

DEVELOPMENT ORDINANCE OF THE TOWN OF NEENAH

INTRODUCTION

6.01 AUTHORITY

The provisions of this Chapter are adopted by the Town of Neenah Board of Supervisors pursuant to the authority granted by Chapters 236.45 and 703, Wis. Stats.

6.02 TITLE

This Chapter shall be known as, referred to, or cited as the "Development Ordinance of the Town of Neenah".

6.025 BOUNDARY AGREEMENT

- (1) Definitions.
 - (a) "Code" means the Municipal Code of the Town of Neenah.
 - (b) "Boundary Agreement" means the Intergovernmental Agreement among the City of Neenah, the Town of Neenah, the Town of Neenah Sanitary District #1-1 and the Town of Neenah Sanitary District #2 to Provide for Orderly Growth and Development within Agreed-Upon Municipal Boundaries.
- (2) Adoption. The Town of Neenah hereby adopts the Boundary Agreement, as amended from time to time, as if restated at length herein. In the event of a conflict between the provisions of this Code and the Boundary Agreement, the Boundary Agreement shall control.

6.03 PURPOSE AND INTENT

The purpose of this Chapter is to regulate and control the division of land within the Town of Neenah to:

- (1) Promote the public health, safety, and general welfare.
- (2) Further the orderly layout and use of land.
- (3) Prevent the overcrowding of land.
- (4) Lessen congestion in the streets and highways.
- (5) Provide for adequate light and air.
- (6) Facilitate adequate provisions for water, sewerage, and other public requirements.
- (7) Provide for proper ingress and egress.

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- (8) Promote proper documenting of subdivided land and conveyance by accurate legal description.

6.04 ABROGATION AND GREATER RESTRICTION

- (1) It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.
- (2) In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (3) To the extent that this Chapter contains time limits, deadlines, notice requirements, or other provisions that are more restrictive than time limits, deadlines, notice requirements, or other provisions that provide protections for a subdivider contained in Chapter 236 of the Wisconsin Statutes, the time limits, deadlines, notice requirements, or other provisions that provide protections for a subdivider contained in Chapter 236 shall apply.

6.05 DEFINITIONS

In the construction of this Chapter, the definitions contained in this Section shall be observed and applied except when the context clearly indicates otherwise.

- (1) "Alley" means a public or private right-of-way which provides secondary access to abutting properties.
- (2) "Arterial street" means a street used, or intended to be used, primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways, as well as standard arterial streets, highways, and parkways.
- (3) "Block" means a group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter, or other name through which it may be identified.
- (4) "Board" means the Town of Neenah Board of Supervisors.
- (5) "Building" means a structure having a roof supported by columns or walls. When separated by division walls from the ground up and without openings, each portion of each building shall be deemed a separate building.
- (6) "Collector street" means a street used, or intended to be used, to carry traffic from minor streets to the major system or arterial streets, including principal entrance streets to residential developments.
- (7) "Commission" means the Town of Neenah Plan Commission.

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- (8) "Conservation easement" means a type of "protective covenant" the boundary lines of which are graphically depicted on the face of a Certified Survey Map, Preliminary Plat, Final Plat, and/or Condominium Plat used to conserve and preserve a natural resource feature that is protected, in perpetuity, under the provisions of this Chapter.
- (9) "County" means Winnebago County and shall include any agency, department, or committee thereof.
- (10) "County Planning and Zoning Committee" means the County Planning and Zoning Committee, as authorized by Chapter 59.97, Wis. Stats., or any other committee created by the County Board and authorized to plan land use.
- (11) "County Sewage System Ordinance" means the County Private Sewage System Ordinance (Chapter 16 of the Winnebago County General Code).
- (12) "County Zoning Ordinance" means the Winnebago County Town/County Zoning Ordinance (Chapter 17 of the Winnebago County General Code).
- (13) "Cul-de-sac Street" means a minor street with only one outlet and having a turn around for the safe and convenient reversal of traffic movement.
- (14) "Development Agreement" means an approved, completely executed, legally-binding document/contract between the Town and an individual, his representative(s), heirs, corporation, partnership, and/or others, pertaining to a parcel(s) of land to be developed. This document protects the Town from development plans that do not turn out the way they were originally envisioned due to non-performance of promises made. The Town shall not bear the responsibility of completing needed improvements or services when developers do not make good on their plans. The agreement defines the obligations of both parties and prescribes the timing and financing of improvements or other benefits required of each party. Once mutually signed, conditions remain as defined in the Development Agreement.
- (15) "Extraterritorial plat approval jurisdiction" means the unincorporated area within 1½ miles of a fourth-class city or village and within 3 miles of all other cities over which cities and villages may exercise plat approval provided they have enacted an official map ordinance or subdivision control ordinance in accordance with Chapter 236.10, Wis. Stats.
- (16) "Final plat" means the map of plan of a subdivision and any accompanying material as described in Section 6.30 of this Chapter.
- (17) "Frontage" means the length of the front property line of the lot, lots, or tract of land abutting the right-of-way of a public street, road, or highway.
- (18) "Frontage Street" means a minor street auxiliary to, and located on the side of, an arterial street for control of access and for service to the abutting development.
- (19) "Grade" means the slope of a road, street, or other public way, specified in percent.

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- (20) "Improvement, public" means any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, off-street parking area, or other facility for which the County or Town may ultimately assume the responsibility for maintenance and operation.
- (21) "Land division" means the act or process of dividing land into two or more parcels.
- (20) "Lot" means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law to be used, developed, or built upon as a unit, and containing the minimum frontage, width, and area sufficient to meet building, parking, setback, open space, sanitary, or other requirements.
- (23) "Lot area" means the total square footage lying within the peripheral boundaries of a parcel of land. In any zoning jurisdiction, the area of a lot specifically excludes:
- (a) The right-of-way of a public or private street.
 - (b) Areas of navigable water.
- (24) "Lot corner" means a lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less measured on the lot side.
- (25) "Lot, legal" means a unit of land existing under a single ownership which complies with the applicable basic district standards for the Zoning District in which such lot is situated or meets the definition of a "lot of record" of this Chapter, which is provided with the minimum frontage upon a public road, and which complies with all applicable subdivision laws and ordinances.
- (26) "Lot lines" means the peripheral boundaries of a parcel of land.
- (27) "Lot of Record" means a lot legally created and recorded in the Winnebago County Register of Deeds Office prior to or in compliance with the Winnebago County Subdivision Ordinance of May 1, 1969, meeting applicable state and county zoning and subdivision laws and ordinances.
- (28) "Lot, through" means a lot which has a pair of opposite lot lines between two parallel streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.
- (29) "Lot, width" means the mean horizontal distance between the side lot lines of a lot measured at right angles to the depth. On irregularly (non-perpendicular) shaped lots, the width shall be the average width of the lot computed. Lot width shall be measured at the street setback line applicable to the zoning district the parcel is located within. In the shoreland jurisdiction, the lot width shall also be measured at the shore yard setback line applicable to the zoning district the parcel is located within. At least 50% of the lot shall be greater than or equal to the required lot width.

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- (30) "Major condominium plat" means condominiums in which land is allocated into parcels or building sites, whether the individual portions of land are defined as "units" or "limited common elements", are subject to review and approval of this Chapter if five (5) or more parcels or building sites of five (5) acres or smaller in size and created within any five (5) year period from a lot parcel or tract which existed on the effective date of this chapter.
- (31) "Major land divisions" means the creation of five (5) or more parcels or building sites of five (5) acres or smaller in size by successive divisions within a period of five (5) years. Within the classification of MAJOR LAND DIVISION, there shall be sub classifications of:
- (a) **Subdivision, Town and County** (Subdivisions satisfying this classification are subject to Town and County review, and do not require State review). The subdivision of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where:
1. The act of division creates five (5) or more parcel or building sites, each of which is larger than one and one-half (1½) acres and which is five (5) acres or smaller in size; or
 2. Five (5) or more parcels or building sites each of which is larger than one and one-half (1½) acres and which is five (5) acres or smaller in size and created by successive divisions within a period of five (5) years.
- (b) **Subdivision, State** (Subdivisions satisfying this classification are subject to mandatory State review under Chapter 236 of the Wisconsin Statutes in addition to County review under Winnebago County Ordinance). The division of land by the owner thereof or the owner's agent for the purpose of sale or of building development where:
1. The act of division creates five (5) or more parcel or building sites of one and one-half (1½) acres each or less in area; or
 2. Five (5) or more parcels or building sites of one and one-half acres each or less in area and created by successive divisions within a period of five (5) years.
- (c) **Conservation Subdivision:** A division of residential land that provides for the maintenance of a minimum of fifty per cent (50%) of the land area in permanent open space. Generally, this will involve smaller lot sizes than traditional subdivision developments, have minimal streets, and concentrate on protection of natural and historic resources.
- (32) "Major Street" means arterial and collector roads primarily intended for through traffic with a secondary function for direct access.
- (33) "Minor condominium plat" means condominiums in which land is allocated into parcels or building sites, whether the individual portions of land are defined as "units" or "limited common elements", and are subject to review and approval of this Chapter if one (1) to four (4) parcels or building sites of five (5) acres or smaller in size are created within any

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five (5) year period from a lot parcel or tract which existed on the effective date of this chapter.

- (34) "Minor land divisions" means the creation of one (1) to four (4) parcels or building sites which divide land into a parcel or parcels of five (5) 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, parcel, or tract which existed on the effective date of this Chapter.
- (35) "Minor street" means a street used or intended to be used primarily for access to abutting properties.
- (36) "Obstruction, drainageway" means one of the following:
- (a) "Artificial obstruction" means any obstruction other than a natural obstruction that is capable of reducing the carrying capacity of a stream or drainageway or may accumulate debris and thereby reduce the carrying capacity of a stream, such as fences, dams, planted trees, shrubs, and any other obstructions instituted as a result of human activity.
 - (b) "Natural obstruction" means any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the stream or drainageway by a non-human cause.
- (37) "Outlot" means a remnant parcel of land not to be used for building purposes, so designated on the plat.
- (38) "Parcel" means a lot created by a division of land. A parcel which is owned, controlled, or managed as a single entity shall be treated as a single tract, unless separated by a public road or navigable or non-navigable waters. A parcel is created as of the date the deed, land contract, lease, or other instrument of control is recorded with the Register of Deeds Office.
- (39) "Planning Administrator" means the person designated by the County Planning and Zoning Committee to administer the County Zoning Ordinance.
- (40) "Preliminary plat" means a map showing the salient features of a proposed subdivision submitted to the Town Plan Commission and County Planning and Zoning Committee for purposes of preliminary consideration as described in Section 6.22 of this Chapter.
- (41) "Public way" means any public road, street highway, walkway, drainageway, or part thereof.
- (42) "Shoreland jurisdiction" means the area within 1,000 feet of the ordinary high water mark of a navigable lake, pond, or flowage; within 300 feet of the ordinary high water mark of a river or stream; or to the landward side of a floodplain, whichever distance is greater.
- (43) "Street (Public)" means the right-of-way of any street, road, highway, lane, etc., dedicated to the public which generally provides access to abutting properties.

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- (44) "Street (Private)" means the right-of-way of any private road, highway, lane, street, access easement, easement, etc., where the defined street or easement provides access to more than one parcel or principal structure.
- (45) "Town" means the Town of Neenah Board, Town Clerk, or the Town Plan Commission.
- (46) "Tract" means a contiguous area of land which exists or has existed in single ownership.

GENERAL PROVISIONS

6.06 JURISDICTION

The jurisdiction of this Chapter shall include all lands within the Town of Neenah. However, in no instances shall the provisions of this Chapter apply to:

- (1) Transfers of interest in land by will or pursuant to court order.
- (2) Leases for a term not to exceed 10 years, mortgages, or easements.
- (3) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the resultant lots are not reduced below the minimum size required by these regulations, the County Zoning Ordinance, or other applicable laws or ordinances. For the purpose of this Section, an additional lot is deemed to be created if the parcel being sold or created is combined with the adjoining parcel by means of a new legal description in accordance with Section 6.08.

6.07 COMBINING LOTS

Lots shall be combined into one parcel according to Section 6.08 herein when one or more of the following occurs:

- (1) The requirements of Sec. 18.05(3) Winnebago County Land Division Ordinance are not met.
- (2) A use, structure, or structural addition occupies more than one lot under the same ownership.
- (3) Existing substandard lots on record platted according to Ch. 236 Wis. Stats. when, in the determination of the County/Town Zoning Administrator, the intent of the district will not be maintained at the time of construction.

6.08 COMBINING DESCRIPTION

Land described in Section 6.07 herein shall be combined into one parcel by Certified Survey Map procedures and recorded in the County Register of Deeds Office.

6.09 COMPLIANCE

Division of land located within the jurisdictional limits of these regulations which results in a land division, re-plat, or condominium plat as defined herein shall not be entitled to recording and/or

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improvements to the land unless it is in compliance with all the requirements of this Chapter and:

- (1) Duly approved County Zoning and Private Sewage System Ordinances.
- (2) County Access Control Ordinance.
- (3) Applicable local ordinances.
- (4) Provisions of Ch. 236, Wis. Stats.
- (5) Provisions of the Winnebago County Land Records Ordinance as enumerated in Sec. 8.05 of the Winnebago County Code.

6.10 LAND SUITABLE FOR DEVELOPMENT

No land shall be divided which is held unsuitable for any proposed use as recommended by the Town Plan Commission (hereinafter referred to as Commission) for approval by the Town Board (hereafter referred to as Board) due to flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community. In its recommendation to the Board, the Commission in applying the provisions of this Chapter shall, in writing, cite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the applicant an opportunity to present evidence regarding such suitability at a public hearing. Thereafter, the Commission may affirm, modify, or withdraw its determination of unsuitability.

6.105 LAND SUITABLE FOR BASEMENT CONSTRUCTION

New buildings that are to be constructed in the Town of Neenah are not allowed to have basements constructed below the elevation of underlying bedrock unless approved under the Development Agreement and subject to the conditions of Appendix III.

6.11 VARIANCES

- (1) In any particular case where it can be shown that by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this Chapter would cause practical difficulty by exceptional and undue hardship, the Commission may recommend that the Board relax such requirement to the extent deemed just and proper so as to relieve such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the Town.
- (2) The Board at its discretion, if it determines it necessary for the public good, may conduct a public hearing to permit parties of interest to comment on the variance request.
- (3) If a hearing is determined to be necessary, the applicant shall be responsible for payment of a hearing fee as established by the Town Fee Schedule. The Board shall then fix a reasonable time and place for the hearing. Notice of the time and place of

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such hearing shall be given by publication in the County Class I notice, under Ch. 985. A copy of such notice shall be mailed by certified mail to all property owners within 300 feet of the subject site as listed on official tax property rolls as of the date of application and shall be notified by first class mail with an Affidavit of Mailing at least ten (10) days prior to the date of such hearing.

- (4) A majority vote of the entire membership of the Board shall be required for any modification to these regulations and any modification thus granted shall be entered in the minutes of the Board setting forth the reasons which, in the opinion of the Board, justified the modification.
- (5) Shoreland Notice and Decision
 - (a) Written notice shall be given to the appropriate District Office of the Department of Natural Resources at least ten (10) days prior to consideration by the Commission.
 - (b) Written notice of the Board action shall be submitted to the appropriate District Office of the Department of Natural Resources within thirty (30) days of the decision.

6.12 VIOLATIONS

No person shall build upon, divide, convey, record, or monument any land in violation of this Chapter or the Wisconsin Statutes. No permit shall be issued authorizing the building on or improvement of any subdivision, replat, or condominium plat within the jurisdiction of this Chapter and not of record as of April 15, 1969, until the provisions and requirements of this Chapter have been fully met. The Town may institute appropriate actions or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.

6.13 PENALTIES

- (1) Recordation improperly made shall be subject to the provisions of Chapter 236.30, Wis. Stats.
- (2) Conveyance of lots in unrecorded plats shall be subject to the provisions of Chapter 236.31, Wis. Stats.
- (3) Monuments disturbed or not placed shall be subject to the provisions of Chapter 236.32, Wis. Stats.
- (4) Assessor's plat may be ordered by the Town when a subdivision is created by successive divisions as provided in Chapter 236.31(2), Wis. Stats.
- (5) Any person failing to comply with the provision of this Chapter shall be subject to a penalty as provided in Sec. 25.04 of the Winnebago County General Code.

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6.14 APPEALS

Any person aggrieved by an objection to a plat or failure to approve a plat may appeal there from as provided in Chapters 236.13(5) and 62.23(7), Wis. Stats.

MINOR LAND DIVISIONS

6.15 SUBMITTAL

Creation of a minor land division shall be by certified survey map. The certified survey map shall be submitted to the Commission. The certified survey map shall be prepared according to 236.34, Wis. Stats, and shall show clearly on its face the following:

- (1) All existing buildings, setbacks, water courses, drainage ditches, names of adjacent owners, setbacks to structures on adjacent property, and other features pertinent to division of property shall be shown.
- (2) Location of access to public road.
- (3) Date of the map with a graphic scale.
- (4) Name and address of the person for whom the survey was made.
- (5) An owner's certificate and approval signature of the Town (upon recommendation of the Commission), and Treasurer's certificate in accordance Chap. 236.21(3) Wis. Stats., shall be the only approvals required for recording unless additional approvals are necessary for dedication purposes.

6.16 REVIEW AND APPROVAL

- (1) The Commission shall, within sixty (60) days of the date of submission, unless mutually extended by both parties, review the application map against the applicable standards of this ordinance, and recommend the Board approve, approve conditionally, or reject the application and map based upon a determination of conformity or non-conformity with the standards. If the Commission does not make a recommendation within the allotted time, it shall be presumed that the Commission recommends that the Board approve the application and map as submitted.
- (2) The Board shall, within thirty (30) days of receipt of the Commission recommendation, approve, approve conditionally, or reject the application and map based upon a determination of conformity or non-conformity with the standards and public policy, in the sole discretion of the Board. If the Board does not make a decision within the allotted time, it shall be presumed that the Board ratified the recommendation, or presumed recommendation, of the Commission.

MAJOR LAND DIVISIONS

6.17 GENERAL

The application shall be filed with the Commission unless otherwise stated. The following procedures shall apply to Town, County, and State subdivisions, as defined in Subsection 6.05(28) herein.

6.18 PRELIMINARY CONSULTATION

When it is proposed to divide land into five (5) or more lots or building sites by successive division, the applicant shall subdivide in accordance with the following procedures:

- (1) The applicant shall have an initial consultation with Town Plan Commission and any other people deemed necessary, including a Sanitary District representative, Town Planner/Engineer, or County staff, before proceeding with platting procedures. The applicant will be asked to submit a concept plan and meet with the Plan Commission for the purpose of establishing parameters, regulations, and policies regarding the following issues:
 - (a) The suitability of the site for development,
 - (b) The accessibility of the site,
 - (c) The availability of public facilities (sewer, school, parks, water, etc.) and public services (police, fire, etc.),
 - (d) Soil conditions and drainage patterns,
 - (e) The effect of the proposed development on any contemplated improvements,
 - (f) Zoning of the site and regulations that apply,
 - (g) Required public improvements, and
 - (h) Consistency with the Town's Comprehensive Plan.
- (2) The applicant shall submit a concept plan on a topographic survey map indicating the nature of the above conditions. The initial concept plan should take into account the intent of this ordinance as well as any other reviewing agencies' comments obtained in contacts with the appropriate agencies. Additional meetings may be required if the concept plan needs to be significantly altered to meet the criteria identified in this ordinance.
- (3) The concept plan will be reviewed as it relates to:
 - (a) Topography, based on a U.S.G.S Quadrangle map,
 - (b) The improvements, design, dedications, or reservations required by these regulations,

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- (c) Continuity to existing development within 300 feet of all boundaries,
- (d) Regulations as set down by Chapter 236 of the Wisconsin Statutes,
- (e) Consistency with the Town's Comprehensive Plan and any other Town ordinances and policies,
- (f) For property within a Town Sanitary District, the proposed plat must be consistent with the Sanitary District's plans for providing sanitary sewer service, as determined by the Town Sanitary District, or in areas not served by public sanitary sewer, Winnebago County sanitation requirements.

6.19 PRELIMINARY PLAT SUBMITTAL

The applicant shall prepare a preliminary plat in accordance with this Chapter.

- (1) **Subdivision, Town:** The following shall apply:
 - (a) The applicant shall provide the Commission thirteen (13) copies of the preliminary plat.
 - (b) **Fee.** The applicant shall provide the Town Clerk with the appropriate fee as contained in Town of Neenah Fee Schedule.
- (2) **Subdivision, County:** The applicant shall provide the County Planning and Zoning Department eight (8) copies of the preliminary plat and two (2) copies to the adjoining city or village, if in their extraterritorial plat approval jurisdiction.
- (3) **Subdivision, State:** In addition to the requirements of Subsection 6.19(1)(a) herein, it shall be the responsibility of the applicant to submit the original drawing of preliminary plats to the head of the State Planning Function in accordance with chapter 236.12(6), Wis. Stats.

6.20 PRELIMINARY PLAT REQUIREMENTS

A preliminary plat shall be based upon a survey by a registered land surveyor and the plat prepared on reproducible material at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- (1) Title under which the proposed subdivision is to be recorded.
- (2) Legal description and general location of the proposed subdivision and the relative location to a nearby municipality.
- (3) Date, scale, and north arrow.
- (4) Names and addresses of the owner, sub-divider, and land surveyor preparing the plat.

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- (5) The entire area contiguous to the proposed plat owned or controlled by the applicant shall be included on the preliminary plat even though only a portion of such area is proposed for immediate development. The Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.
- (6) Approximate length and bearing of the exterior boundaries of the proposed subdivision, referenced to a corner established in the U. S. Public Land Survey, and the total acreage encompassed thereby.
- (7) Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%) and of not more than five (5) feet where the slope of the surface is ten percent (10%) or more. Elevations shall be marked on such contours based on mean sea level datum or, where in the judgment of the Commission, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (8) Water elevations of adjoining lakes and streams at the date of survey, ordinary high water elevation, and designated floodplains, wetlands, and surface water drainageways regulated under the authority of the Winnebago County Town/County Zoning Ordinance and Sections 6.59 and 6.60 of this Chapter.
- (9) Location, right-of-way width, and name of every existing and proposed street, alley, easement, railroad or utility right-of-way, and other public way; all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (10) Location and names of any adjacent subdivisions, parks, schools, and cemeteries and owners of record of abutting unplatted lands.
- (11) Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations, all to the datum used for the contours.
- (12) Location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drainpipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their directions and distance from the tract, size, and invert elevations.
- (13) Locations of all existing property boundary like structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks, and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (14) Dimensions of all lots, together with proposed lot and block numbers.
- (15) Location and dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use, or which are to be used for group housing, shopping centers, church sites, or other non-public uses not requiring platting.

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- (16) Approximate radii of all curves.
- (17) Existing zoning and proposed use on any lot adjacent to the proposed subdivision.
- (18) Corporate limit lines.
- (19) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- (20) Any proposed lake and stream improvement or relocation and proposed filling, grading, lagooning, and dredging, and the notice of application for the State Department of Natural Resources approval, when applicable.
- (21) Seasonally wet areas.

6.21 STREET PLANS AND PROFILES

- 1. The applicant shall provide street plans and profiles showing existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested by the Town Plan Commission, and all elevations, plans, and profiles shall meet the approval of the Commission.
- 2. All roads must comply with the Town of Neenah “STANDARD SPECIFICATION MANUAL” and the “GENERAL GUIDELINES & PROCEDURES”, both as amended from time to time.

6.22 TESTING

The Town Plan Commission may require that borings and soundings to be made in designated areas to ascertain subsurface soil, rock and water conditions including the depth to bedrock and the depth to groundwater table. All subdivisions not served by public sanitary sewer service, shall comply with the appropriate provisions of State Administrative Rule. All appropriate data shall be submitted with the preliminary plat.

6.23 COVENANTS

The Commission may recommend that the Board require submission of a draft of protective covenants whereby the applicant intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. All proposed conservation subdivisions and other plats that include conservation easements must include protective covenants or other measures to ensure that conservation land will be preserved in perpetuity.

6.24 AFFIDAVIT

The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter.

6.25 PRELIMINARY PLAT REVIEW AND APPROVAL

In order to facilitate public comment, the Commission shall notify all property owners within 300 feet of the subject site a meeting agenda concerning the subject site, utilizing first class mail with an affidavit of mailing, at least five days prior to the date of such meeting. The Commission shall conduct a meeting to review the Plat for conformance with this Chapter and all other ordinances, rules, and regulations which affect the Plat. The Town Board, after receiving a recommendation from the Commission, shall approve, approve conditionally, or reject the Preliminary Plat within ninety (90) days of submittal.

6.26 FINAL PLAT SUBMITTAL

The applicant shall prepare a final plat in accordance with this Chapter.

- (1) **Subdivision, Town:** The applicant shall provide the Town Plan Commission thirteen (13) copies of the final plat.
- (2) **Subdivision, County:** The applicant shall provide the County Planning and Zoning Department eight (8) copies of the preliminary plat and two (2) copies to the adjoining city or village, if in their extraterritorial plat approval jurisdiction.
- (3) **Subdivision, State:** In addition to the requirements of Subsection 6.29(1) herein, it shall be the responsibility of the applicant to submit the original drawing of final plats to the head of the State Planning Function, in accordance with Chapter 236.12(6), Wis. Stats.

6.27 GENERAL REQUIREMENTS

- (1) A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Chapter 236.20, Wis. Stats. The final plat shall show correctly on its face, in addition to the information required by Chapter 236.20, Wis. Stats., all lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance must also be provided with the plat.
- (2) When residential subdivisions, including CSM's, are platted adjacent to a non-residential use, i.e. agricultural (such as a farm operation), nonmetallic mining (such as a quarry operation), or commercial/industrial operation, the subdivider shall include a statement on the face of the plat that future owners of homes need to be aware of and understand the implications of living next to the specific non-residential use. The disclosure language shall be subject to the review and approval of the Town.

6.28 SURVEYING AND MONUMENTING

All final plats shall meet all the surveying and monumenting requirements of Chapter 236.15, Wis. Stats.

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6.29 CERTIFICATES

All final plats shall be accompanied by all the certificates required by Chapter 236.21, Wis. Stats. In addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter and shall provide a certificate stating so for Town Plan Commission approval.

6.30 FINAL PLAT REVIEW AND APPROVAL

- (1) The Commission shall examine the final plat as to its conformance with the approved preliminary plat, any condition of approval of the preliminary plat, this Chapter and all ordinances, rules, regulations, and adopted regional and County comprehensive plans or adopted plan components which may affect the plat.
- (2) The Town Board, after receiving the recommendation of the Commission, in accordance with Chapter 236.11, Wis. Stats., shall, within sixty (60) days of the date of filing of the final plat with the County Planning and Zoning Department approve, approve conditionally, or reject the plat, unless the time is extended by agreement with the applicant.
- (3) If the plat is approved, the Board shall not inscribe its approval on the face of the original final plat until the head of the State Planning Function has certified that he has no objections to the plat.
- (4) An approved, completely executed Development Agreement must be on file with the Town of Neenah prior to approval of the final plat.

6.31 RECORDING

After the final plat has been approved by the Town Board and any other approving agencies, the subdivider shall record the plat with the County Register of Deeds in accordance with Chapter 236.25, Wis. Stats.

CONDOMINIUM PLATS

6.32 GENERAL

It is the intent of the following sections to regulate condominiums as they relate to zoning and the division of land for the purpose of establishing a condominium plat.

6.33 PRELIMINARY CONSULTATION

Prior to submitting an application for approval of a preliminary plat, the applicant shall consult with the Commission to become informed of the purpose and objectives of these regulations. In order to facilitate the consultation the applicant shall provide a plat plan drawn to reasonable scale depicting the general lot layout, exterior property boundary, roadways, known easements, and unique natural features.

MINOR CONDOMINIUM PLAT

6.34 SUBMITTAL

Creation of a minor condominium plat shall be by certified survey map. The certified survey map shall be submitted to the Commission. Such map shall be prepared according to Sections 236.34 and 703.11, Wis. Stats., and the map shall show clearly on its face the following:

- (1) All existing buildings, water courses, drainage ditches and other features pertinent to division of property.
- (2) Location of access to public road.
- (3) Date of the map with a graphic scale.
- (4) Name and address of the person for whom the survey was made.
- (5) An owner's certificate and approval signature of the Town Board, after recommendation by the Commission, and Treasurer's certificate in accordance with Chap. 236.21(3), Wis. Stats., shall be the only approvals required for recording unless additional approvals are necessary for dedication purposes.

6.35 REVIEW AND APPROVAL

The Town Board, after receiving the recommendation of the Commission shall, within sixty (60) days of the date of submission unless mutually extended by both parties, review the application and map against the applicable standards of this ordinance and approve, approve conditionally, or reject the application and map based upon a determination of conformity or non-conformity with the standards.

MAJOR CONDOMINIUM PLAT

6.36 PRELIMINARY PLAT SUBMITTAL

- (1) The applicant shall prepare a preliminary plat in accordance with this chapter. The applicant shall provide the Commission eight copies of the preliminary plat.
- (2) In addition, condominium plats which are located with the jurisdictional authority of the Winnebago County Town/County Zoning Ordinance and developed according to Sec. 17.08 Winnebago County Zoning Ordinance for planned unit development, shall submit application for the conditional use permit (Sec. 17.25 Winnebago County Zoning Ordinance) simultaneously with the preliminary plat.

6.37 PRELIMINARY PLAT REQUIREMENTS

Refer to the provisions of Sections 6.22 through 6.26 of this Chapter.

6.38 PRELIMINARY PLAT REVIEW AND APPROVAL

- (1) In order to facilitate public comment, the Commission shall notify all property owners within three hundred (300) feet of the subject site with a meeting agenda concerning the subject site, utilizing first class mail with an affidavit of mailing, at least five (5) days prior to the date of such meeting. The Commission shall conduct a meeting to review the Plat for conformance with this Chapter and all other ordinances, rules, and regulations which affect the Plat. At this meeting the Commission shall permit the public to comment on the proposed plat. The Town Board, after receiving a recommendation from the Commission, shall approve, approve conditionally, or reject the Preliminary Plat within ninety (90) days of submittal.
- (2) **Exception.** Condominium plats which are located within the jurisdictional authority of the Winnebago County Town/County Zoning Ordinance and developed according to Sec. 17.08 Winnebago County Zoning Ordinance for planned unit developments shall adhere to the review and approval procedures in Sec. 17.25 Winnebago County Zoning Ordinance for conditional use permits.

6.39 SURVEYING

All final plats shall meet all the surveying requirements of Chapter 703.11, Wis. Stats.

6.40 CERTIFICATES

All final plats shall provide the surveyor's certificate required by Chapter 703.11(4), Wis. Stats., and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter and shall provide a certificate to the Commission for Town Board approval.

6.41 FINAL PLAT REVIEW AND APPROVAL

- (1) The Commission shall examine the final plat as to its conformance with the approved preliminary plat, any condition of approval of the preliminary plat, this Chapter, and all ordinances, rules, and regulations which may affect the plat.
- (2) The Town Board, after receiving the recommendation of the Commission, shall, within sixty (60) days of the date of filing of the final plat with the Commission, approve, approve conditionally, or reject the plat, unless the time is extended by agreement with the applicant.

6.42 RECORDING

After the final plat has been approved by the Town Board and any other approving agencies, the applicant shall record the plat with the County Register of Deeds in accordance with Chapter 703.11, Wis. Stats.

6.43 MODIFICATIONS

Modifications to either a condominium plat or declaration shall require review by the Commission and approval by the Town Board. If the Plan Commission determines the modification to substantially modify the original approval, it may require re-submittal for review and Town Board approval as if it were a new submittal according to the provisions of this Chapter.

CONSERVATION SUBDIVISION

6.44 PURPOSE

The purpose of the Conservation Subdivision is to encourage development that focuses on the preservation and protection of open space and natural and historic resources. In order to accomplish this, greater flexibility and design freedom than that permitted under basic regulations and design standards may be permitted. Specific features required of a Conservation Subdivision include, but may not be limited to the following (developers seeking approval of a conservation subdivision should meet with the Commission, or its representative, prior to submittal):

- (1) A minimum of fifty per cent (50%) of the gross acres within the subdivision must be kept in their natural state and protected, in perpetuity, from development. This would include constrained lands (wetlands, rivers, streams, lakes, areas of steep slopes, etc.) and conservation areas (those areas currently unprotected including: mature woodlands, greenways, prime farmland, historic sites, wildlife habitat, etc.). Protection of these areas can be accomplished through a conservation easement with an appropriate conservation organization, neighborhood association or government body, or through deed covenants.
- (2) Residences within the subdivision must be located outside of areas identified in Subsection 6.44(1) herein and should be located so that infrastructure costs are kept to a minimum.
- (3) In order to accomplish the objectives stated in Section 6.50 herein, any lot may be sized no smaller than one-third (1/3) acre.
- (4) The inclusion of bicycle lanes/walking paths within the subdivision must be part of the plat submitted for approval. The plat must include four (4) foot wide paved shoulders on the streets and/or separate paved walking/bicycle paths to provide routes from the residences to the primary street or road fronting the subdivision.

REPLAT

6.45 REPLAT

Any re-plat of a recorded subdivision or part thereof shall be done in accordance with Chap. 236, Wis. Stats.

DESIGN STANDARDS

6.46 STREET ARRANGEMENT

The applicant shall dedicate land for and improve streets as provided herein.

- (1) Streets shall conform to any applicable official map ordinance in effect. In areas for which an official map has not been completed, the street layout shall recognize the functional classification of various street types and shall be developed and located in proper relation to existing and proposed streets, with due regard to topographical conditions, natural features, utilities, land uses, and public convenience and safety.
- (2) All land divisions shall be designed so as to provide each lot with satisfactory access to a public street as provided herein.
- (3) The following conditions shall apply for street arrangement in all proposed land divisions:
 - (a) **Arterial Streets.** Arterial streets shall be arranged so as to provide ready access to centers of employment, high density residential areas, centers of government activity, community shopping 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 major 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 major street and highway system and shall be properly related to special traffic generators such as schools, churches, shopping centers, and other concentrations of population, and to the major streets into which they feed.
 - (c) **Minor Streets.** Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
 - (d) **Street Intersections.**
 1. Streets shall intersect each other as nearly as possible at right angles and not more than two streets shall intersect at one point unless approved by the Board upon recommendation of the Commission.
 2. The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,200 feet.
 3. Street jogs with centerline offsets of less than 125 feet shall not be approved.

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- (e) **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being divided, unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent land tracts. Such streets shall terminate with a temporary turnaround of sixty (60) feet right-of-way radius and a roadway of not less than forty-five (45) feet in radius.
- (f) **Arterial Street and Highway Protection.** Whenever the proposed land division contains or is adjacent to a major street or highway, adequate protection of residential properties is required. Adequate protection is met by limiting access and separating through and local traffic and shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line or by the use of frontage streets.
- (g) **Reserve Strips.** Reserve strips controlling access to streets or alleys shall be prohibited except where their control is definitely placed with the Town or County.
- (h) **Alleys.** Alleys may be required in commercial and industrial districts to provide for off-street loading and service access but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions. Dead-end alleys shall not be approved and alleys shall not connect to a Federal, State, or County Trunk Highway.
- (i) **Street Names.** Street names shall not be duplicated or be similar to existing street names and existing street names shall be projected or continued wherever possible.

6.47 STREET DESIGN STANDARDS

- (1) Refer to Town of Neenah Standard Specifications Manual and General Guidelines & Procedures as modified from time to time.

6.48 INGRESS AND EGRESS ON LIMITED ACCESS HIGHWAYS

Where a tract, lot or parcel of land abuts a County controlled limited access highway, defined in Chapter 7 of the Winnebago County General Code, access shall be provided by one of the following:

- (1) Access control permit issued by the County Highway Department.
- (2) Easement to use an existing access.
- (3) Frontage road dedicated to the public having an approved access.
- (4) Variance approved by the Winnebago County Board of Adjustment. If access is provided by an easement to use an existing access, Subsection 6.48(2) above, then the following provisions shall apply:

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- (a) The parent parcel having an existing access shall allow access to each subsequent parcel;
- (b) Each subsequent parcel shall allow access to each additional subdivided parcel, not to exceed the maximum spacing requirements of Chapter 17, Winnebago County General Code;
- (c) Setback requirements will be applicable to the zoning classification of the parcel as defined in Chapter 17 of the Winnebago County Town/County Zoning Ordinance, and shall be measured from the edge of easement; and
- (d) Easement right-of-way shall be a minimum of sixty (60) feet in width, and shall not include public right-of-way (overlap) within the easement width.

6.49 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY

Whenever the proposed land division contains or is adjacent to a limited access highway or railroad right- of-way, the design shall provide the following treatment:

- (1) When residential lots within the proposed land division back upon the right-of- way of an existing or proposed limited access highway or railroad, the following restriction shall be lettered on the face of the plat: "Direct vehicular access to (Name of Road) from lots abutting such road is prohibited".
- (2) Commercial and industrial districts should provide, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- (3) Streets parallel to a limited access highway, or railroad right-of-way, when intersecting a major street, highway or collector street which crosses such railroad or highway, shall be located at a minimum distance of 250 feet from such highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) Minor streets immediately adjacent and parallel to a railroad right-of-way shall be avoided when practicable.

6.50 BLOCKS

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

- (1) **Length.** Blocks in residential areas should not, as a general rule, be less than 500 feet nor more than 1,500 feet in length.

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- (2) **Width.** Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or where lots abut a lake or stream. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning provisions for such use.

6.51 UTILITY EASEMENTS

All utility lines for electric power and telephone service shall be placed on twelve (12) foot wide, mid-block easements along rear lot lines whenever carried on overhead poles, except where lots abut a lake or stream or where such location is deemed infeasible with regard to engineering by the utility company involved.

6.52 LOTS

The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated.

- (1) Side lot lines should be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- (2) Double frontage and reversed frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (3) Lot Frontage
- (a) Unless otherwise noted in Table 1 or the Town ordinances, all newly created lots shall have a minimum frontage of thirty-three (33) feet on a public street, and where applicable, a minimum frontage of thirty-three (33) feet on navigable water.
- (b) A CSM or Plat creating a new parcel without frontage on a public street shall contain the following statement: Applications for County zoning permits for residential structures (principal or accessory) and all other principal structures, except agricultural, shall not be considered for approval until the parcel meets the public street frontage and lot width requirements of the applicable non-agricultural zoning district (as noted in Table 1).
- (4) Area and dimensions of lots shall conform to the requirements of Table 1 of this Chapter and, in areas not served by public sewer, shall also conform to the requirements of the appropriate State Administrative Rule. Whenever a tract is subdivided into parcels with area in excess of the zoning requirements, such parcels should be arranged and dimensioned so as to allow re-division of any such parcels into normal lots in accordance with the provisions of this Chapter.

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- (5) Lots should be designed with a suitable proportion between width and depth. Neither long and narrow nor wide and shallow lots are normally desirable. Normal depth should not exceed two and a half (2½) times the width nor be less than 150 feet.
- (6) Width of lots shall conform to the requirements of Table 1 or a local municipal ordinance.
- (7) Corner lots shall be designed with extra width to permit an adequate building setback from both streets.
- (8) Garage lots shall be established only in accordance with the intent of Sec. 17.10(1) of the County Zoning Ordinance. Area and width requirements of Table 1 of this Chapter shall be followed provided that administrative authorization to modify lot area is allowed in circumstances where unique conditions exist. In addition, the following standards shall be required of all garage lots:
 - (a) The garage lot shall be located directly across from the “house lot”; and
 - (b) The garage lot must be deed restricted by separate instrument to the house lot, said restriction to be submitted for recording at the time of submittal of the Certified Survey Map. The restriction shall specify that it is a perpetual restriction that may only be removed by written authorization of the Winnebago County Zoning Office at such time as the garage lot is being enlarged so as to meet other buildable lot standards.

6.53 BUILDING SETBACK LINES

Building setback lines shall conform to the requirements established in the County Zoning Ordinance.

6.54 SURFACE WATER DRAINAGE

Purpose. The intent of this section is to protect property and structures from damage caused by increased surface water runoff due to commercial, industrial, and residential development of the land. Surface water runoff after development shall not exceed the peak rate/volume of flow at predevelopment conditions. The twenty-five (25) year storm frequency for Winnebago County shall be the basis to determine preconstruction surface water runoff and the fifty (50) year storm frequency shall be used to determine post-construction surface water runoff.

A drainage plan shall include, but not be limited to, the following:

- (1) Be based upon the fifty (50) year return period storm for Winnebago County.
- (2) Include soil types, infiltration characteristics of the soil, amount of available detention area, type of vegetative cover, amount of impervious cover, and time response to runoff.
- (3) Be compatible with County and Town natural drainageways and easements.
- (4) Identify bridges; regional drainage patterns; water boundaries; pipes, culverts, catch basins, waterways, ditches, and detention and retention basins; and indicate the respective sizes, dimensions, and grades of each.

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- (5) All drainageways and associated structures shall lie within maintenance easements and be so indicated on final plats.
- (6) Direction of the surface water flow by arrows.
- (7) Designed in accordance with the United States Department of Agriculture Technical Release No. 55 *Urban Hydrology for Small Watersheds* and County, City, Village, or Town standards, whichever is most restrictive.
- (8) Calculations showing pre- and post-construction surface water runoff.
- (9) A statement as to how runoff resulting from construction will affect downstream areas and adjacent property owners.
- (10) Indicate methods that will be used to protect downstream areas and adjacent property owners from damage caused by increased surface water runoff.
- (11) A covenant shall be recorded with the final plat in the Winnebago County Register of Deeds Office. The covenant shall state:
 - (a) "Maintenance of all drainageways and associated structures within the subdivision are the sole responsibility of the individual property owners of the subdivision", unless otherwise noted on the plan or required by the Town.
 - (b) Upon failure of the property owner to maintain the drainageways and associated structures on his property, the County and/or Town retains the right to perform maintenance and/or repairs, and the costs shall be assessed to the individual property owner in question.

6.55 SURFACE WATER DRAINAGE RESTRICTIONS

To the extent practical, no drainageway contained within a drainage easement shall be disturbed, except as provided in Subsection 6.55(3) herein, in accordance with the following:

- (1) No artificial obstruction may be constructed, planted or maintained within any manmade or natural drainageway so that such obstructions impede the natural flow of water and/or diminishes the natural aesthetic quality of the drainageway.
- (2) Lot boundaries shall be made to coincide with new and/or preexisting manmade and natural drainageways to avoid the creation of lots that can only be built upon by altering such drainageways.
- (3) **Exceptions.** Surface water shall not be regarded as unduly retained or diverted if:
 - (a) The retention or diversion results from a technique, practice, or device deliberately installed as part of an approved sedimentation or storm water runoff control plan.

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- (b) The retention or diversion is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.
- (c) The retention or diversion results from the actions of natural obstructions, whereby maintenance shall be performed by the property owner as described in Subsection 6.54(11) herein.
- (d) The retention or diversion has been allowed or required by the County Planning and Zoning Department, and noted on the approved drainage plan.

DEDICATIONS AND IMPROVEMENTS

6.56 DEDICATION AND RESERVATION OF LAND

- (1) Whenever a tract of land to be divided embraces all or any part of a street, designated in the adopted Town, regional, or County comprehensive plans, or adopted plan components, such public way shall be made a part of the plat and either dedicated or reserved by the applicant in the locations and dimensions indicated on such plan.
- (2) Whenever a proposed park, playground, public access, open space site, or other public land, other than streets or drainageways, designated in the adopted Town, regional, or County comprehensive plan components is embraced, all or in part, in a tract of land to be divided, such proposed public lands shall be made a part of the plat and shall either be dedicated to the public or reserved for acquisition at undeveloped land costs for a period not to exceed three years between the applicant and the public agency having jurisdiction. If the reserved land is not acquired by such public agency within the above time limit, the land shall be released to the owner.

6.57 IMPROVEMENTS

- (1) No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved by the Board based on Commission recommendation.
- (2) Before recording the final plat with the County Register of Deeds, the applicant shall enter into a contract or other arrangement, agreeable with the Town, to install all required public improvements and shall file with such contract a surety bond or other satisfactory security meeting the approval of the Board as a guarantee that such improvements will be completed by the subdivider or his subcontractors within the time limit established by the Board.

6.58 INSPECTION

The applicant, prior to commencement of any work within the land division, shall make arrangements with the Board to provide for adequate inspection. This inspection shall include both pre- and post-home construction. The Board shall cause to be inspected and approves all completed work prior to approval of the final plat or release of the sureties.

6.59 PUBLIC SANITARY SEWERAGE AND PRIVATE SEWAGE DISPOSAL SYSTEMS

Prior to recommending a subdivision approval, the Commission shall consult with the local service provider to determine the feasibility of service for that area. If feasible, the local service provider shall determine the procedures to be followed by the subdivider to join the system. Also, the following shall apply:

- (1) Major Land Divisions and Major Condominium Plats shall be served by a public sanitary sewage system, major holding tank of a sanitary district as part of a public sewer system, or an onsite soil absorption system in accordance with the appropriate State Administrative Rule. Private holding tanks are expressly prohibited.
- (2) Minor Land Divisions and Minor Condominium Plats may be served by holding tanks provided no alternative methods are available.

6.60 FEES

- (1) An application fee as set forth by the Town Fee Schedule (Chapter 6: Appendix III) shall be paid in full at the time of submittal.

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Chapter 6 Appendix I

**TABLE 1
LOT SIZE / AREA REQUIREMENTS**

| UNSEWERED AREA | | | | |
|------------------------|-------------------------------|---------------|------------------|-----------|
| <u>Zoning District</u> | Minimum Area | Minimum Width | Minimum Frontage | Notes |
| R-1 (Non-Shoreland) | 43,000 sq. ft. | 200' | 33' | 1,2,3 |
| R-2 (Shoreland) | 43,000 sq. ft. | 200' | 33' | 1,2,3,8,9 |
| May reduce to | 43,000 sq. ft. | 100' | 33' | 1,2,3,8,9 |
| R-2 (All Areas) | 43,000 sq. ft. | 100' | 33' | 1,2,3,8 |
| R-3 (All Areas) | 43,000 sq. ft. | 200' | 33' | 1,2,3,8 |
| R-5 | N/A | N/A | N/A | |
| MH-1 (All Areas) | | | | |
| Parks | 5,000 sq. ft. | 50' | 50' | 1,2,3,8 |
| Subdivisions | 20,000 sq. ft. | 100' | 33' | 1,2,3,8 |
| G-1 (All Areas) | 3,000 sq. ft. max. | 40' | 40' | 1,2,8 |
| B-1 (All Areas) | 30,000 sq. ft. | 100' | 100' | 1,2,3,8 |
| B-2 (All Areas) | 30,000 sq. ft. | 100' | 100' | 1,2,3,8 |
| B-3 (All Areas) | 30,000 sq. ft. | 100' | 100' | 1,2,3,8 |
| B-3 Hwy Bus (All) | 2 acres | 300' | 300' | 1,2,3,8 |
| P-1 (All Areas) | 43,000 sq. ft. | 200' | 200' | 1,2,3,8 |
| A-1 (≥ 5 acres) | N/A | N/A | N/A | 1,2,5 |
| A-1 (<5 acres) | | | | |
| non-shoreland: R-1 | 43,000 sq. ft. | 200' | 33' | 1,2,3 |
| R-2 | 20,000 sq. ft. | 100' | 33' | 1,2,3 |
| R-3 | 43,000 sq. ft. | 200' | 33' | 1,2,3 |
| shoreland: R-1 | 43,000 sq. ft. | 200' | 33' | 1,2,3,8,9 |
| may reduce to | 20,000 sq. ft. | 100' | 33' | 1,2,3,8,9 |
| R-2 | 20,000 sq. ft. | 100' | 33' | 1,2,3,8 |
| R-3 | 43,000 sq. ft. | 200' | 33' | 1,2,3,8 |
| A-2 (≥5 acres) | N/A | N/A | N/A | 1,2,3 |
| A-2 (<5 acres) | | | | |
| Non-shoreland | See A-1 (<5 acres) | | | |
| shoreland | See A-1 (<5 acres) | | | |
| M-1 Non-Shoreland | As necessary to meet setbacks | | 33' | 1,2 |
| M-1 Shoreland | 20,000 sq. ft. | 100' | 33' | 1,2 |
| M-2 Non-Shoreland | As necessary to meet setbacks | | 33' | 1,2 |
| M-2 Shoreland | 20,000 sq. ft. | 100' | 33' | 1,2,8 |

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TABLE 1 (continued)

LOT SIZE / AREA REQUIREMENTS

| SEWERED AREA | | | | |
|------------------------|--------------------------------------|---------------|------------------|------------|
| <u>Zoning District</u> | Minimum Area | Minimum Width | Minimum Frontage | Notes |
| R-1 (All Areas) | 20,000 sq. ft. | 85' | 33' | 1,2,8,10 |
| R-2 (Non-Shoreland) | 20,000 sq. ft. | 65' | 33' | 1,2,10 |
| R-2 (Shoreland) | 20,000 sq. ft. | 65' | 33' | 1,2,8,10 |
| R-3 (All Areas) | 20,000 sq. ft. | 85' | 33' | 1,2,8,10 |
| R-4 (All Areas) | 20,000 sq. ft. | 120' | 33' | 1,2,7,8,10 |
| R-5 (All Areas) | 10 acres recommended for development | | | 1,2,8,10 |
| | 20% of developed area for open space | | | |
| | 13,000 sq. ft. (row house) | | | |
| | 13,000 sq. ft. 1-family dwelling | | | |
| | Conditional Use Permit for others | | | |
| MH-1 (All Areas) | | | | |
| Parks | 5,000 sq. ft. | 50' | 50' | 1,2,8 |
| Subdivisions | | | | |
| Shoreland | 10,000 sq. ft. | 65' | 33' | 1,2,8 |
| Non-Shoreland | 9,000 sq. ft. | 65' | 33' | 1,2 |
| G-1 (All Areas) | 3,000 sq. ft. max. | 40' | 40' | 1,2,8 |
| B-1 (All Areas) | 15,000 sq. ft. | 85' | 75' | 1,2,8 |
| B-2 (All Areas) | 15,000 sq. ft. | 85' | 75' | 1,2,8 |
| B-3 (All Areas) | 15,000 sq. ft. | 85' | 75' | 1,2,8 |
| B-3 Hwy Bus (All) | 2 acres | 300' | 300' | 1,2,8 |
| B-4 (All Areas) | 30,000 sq. ft. | 100' | 33' | 1,2,8 |
| B-5 (All Areas) | 15,000 sq. ft. | 100' | 33' | 1,2,8 |
| P-1 (All Areas) | 43,000 sq. ft. | 200' | 33' | 1,2,8 |
| A-1 (>/=5) (All) | N/A | N/A | N/A | 1,2,5,8 |
| A-1 (<5 acres) | | | | |
| non-shoreland: R-1 | 12,000 sq. ft. | 85' | 33' | 1,2 |
| R-2 | 9,000 sq. ft. | 65' | 33' | 1,2 |
| R-3 | 10,000 sq. ft. | 85' | 33' | 1,2 |
| shoreland: R-1 | 10,000 sq. ft. | 85' | 33' | 1,2,8 |
| R-2 | 10,000 sq. ft. | 65' | 33' | 1,2,8 |
| R-3 | 10,000 sq. ft. | 85' | 33' | 1,2,8 |
| A-2 (>/=5 acres) | see A-1 (≥5 acres) | | | |
| A-2 (<5 acres) | see A-1 (<5 acres) | | | |
| M-1 Non-Shoreland | As necessary to meet setback | | | |
| M-1 Shoreland | 10,000 sq. ft. | 65' | 33' | 1,2 |
| M-2 Non-Shoreland | As necessary to meet setback | | | 1,2 |
| M-2 Shoreland | 10,000 sq. ft. | 65' | 33' | 1,2,8 |

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TABLE 1 (Continued)

NOTES:

- Note 1: AM lot areas exclude right-of-way of public or private roads/easements.
- Note 2: Lot width is measured at the setback from right-of-way.
- Note 3: Minimum lot area and/or width shall be increased as needed where necessitated by requirements for a private sewage system.
- Note 4: Overall development density is a maximum of two (2) dwelling units per acre.
- Note 5: Access may be by direct frontage or recorded easement with note regarding permit issuance required.
- Note 6: Plus 1,500 sq ft increase in area for each added unit over a four unit structure and 500 sq ft per dwelling unit for open space (open space excludes other setbacks and parking/driveway areas).
- Note 7: Lots in Shoreland also require minimum width at shore yard setback.
- Note 8: R1 lot reduction in shoreland is subject to soil evaluation and sanitary system requirements.
- Note 9: A-1 and A-2 parcels >1= 5 acres are farm parcels. A-1 and A-2 parcels <5 acres are residential parcels.
- Note 10: May be reduced to 14,000 sq ft mm area if in a Conservation Subdivision.

Chapter 6 Appendix II

SETBACK DIAGRAMS

Garage Lots. Garage lots will be allowed *only* when their use has been authorized by the County Zoning Office in accordance with the intent of 6.11(1) herein.

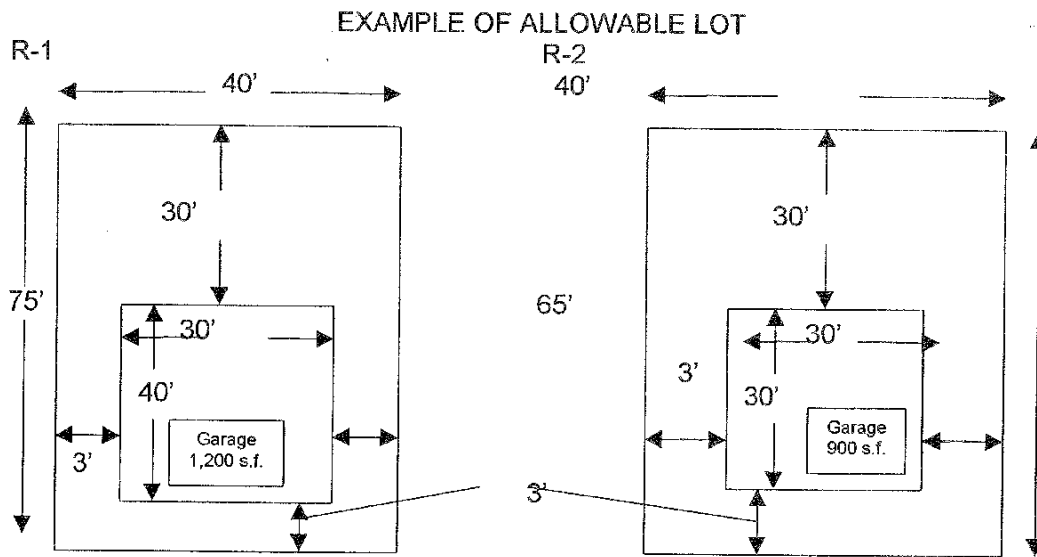
(1) **Size.** Garage lots may only be sized to accommodate the maximum allowable garage size and required setbacks with a *maximum* of 3,000 square feet. Corner lots will be allowed slightly more as allowed by the Zoning Office.

(2) Setbacks

| | |
|-----------------------|---------------------------------|
| Street (right of way) | 30' (less allowed by averaging) |
| Rear | 3' |
| Side | 3' |
| Shore | 75' |

(3) Other Requirements

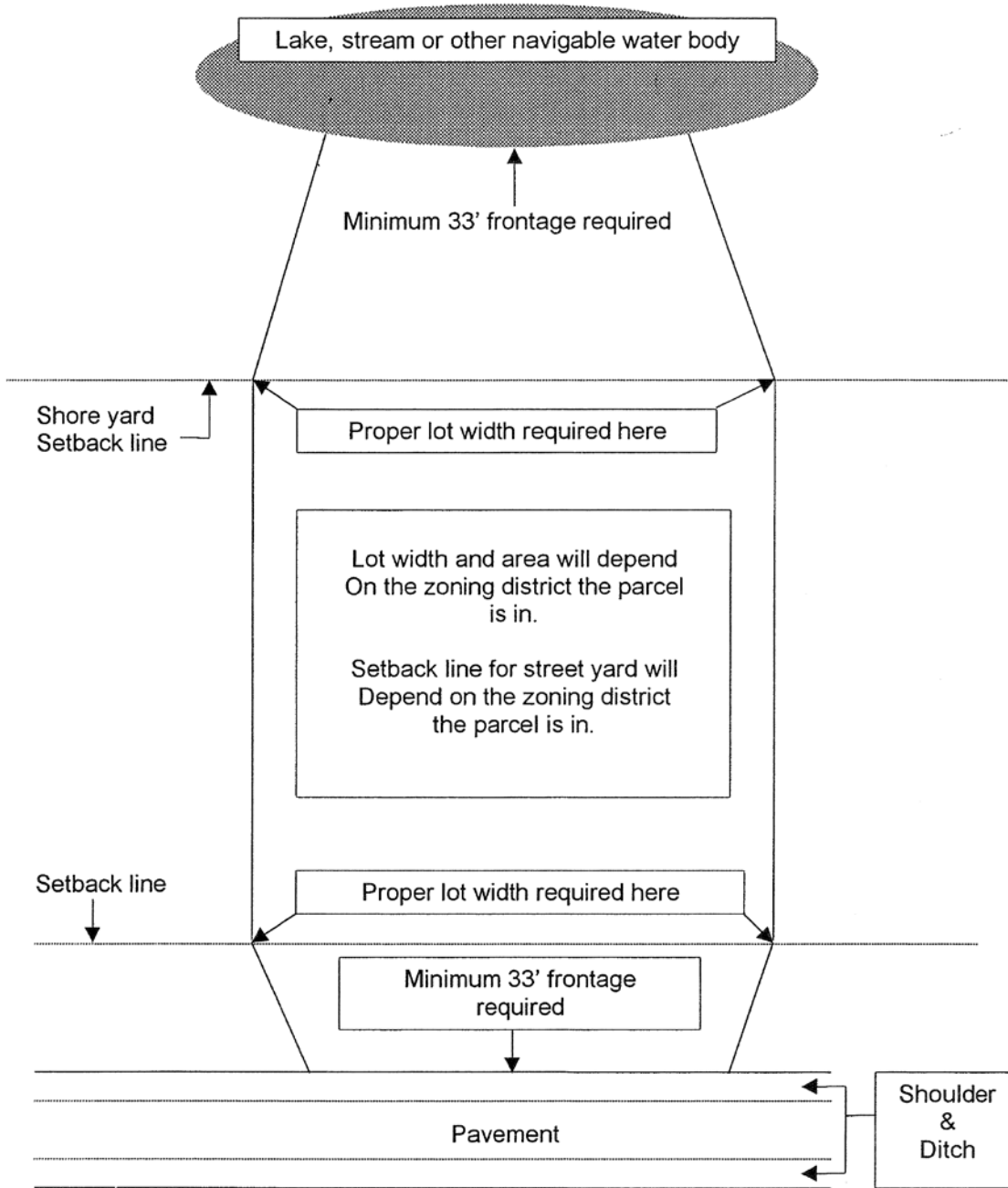
- (a) Minimum lot width of forty feet (40').
- (b) A *portion* of the garage lot *must be* directly across from the "house lot".
- (c) Garage lot must be *deed restricted by separate instrument* to the "house lot".



SAMPLE FRONTAGE AND WIDTH

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(Not to scale)



Chapter 6 Appendix III – Land Suitable for Basement Construction

New Development:

Determine the elevation of the bedrock at each lot. Identify test hole locations, and associated bedrock elevations, on the drainage plan. Determine the Garage Floor Elevation (GFE), First Floor Elevation (FFE) and Basement Floor Elevation (BFE) for each lot so the bottom of the footing is 12” above the bedrock elevation at that lot. The engineer must include a detail of a building foundation profile that includes assumed dimensions used to calculate FFE and BFE elevations.

It may not be possible to allow every lot in a subdivision to have a full depth basement. The developer’s engineer shall identify those lots on the drainage plan that cannot have a full depth basement due to high bedrock.

The following statement shall be included on the drainage plan for BFEs that are within 12” of bedrock: “The following basements in this subdivision may be subject to potential basement flooding due to high seasonal water tables associated with a higher bedrock table. Sump pump systems may run continuously, leading to possible premature pump failure: Lots X, X, X...”

Existing Development & Vacant Lots:

As lots are developed, the Town will work with builders and developers through the permitting process to change the existing drainage plan where possible to avoid constructing basements into bedrock.

Examples of existing developments with potential bedrock issues: Spring Meadow Subdivision, Sunset Terrace Subdivision, Whitetail Run Subdivision, Cottages at Woodside Green, South Park Estates.

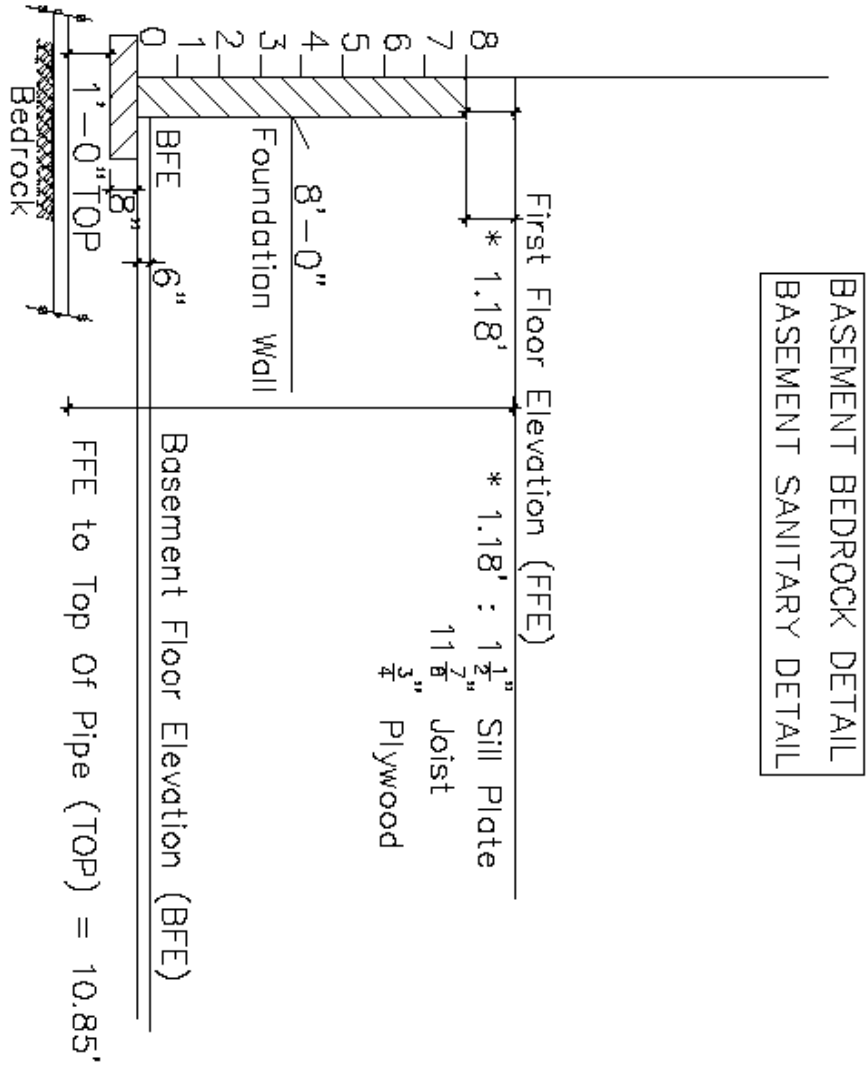
Variance Option

The Town may approve a variance allowing basements to be constructed below the underlying bedrock elevation. The following are potential requirements for granting a variance:

- a. Rock removal with explosives for basement rock excavation, sanitary lateral trench rock excavation or water lateral trench rock excavation, is not allowed. Rock removal shall be removed through other means that do not cause extensive rock fracturing and upheaval beyond the immediate basement excavation area (backhoe with a rock-tooth bucket, backhoe with jackhammer attachment, etc).
- b. Basement excavation to occur at a time that the level of the groundwater can be determined and concentrated groundwater sources identified, i.e. before or during spring weather. Basement wall construction shall not occur until after Town Engineer are satisfied that the local groundwater level and any concentrated sources have been determined. If groundwater levels are determined to be high enough to cause potential problems with the basement, the BFE, FFE and GFE of the building can be redesigned at this time.
- c. If concentrated sources of groundwater are identified in the bedrock, the general contractor is to submit a design, to be reviewed by the Town Engineer, that diverts the groundwater source away from the basement.
- d. A minimum of two 24” diameter sump pits, each on opposite sides of the basement, shall be included in the building construction.

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- e. The general contractor's plumber shall design a system based on expected groundwater load. The Town Engineer shall review the plumber's design and calculations, which should include discharge pipe diameter, head pressure calculations, sump pump sizes and capacities, foundation drain diameter, design redundancies, factors of safety, etc.
- f. Framing lumber used in the basement shall be treated to prevent mold and rot.
- g. A clay dam is to be constructed on the sanitary and/or water laterals as applicable, if they are constructed below the bedrock elevation. The clay dam is to be based on specifications and detail determined by the Town engineer.



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