) Every lot shall front or abut a public street for a distance of at least thirty-three (33) feet. Flag lots not meeting the minimum frontage requirement shall be prohibited. All lots shall have a minimum width at the building setback line as prescribed for the particular zoning district in which the lot is located.
- 3) Frontage.
- (a) All lots shall abut on a public street or an approved access.
  - (b) Double frontage lots shall not be permitted except as required by the Plan Commission and Town Board where they are desirable to provide separation of development from traffic arterials or inharmonious uses, or to overcome disadvantages of topography or situation. A planting and/or fencing screen easement of at least twenty (20) feet, and across which there shall be no right of access, may be required, by the Plan Commission, along the line of lots abutting such traffic arterials or other inharmonious use.
- 4) Side lot lines. Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face.
- 5) Corner lots. Corner lots shall have sufficient width to provide usable rear yards as well as to permit full building setbacks from all streets as set forth in the Zoning Ordinance or other regulations.

- 6) Grading. Where any land is to be filled more than six (6) inches above an adjacent property, a grading plan shall be approved by the Director of Community Development.

(e) Blocks.

- 1) Generally. The widths, lengths and shapes of blocks shall be suited for the following:

- (a) The planned use of the land;
- (b) Zoning requirements, need for convenient access;
- (c) Control and safety of street traffic; and
- (d) Limitations and opportunities of topography.

- 2) Length. The length of blocks in residential areas should not be less than seven hundred (700) feet, nor more than one thousand three hundred (1,300) feet in length, unless otherwise dictated by exceptional topography or other limiting factors of good design or otherwise approved by the Plan Commission.

- 3) Width. The width of blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.

- f) Special Restrictions. Special restrictions which are appropriate to the location or design of the Land Division may be required by the Plan Commission and shall be shown on the Final Plat, Condominium, or Certified Survey Map. Examples of the application of this provision include, but are not limited to, access control along public ways, required planting or buffering strips, and prohibition of structures and vegetative clearing in environmentally significant lands.

g) Easements.

- 1) Generally. Easements shall be provided for any surface, underground or overhead utility service including storm water drainage. Such easements shall be at least fifteen (15) feet in width, to accommodate the installation and future maintenance of the facility and shall be located to provide continuity of alignment throughout the area served.

- 2) Location. Power and communication lines shall be planned along rear lot lines wherever possible.

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- 3) Bicycle/Pedestrian Connections. Bicycle and pedestrian easements or dedications, not less than fifteen (15) feet in width, may be required by the Plan Commission to provide access to playgrounds, schools, shopping centers, or other community facilities.
  - 4) Burial of Utilities. Utility lines shall be buried, except as deemed inappropriate by the Plan Commission.
  - 5) Storm water. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way not less than thirty (30) feet in width, conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.
  - h) Drainage ways. The Sub divider shall make provisions for surface water runoff as required on the Drainage Plan by cutting and filling the drainage ways to the grades, elevations and widths as set forth on the plan. The drainage ways shall be protected from erosion by seeding and mulching and other additional erosion control steps that may be required by this Ordinance. The drainage plan shall be deemed to be a covenant running with the land. No person shall alter, change or modify the approved drainage plan by re-grading, construction or otherwise, without the prior written approval of the Department of Community Development and Town Engineer. Such approval shall be conditioned upon the provision of suitable drainage alternatives. The obstruction of drainage flow at either primary drainage swales or along the lot line drainage is prohibited.
  - i) Storm Drainage. Storm sewers, culverts and related facilities shall be designed to permit the unimpeded flow of natural water courses, ensure the drainage of all low points along the line of streets, and provide positive drainage away from on-site sewage disposal facilities. Storm drainage facilities must be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in run-off that will occur when all the property at a higher elevation in the same drainage basin is fully developed. Where adequate existing storm sewers are readily accessible, the Subdivider shall connect his storm water facilities to these existing sewers. In the design of storm drainage facilities, special consideration shall be given to preventing excess run-off onto adjacent property. Where a storm drainage outlet will abut another property, sufficient and adequate engineering safeguards shall be designed in the plat to prevent damage to adjoining property.
  - j) Sanitary Sewers. In areas that have a sanitary sewer system on or near the proposed subdivision, the Town shall determine the feasibility of service and the requirements to be followed by the Subdivider. In areas that are not to be served by a sewer system, on-site subsurface sewage disposal systems may be permitted only where soil tests and feasibility reports them satisfactory as regulated by local, state and/or federal rules and regulations. *[Amended 3/23/09]*
  - k) Water Facilities. Where there is an existing public water supply system on or near the subdivision, the Town shall determine the feasibility of connection to this system. Where there is a community water supply system, connection must be approved by the Utility District and by the Wisconsin State Department of Health and Social Services. Where there is no existing public water supply and no community water supply, individual water supply systems will be permitted in accordance with minimum standards, approved by local, state and/or federal rules and regulations. *[Amended 3/23/09]*
  - l) Noise Abatement along Highways. All plats or subdivisions of land adjacent to any expressway, freeway, or other four-lane highway shall be approved only if such complies with Section 6.13 of this Ordinance.
  - m) Conservation Subdivision. If the Sub divider is proposing a Conservation Subdivision or Low Impact Development, where the design of the subdivision clusters development in areas to preserve open space and natural resources, design standards and improvements required by this Section may be reviewed or waived by the Plan Commission.
- 2) **Required Improvements.**
    - a) General. All Land Division required improvements shall be constructed in accordance with plans and standard specifications approved by the Town.
    - b) Survey Monuments. The Subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin State Statutes, and as may be required by the Community Development Director and Town Engineer.
    - c) Grading.
      - (1) The Subdivider shall grade the subdivision in accordance with the drainage plan required per Chapter 33 of the Municipal Code.

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- (2) After the installation of temporary block corner monuments by the Subdivider and establishment of street grades, the Subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town Engineer. The Subdivider shall grade the roadbeds in the street right-of-way to sub grade.
  - d) Surfacing. After the installation of all utility and storm water drainage improvements, the Subdivider shall surface all roadways in streets to the widths prescribed by these regulations, the developer's agreement, and the comprehensive plan or comprehensive plan components of the Town. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town Engineer and per the Developer's Agreement.
  - e) Curb and Gutter. After the installation of all utility and storm water drainage improvements, the Subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Street Superintendent and Town Engineer. Wherever possible, provisions shall be made at the time of construction for driveway access curb cuts.
  - f) Rural Street Sections. When permanent rural street sections have been approved by the Plan Commission and Town Board, the Subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Street Superintendent and Town Engineer.
  - g) Sidewalks and Trails. The Subdivider shall construct a ten (10') foot wide trail on all arterial and collector streets in accordance with plans, Town Ordinances, and standard specifications approved by the Street Superintendent and Town Engineer. The Plan Commission may require sidewalks where it deems necessary in accordance with plans, Town Ordinances, and standard specifications approved by the Street Superintendent and Town Engineer.
  - h) Public Sanitary Sewerage and Private Sewerage Disposal Systems. The Subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. The Subdivider shall install or cause to be installed sewer laterals at the center of each lot to the street lot line. If public sewer facilities are not available, the Subdivider shall make provisions for adequate private sewage disposal systems as specified by the Town and Wisconsin State and County Boards of Health.
- (1) If, at the time of Final Platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five (5) years from the date of plat recording, the Subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this section and shall cap all laterals as may be specified by the Town Engineer and Town of Menasha Utility District. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town Engineer and Town of Menasha Utility District.
  - i) Storm Water Drainage Facilities.
    - (1) The Subdivider shall construct all required storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, culverts, storm sewers, road ditches and open channels, as may be required to meet the minimum requirement and standards of Chapter 33 of the Municipal Code, Storm Water Drainage Standards. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, the type of facility required, the design criteria, and the sizes and grades to be determined by the Subdivider's engineer, so as to be in conformance with the requirements and standards of Chapter 33 of the Municipal Code.
    - (2) Should any subdivision disrupt any drainage courses, the Subdivider is responsible for relocating this course to the satisfaction of the Town Engineer and, if applicable, the appropriate state, county or local agency and allowing the natural flow of storm water.
    - (3) Storm drainage facilities shall be so designed as to present no hazard to life or property; and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Town Engineer.
    - (4) The Town may require all storm water drainage facilities be dedicated to the Town for storm water purposes. *[Added 3/23/09]*
      - (a) Acceptance of Storm Water Facilities Dedicated to the Public. Unless an earlier date is agreed upon between the Subdivider and the Town, the dedication of lands within a plat that are intended to include a permanent man-made facility designed for

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reducing the quantity or quality impacts of storm water runoff from more than one lot and that are shown on the plat as “Dedicated to the Public for Storm Water Management Purposes” is not accepted until at least eighty (80) percent of the lots in the subdivision have been sold and a registered professional engineer has certified to the Town that all of the following conditions have been met with respect to the facility:

- (i) The facility is functioning properly in accordance with the plans and specifications of the Town.
  - (ii) Any required plantings are adequate, well established, and reasonably free of invasive species.
  - (iii) Any necessary maintenance, including removal of construction sediment, has been properly performed.
- j) Public Water Supply Facilities. The Subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. The Subdivider shall install or cause to be installed water laterals at the center of each lot to the street lot line. If municipal water service is not available, the Subdivider shall make provisions for adequate private water systems as specified by the Town and Wisconsin State and County Boards of Health. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town Engineer and Town of Menasha Utility District.
- k) Other. The Subdivider shall cause gas, electrical power and communication facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or communication service shall be located on overhead poles along the front lot lines unless otherwise approved by the Plan Commission due to exceptional topography or other physical barrier. The Subdivider shall consult with the various utility companies to determine the feasibility of burying utility lines.
- (1) Plans indicating the proposed location of all gas, electrical power and communication distribution and transmission lines required to service the plat shall be approved by the particular utility having jurisdiction.
- l) Street lamps. Unless otherwise provided, the Subdivider shall install decorative street lamps of

a type approved by the Plan Commission and Town Board, and in accordance with plans and standard specifications set by the applicable utility company and the street lighting policy set by the Town Board.

- (1) Wood street lamp poles shall be prohibited.
  - (2) Decorative, pedestrian oriented street lamps are encouraged on all local residential streets.
- m) Street and Regulatory Signs and Traffic Signals. The Subdivider shall cause to be installed at the intersection of all streets, street name and regulatory signs of a design specified by the Town and as required in the Development Agreement. The Subdivider shall pay the Town to install traffic signals of a design approved by the Town and as required in the Development Agreement at locations specified by the Town.
- (1) The Subdivider shall pay the Town to install street and regulatory signs and traffic signals of a design approved by the Town and as required in the Development Agreement.
- n) Street Trees.
- (1) The Subdivider shall plant at least one (1) tree of at least two (2”) inches in diameter measured six (6”) inches above the ground on all local residential streets according to the following:
    - (1) One (1) tree for 0-119 feet of street frontage.
    - (2) Two (2) trees for 120-179 feet of street frontage.
    - (3) Three (3) trees for 180-239 feet of street frontage.
    - (4) Four (4) trees for 240-300 feet of street frontage.
    - (5) One (1) tree for each sixty (60’) feet of street frontage over three hundred (300’) feet.
- The Subdivider shall provide a guarantee to replace at the Subdivider’s expense any street tree that is fifty (50%) percent dead or greater within one (1) year of planting.
- 2) In lieu of planting street trees, the Subdivider may, at the time of final plat, pay a street tree fee as set forth in Appendix B Fee Schedule, reference this code section, for each tree to be planted.
    - (a) Monies collected for street tree planting shall be kept in a special non lapsing Street Tree Fund for that purpose and shall be separate from the general fund of the Town. The Street Tree Funds shall be used exclusively for the acquisition and planting

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of trees within those Land Divisions where said funds are collected.

- 3) The trees shall be planted within the terrace area of the right-of-way. Tree placement and tree species shall be approved by the Director of Community Development, after consultation with the Street Superintendent and Director of Parks and Recreation.
- 4) The street tree requirement may be waived by the Director of Community Development for minor land divisions.
- o) Lot Grading. The Subdivider shall grade lots in accordance with the drainage plan required per Chapter 33 of the Municipal Code and this Ordinance.
- p) Erosion Control. The Subdivider shall install all erosion control measures as required by Chapter 33 of the Municipal Code.

3) **Construction and Inspection.**

- (a) Commencement. No construction or installation of improvements shall commence in a proposed land division until the Final Plat has been approved and the Street Superintendent and Town Engineer have given written authorization, and only after required sureties have been accepted by the Town.
- (b) Building Permits. No building permits shall be issued for erection of a structure on any lot not on record until all the requirements of this Ordinance have been met. The requirements of Section 6.06 4) c) or Section 6.07 3) e), filing of true copy of land division, shall have been met.
- (c) Plans.

- (1) The following plans and accompanying construction specifications shall be submitted and approved before authorization of construction or installation of improvements:
  - (a) Street Plans and profiles showing existing and proposed grades, soil conditions, elevations and cross sections of required improvements;
  - (b) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevation and materials of required facilities;
  - (c) Storm sewer plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities;

- (d) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities;
- (e) Planting plans showing the locations, age and species of any required street trees; and
- (f) Additional special plans or information as required.
- (2) The engineer shall submit one (1) copy of the above plans to the Town Engineer directly and four (4) copies of the above plans to the Department of Community Development, which shall keep one (1) copy and forward the remaining copies to the following departments:
  - (a) One (1) copy to the Street Department; and
  - (b) Two (2) copies to the Utility District.

- d) Inspection. The Sub divider, prior to commencing any work within the subdivision, shall make arrangements with the Town Engineer to provide for adequate inspection. The Town Engineer shall inspect and approve all completed work prior to release of the sureties.
- e) As Built Plans Required. Prior to completion and acceptance by the Town of all improvements, the Sub divider shall provide a copy of all improvement plans in AutoCAD or compatible form by Electronic Mail or Compact Disc to the Department of Community Development.

**6.11 DEVELOPMENT AGREEMENTS**

- 1) **Requirement.** The approval of every Final Plat shall be conditioned upon the Sub divider entering into a Development Agreement with the Town. The Development Agreement shall be in a form drafted or approved by the Town Attorney. No building or structure shall be constructed or site improvements begun within the land division, until a Development Agreement has been approved. The Town Board may waive the Development Agreement when no public improvements are required in conjunction with the plat. The Development Agreement shall include, but is not limited to:
  - a) Responsibility for Improvements. The applicant for approval of every Final Plat shall be responsible for the design, construction, and installation of all required and agreed upon improvements which serve the Land Division at their full cost and expense, and for maintenance thereof unless and until accepted by the Town, in conformance with all State and Town laws, rules and regulations.

- b) Land Dedications. The Development Agreement shall provide for land dedications where required by this Ordinance and agreed upon, with time frames for accomplishment.
- c) Acceptance of Public Improvements. Public improvements which serve Land Divisions shall not be deemed dedicated for a public purpose until respectively accepted by the Town as being fully functional and in conformance with the Development Agreement, applicable plans and specifications, Town Ordinances, and compatibility with attached and adjacent systems, facilities and improvements.
- d) Assurances. The Development Agreement shall provide for an assurance, which shall guarantee the construction, installation and maintenance of improvements in compliance with the Development Agreement and this Ordinance.
- e) Guarantees and Warranties. The Town shall require reasonable guarantees and warranties respecting any improvements installed or constructed by or through the Sub divider.
- f) Enforcement. Occupancy Permits may be withheld with respect to any parcel of property within an approved Final Plat until the Department of Community Development certifies that the requirements of this Ordinance have been met. In the event any work specified in the Development Agreement is not completed in accordance with the Development Agreement and this Ordinance, the Town may do or cause said work to be done, and charge the cost thereof against any posted assurance or charge the benefited property through a special assessment where there is no applicable or insufficient assurance. Any guarantee or warranty shall remain in effect and be enforced to the full extent of the law.

**6.12 PARK DEDICATIONS, RESERVATIONS, AND IMPROVEMENTS**

- 1) **Park and Open Space Land Dedication or Fees in Lieu of Land.** The purpose of the park and open space land dedication or fees in lieu of land is to ensure that adequate park and open space areas are available within or near new developments. The Sub divider shall provide and dedicate to the Town adequate land to provide for park, recreation, and open space needs within the Town. The location of such land to be dedicated shall be determined by the Plan Commission based upon a recommendation from the Park Commission. Where a land dedication is not compatible with the comprehensive plan or the park and open space plan, or for other reasons advised by the Plan Commission, the Sub divider shall, in lieu thereof, pay a fee to meet this requirement in whole or on a prorated basis.

- (a) Land Dedication Requirement. Upon a recommendation from the Park Commission, the Plan Commission shall determine whether the dedication of land for parks, or fee in lieu thereof will better serve the public interest. Where land is to be dedicated, the park and open space land dedication shall be a number of square feet per dwelling unit as set forth in the Appendix B Fee Schedule, reference this code section. If no particular number of dwelling units is proposed, the requirements shall be based on the following conditions:
  - 1) The number of dwelling units permitted by right under the proposed land division; and
  - 2) The zoning in effect at the time of submittal.
    - (a) Land dedicated for trails shall be credited towards a Subdivider's park and land dedication requirements only where right-of-way is dedicated to the Town for purposes of meeting the officially mapped ultimate right-of-way width where trails are identified in Chapter 30; in no other case shall trails be credited.
    - (b) Lands dedicated for stormwater management shall not be credited towards a Subdivider's park and land dedication requirements.
    - (c) All dedicated lands shall be accompanied by an environment assessment indicating that such lands present no environmental hazard, and will not require environmental mitigation or remediation measures. A core soil sample test shall be administered and results submitted to the Park and Recreation Department. No core soil sample test shall be required under trail right-of-way. Said environmental assessment and soil test shall be paid for at the Subdivider's expense.
- (b) Fees in Lieu of Land Dedication. The park and open space fee in lieu of land fee shall be as set forth in the Appendix B Fee Schedule, reference this code section.
  - 1) Fifty percent (50%) of the fees are due at the time of final plat and the remaining fifty percent (50%) of the fees are due eighteen (18) months after recording of the plat.
- (c) Allocation of Fees. The fees received by the Town shall be placed in a separate non-lapsing account (Park and Open Space Fund), separate from the Town General Fund. The Park and Open Space Fund shall be used exclusively for

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the acquisition and development of new parks, recreation, and other open space areas.

- (d) Development of Park Area. When parklands are dedicated, development of such land is to be completed as soon as fifty percent (50%) of the lots in the subdivision are sold and the Subdivider is required to:

- 1) Properly grade and contour for proper drainage;
- 2) Provide surface contours suitable for the anticipated use of each area as determined by the Parks and Recreation Department; and
- 3) It shall be the responsibility of the Subdivider to maintain the area until the Town accepts the dedication. The improved area shall not be deeded and officially accepted until all the following specifications are met:

- (a) a) Areas to be seeded are covered with a minimum of six (6) inches of quality topsoil, seed, fertilize, and mulch, as specified by the Parks and Recreation Department. When possible, original sub soil shall be left undisturbed and the use of heavy equipment, other than final grading and seeding, shall be minimized.
- (b) Original soil must be equal to or greater than the initial original soil with a minimum of six (6) inches.
- (c) Final grading and seeding must occur within one (1) year following issuance of the first building permit within the Land Division unless otherwise authorized by the Community Development Director or Town Engineer.
- (d) Two (2) inches of uniform grass height has been established, and a minimum of six (6) mowings have occurred.

- 4) Acceptance of Parklands. Parklands which are to be dedicated to the public under this Ordinance shall not be deemed dedicated for a public purpose until respectively accepted by the Town as being fully functional and in conformance with the provisions of 1), 2), and 3) above. *[Added 3/23/09]*

- 5) Assurances. The subdivider shall provide for a financial assurance, either through a surety bond, letter of credit, or cash escrow, which shall guarantee the construction, installation and maintenance of improvements in compliance with the provisions of 1), 2), and

3) above. The financial assurance shall be in the amount estimated for construction, installation and maintenance of improvements and shall be reviewed by the Town Engineer to verify estimates prior to. *[Added 3/23/09]*

- 6) Guarantees and Warranties. The Town shall require reasonable guarantees and warranties respecting any improvements installed or constructed by or through the Subdivider. *[Added 3/23/09]*

- (e) Neighborhood and Community Parks. When the parkland to be dedicated is determined by the Parks and Recreation Department to be a neighborhood park or community park, the following shall apply:

- 1) Utilities.

(a) Neighborhood Park. The Subdivider shall install or cause to be installed a standard residential water service. This requirement may be waived by the Park Commission and Plan Commission if the parkland is located directly adjacent to a fire hydrant.

(b) Community Park. The Subdivider shall install or cause to be installed a minimum six (6) inch water service or at least one (1) fire hydrant, and at least one (1) four (4) inch sanitary sewer lateral, all located at the street property line.

- 2) The Town Engineer shall require a certification of compliance with this Section, and the Subdivider shall pay the cost of such report.

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

- (g) Right of Refusal. The number, size, and location of all dedications, reservations or easements shall be subject to approval, and the Plan Commission shall ascertain that the proposed sites are suitable for the proposed uses. The Town Board retains the right to refuse any dedication.

- (h) Dwelling Unit Fee Established. The Town Board shall establish a fee as set forth in the Appendix B Fee Schedule, reference this code section,

which shall be adjusted December 31 of every year to be effective January 1 of each fiscal year based on the Engineering News Record Construction Cost Index. *[Amended 3/23/09]*

- (a) Proof of payment of the fee shall be required prior to issuance of the building permit.

**6.13 NOISE ABATEMENT ALONG HIGHWAYS**

**1) Generally.**

- a) All plats or subdivisions of land adjacent to any expressway, freeway, or other four-lane highway shall be approved only if such complies with the following:
- b) Definitions.
  - 1) A-Weighted Sound Level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
  - 2) Decibel (dB). A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
  - 3) Equivalent A-Weighted Sound Level (Leg). The equivalent steady-state sound level, which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same period. For purposes of measuring or predicting noise levels, a receptor is assumed to be at ear height, located five feet above ground surface. "Leg(h)" means the hourly value of Leq.
  - 4) Sound. An oscillation in pressure, partial displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
  - 5) Sound Level. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-197, or at the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

- 6) Sound Level Meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

**2) Construction Restrictions for Habitable and Institutional Structures.**

- a) No new single family residential structure shall be approved for construction (excluding substantial repair or alteration) if any exterior hourly traffic sound level Leq(h), anywhere within a proposed outdoor living area is projected to be equal to or in excess of 67 dBA upon completion of the structure or anytime thereafter.
- b) No new multiple-family residence, dormitory, mobile home park, transient lodging, school, hospital, nursing home or similar structure, or substantial modification of such existing structure, shall be approved for construction if any exterior hourly traffic sound level Leq(H), anywhere within a proposed outdoor living area on the site is projected to be equal to or in excess of 67 dBA upon completion of the structure or modification or anytime thereafter.
- c) Construction otherwise prohibited shall be allowed if there are no outdoor use areas on the site of the proposed structure projected to be exposed to an hourly traffic sound level Leq(h), equal to or in excess of 67 dBA and provided that there is incorporated into the design and construction of the structure such sound attenuation measures as are necessary to reduce the maximum interior hourly traffic induced sound level, Leq(h), in a habitable room to 52 dBA upon completion of the structure or modification, or anytime thereafter.
- d) Prior to issuance of any building permit for any structure regulated pursuant to Section 6.13 2) c), the owner of the structure shall submit to the Plan Commission and Director of Community Development, plans and specifications identifying the sound attenuation measures to be incorporated into the design and construction of the structure to meet the interior Leq(h) criteria.
- e) The Plan Commission and the Director of Community Development may conduct such inspections and measurements as are necessary to ensure the proper implementation of the sound attenuation measures proposed pursuant to Section 6.13 2) d) and to ascertain compliance with this section.

**3) Recreational Area Restrictions.**

- a) No land shall be designated or approved for construction or use as a public or private exterior recreational area, including, but not limited to, children's playgrounds, outdoor theaters and

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amphitheaters, picnic grounds, tennis courts and swimming pools, if any exterior hourly traffic sound level, Leq(h), anywhere on the site of the proposed recreational areas is projected to be equal to or in the excess of 67 dBA upon completion of the construction or designation of the site or anytime thereafter.

- b) This Section shall not apply to the designation or approval of any green belt or open space in any area in which the noise level exceeds the level specified in Section 6.13 1) regardless of whether such green belt or open space is open to public use, provided that no recreational improvement or facility is constructed thereon.
- c) Designation or approval of exterior recreational area otherwise prohibited under Section 6.13 3) shall be allowed if the noise level specified in that subsection can be achieved by appropriate means of sound attenuation, such as berms, barriers, or buildings, at the perimeter of or elsewhere on the site.
- d) No new interior recreational facility, including, but not limited to, gymnasiums, ice or roller skating rinks, indoor swimming pools, and tennis courts, shall be approved for construction if the hourly traffic sound level, Leq(h), anywhere on the site is projected to be equal to or in excess of 67 dBA upon completion of the structure or anytime thereafter, unless there is incorporated into the design and construction of the structure such sound attenuation measures as are necessary to reduce the maximum hourly traffic induced sound level, Leq(h), to 52 dBA.

4) **Site Study Requirement.**

- a) If the Plan Commission has reason to believe that a full report is necessary to determine whether a proposed project is prohibited, such report shall be made by the applicant prior to approval of any subdivision, zoning or building permit application. (If a full report has not been presented and the applicant believes the project was wrongfully prohibited, he may file a full report within 21 days of the Plan Commission decision and request reconsideration.) A full report shall contain the following information and any other information which the Plan Commission may reasonably require:
  - 1) The existing maximum hourly traffic sound level, Leq(h), for a representative sample of locations, measured in accordance with guidelines presented in "Sound Procedures for Measuring Highway Noise: Final Report", August 1981, U.S. Department of Transportation, Federal Highway Administration, Arlington, VA, or modeled according to a methodology consistent with the methodology in the FHWA Highway

Traffic Noise Prediction Model (Report No. FHWA-RD-77-108);

- 2) The projected future Leq(h) at the site resulting from future traffic increases; and
  - 3) Where applicable, plans for sound attenuation measures on the site and/or of the structure proposed to be built and the amount of sound attenuation anticipated as a result of these measures.
- b) In determining whether an applicant should be required to submit a full report pursuant to Section 6.13 4) a), the Plan Commission shall consider the Wisconsin Department of Transportation's Administrative Code TRANS 405 and the Federal Highway Administration's Procedures for Abatement of Highway Traffic Noise and Construction Noise, Title 23, CFR, Chapter I, Subchapter J, Part 772.
- 5) **Zoning Ordinance or Comprehensive Plan.**
- a) No proposed comprehensive plan for land adjacent to an existing county, state or federal highway or planned transportation corridor shall be approved unless such plan includes a sound analysis which:
    - 1) Identifies existing and projected traffic noise levels, dBA, Leq(h) for 20 years in and around the area under consideration; and
    - 2) Ensures usage of adequate measure to avoid violation of any provision of this ordinance.
  - b) No zoning change application shall be approved unless the site feasibility study submitted, as required by the Plan Commission, contains an analysis which shows:
    - 1) The impact of existing and projected traffic noise levels, dBA, Leq(h) for 20 years on the intended use; and
    - 2) Ensures the use of adequate measures to avoid violation of any provision of this ordinance.
- 6) **Truth and Selling or Renting.** No person shall sell or rent, or cause to be sold or rented, any structure constructed after date of adoption of this Ordinance, or property to be used for human habitation, where the structure or property as defined in Section 6.13 2) a) is exposed to sound levels regularly equal to or in excess of 67 dBA, leq(h), without making full written disclosure to all potential buyers or renters of the existence of sound levels and of the nature of the sources.